

HOUSE OF REPRESENTATIVES—Wednesday, March 23, 1994

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

[Roll No. 83]

YEAS—244

Williams
Wilson

Woolsey
Wyden

Wynn
Yates

NAYS—153

DESIGNATION OF SPEAKER PRO TEMPORE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

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

PRAYER

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

O gracious God, from whom comes every good gift, we ask that Your Spirit be with all those who turn to You for Your blessing. Where there is illness, may Your healing power be present; where there is timidity, may resolve and courage be our power; where there is haughtiness, give us humility; and where there is any apprehension or anxiety, give us a faith that sees us through. O loving and wondrous God, be present with us and support us all the day long. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 153, not voting 36, as follows:

Abercrombie	Gonzalez	Moran
Ackerman	Gordon	Murtha
Andrews (ME)	Green	Myers
Andrews (NJ)	Greenwood	Nadler
Andrews (TX)	Gutierrez	Neal (MA)
Applegate	Hall (OH)	Oberstar
Bacchus (FL)	Hall (TX)	Obey
Baessler	Hamburg	Olver
Barca	Hamilton	Ortiz
Barcia	Harman	Orton
Barlow	Hastings	Owens
Barrett (WI)	Hayes	Pallone
Barton	Hefner	Parker
Bateman	Hilliard	Pastor
Becerra	Hinchey	Payne (NJ)
Beilenson	Hoagland	Payne (VA)
Berman	Hochbrueckner	Pelosi
Bevill	Hoke	Penny
Bilbray	Holden	Peterson (FL)
Bishop	Houghton	Peterson (MN)
Blackwell	Hughes	Pickett
Borski	Hutto	Pickle
Boucher	Hyde	Poshard
Brewster	Inglis	Price (NC)
Brooks	Inslee	Rahall
Browder	Johnson (GA)	Rangel
Brown (FL)	Johnson (SD)	Reed
Brown (OH)	Johnson, E. B.	Reynolds
Bryant	Johnston	Richardson
Byrne	Kanjorski	Roemer
Cantwell	Kaptur	Rose
Cardin	Kasich	Rostenkowski
Carr	Kennedy	Rowland
Chapman	Kildee	Royal-Allard
Clayton	Kingston	Sabo
Clement	Kleczka	Sangmeister
Coleman	Klein	Sarpallus
Collins (GA)	Klink	Sawyer
Collins (IL)	Kopetski	Schenk
Collins (MI)	LaFalce	Schumer
Combest	Lambert	Scott
Condit	Lancaster	Serrano
Conyers	Lantos	Sharp
Cooper	LaRocco	Shepherd
Coppersmith	Laughlin	Sisisky
Costello	Lehman	Skaggs
Coyne	Levin	Skelton
Cramer	Lewis (GA)	Slattery
Danner	Lipinski	Slaughter
Darden	Livingston	Smith (NJ)
Deal	Lloyd	Spence
DeFazio	Long	Spratt
Dellums	Lowey	Stark
Derrick	Maloney	Stenholm
Deutsch	Mann	Stokes
Dicks	Manton	Strickland
Dingell	Manzullo	Studds
Dixon	Margolies-	Stupak
Durbin	Mezvinsky	Swett
Edwards (CA)	Markey	Swift
Edwards (TX)	Martinez	Synar
Engel	Matsui	Tanner
English	McCloskey	Tauzin
Eshoo	McCrary	Tejeda
Evans	McCurdy	Thompson
Everett	McDermott	Thornton
Farr	McHale	Thurman
Fields (LA)	McKinney	Torres
Filner	McNulty	Torricelli
Fingerhut	Meehan	Traficant
Fish	Meek	Tucker
Flake	Menendez	Unsoeld
Foglietta	Mfume	Valentine
Ford (TN)	Miller (CA)	Velazquez
Frank (MA)	Mineta	Vento
Frost	Minge	Visclosky
Furse	Mink	Waters
Geren	Moakley	Watt
Gibbons	Mollohan	Waxman
Glickman	Montgomery	

Allard	Grams	Paxon
Archer	Grandy	Petri
Armey	Gunderson	Porter
Bachus (AL)	Hancock	Portman
Baker (CA)	Hansen	Pryce (OH)
Baker (LA)	Hastert	Quillen
Ballenger	Hefley	Quinn
Barrett (NE)	Herger	Ramstad
Bartlett	Hobson	Ravenel
Bentley	Hoekstra	Regula
Bereuter	Horn	Ridge
Bilirakis	Huffington	Rogers
Billiey	Hutchinson	Rohrabacher
Blute	Inhofe	Ros-Lehtinen
Boehliert	Istook	Roth
Boehner	Jacobs	Roukema
Bonilla	Johnson (CT)	Royce
Bunning	Johnson, Sam	Saxton
Burton	Kim	Schaefer
Buyer	King	Schiff
Calvert	Klug	Schroeder
Camp	Knollenberg	Sensenbrenner
Canady	Kolbe	Shaw
Castle	Kreidler	Shays
Clay	Kyl	Shuster
Clinger	Lazio	Skeen
Coble	Leach	Smith (MI)
Crane	Levy	Smith (OR)
Crapo	Lewis (CA)	Smith (TX)
Cunningham	Lewis (FL)	Snowe
DeLay	Lightfoot	Solomon
Diaz-Balart	Linder	Stearns
Dickey	Machtley	Stump
Doolittle	McCandless	Sundquist
Dreier	McCollum	Talent
Duncan	McDade	Taylor (MS)
Dunn	McHugh	Taylor (NC)
Ehlers	McInnis	Thomas (CA)
Emerson	McKeon	Thomas (WY)
Ewing	McMillan	Torkildsen
Fawell	Meyers	Upton
Fields (TX)	Mica	Volkmer
Franks (CT)	Michel	Vucanovich
Franks (NJ)	Miller (FL)	Walker
Galleghy	Molinar	Walsh
Gekas	Moorhead	Weldon
Gilchrest	Morella	Wolf
Gingrich	Murphy	Young (AK)
Goodlatte	Nussle	Young (FL)
Oxley	Goodling	Zeliff
Goss	Packard	Zimmer

NOT VOTING—36

Bonior	Gallo	Pombo
Brown (CA)	Gejdenson	Pomeroy
Callahan	Gephardt	Roberts
Clyburn	Gillmor	Rush
Cox	Gilman	Sanders
de la Garza	Hoyer	Santorum
DeLauro	Hunter	Smith (IA)
Dooley	Jefferson	Towns
Dornan	Kennelly	Washington
Fazio	Mazzoli	Wheat
Ford (MI)	Natcher	Whitten
Fowler	Neal (NC)	Wise

□ 1125

Mr. MOAKLEY changed his vote from "nay" to "yea."

So the Journal was approved. The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will ask the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

gentleman from Texas [Mr. BONILLA] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. BONILLA 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 with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3355. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; and

H.R. 3474. An act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 965) "An Act to provide for toy safety and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. FORD, Mr. BRYAN, Mr. DANFORTH, and Mr. GORTON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3355) "An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety" and requests a conference with the House on the disagreeing votes of the two Houses thereon.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3474) "An Act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. D'AMATO, and Mr. GRAMM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the follow-

ing title, in which the concurrence of the House is requested:

S. 208. An act to reform the concessions policies of the National Park Service, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3958

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. SHAYS] be removed as a cosponsor of H.R. 3958. Owing to a clerical error made by my office, Mr. SHAYS was mistakenly added as a cosponsor of H.R. 3958.

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

There was no objection.

JUSTICE DEPARTMENT IS ABANDONING ITS RESPONSIBILITY ON VOTING RIGHTS ACT

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

Mr. FIELDS of Louisiana. Mr. Speaker, I rise today to express a shameful condition, that condition is the Court's consistent attack on the 1965 Voting Rights Act. But what is more shameful than that, is the inaction of the U.S. Department of Justice.

It appears that the Justice Department has aborted its responsibility to defend one of the most important Federal statutes enacted by this Congress in this century.

Many of the lawsuits challenging congressional districts as a product of racial gerrymandering are districts that were precleared and approved under subsection 5 of the Voting Rights Act by the Department of Justice.

I am of the belief, that if they were constitutional then they must be constitutional now. Certainly, no one would even opine the thought that the Department of Justice would approve any congressional plan that violates the constitutional rights of citizens of this country.

The Department of Justice is now leaving the defense of the Voting Rights Act—a Federal statute mind you—in the hands of States that have a history of disenfranchising African-Americans and other minorities. That is like leaving the fox to guard the hen house.

Mr. Speaker, I call on the Department of Justice in general and the Attorney General in particular to live up to its responsibility and fiduciary obligation to defend the Voting Rights Act.

ASSOCIATE COUNSEL AT THE WHITE HOUSE SHOULD RESIGN

(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, it is very clear from today's Washington Post story that William Kennedy III, associate counsel at the White House, should resign today.

The story indicates clearly that he failed to pay his taxes. The story indicates clearly that when he did pay part of his taxes, he did so in his wife's former maiden name, the only occasion on which they ever used the name, and while he denies having done that to avoid the FBI background check, it is a very peculiar circumstance.

The story goes on to say that only in the middle of a divorce proceeding has he in the last 3 weeks decided that he actually should pay his back taxes, because it has become public.

The last thing this country needs is to have an associate counsel to the President of the United States who has failed to pay his taxes and who has acted in ways designed to ensure that the FBI does not know what he was doing, and I think that for public good and for the White House's good that Mr. Kennedy should resign today.

□ 1130

DEALING WITH SHAW VERSUS RENO

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

Mr. TUCKER. Mr. Speaker, I rise today to express my strong support for the efforts of my Congressional Black Caucus colleagues and others in trying to deal with the deleterious effects of the recent case of Shaw versus Reno.

Mr. Speaker, in 1965 the Voting Rights Act was enacted to remedy one of the many wrongs perpetrated against African-Americans. However, in 1994, we find ourselves having to again fight for the right to vote, the right to participate in the political process and the right to be represented.

Mr. Speaker, rest assured this Member will fight every step of the way to protect the rights of African-Americans and those gained by his fathers and forefathers.

Mr. Speaker, I ask the Justice Department to diligently support the Voting Rights Act.

CANCELLATION OF RTC OVERSIGHT HEARINGS RAISES CONCERNS

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

Mr. LINDER. Mr. Speaker, as a member of the Banking Committee, I feel compelled to express my concern about the decision to cancel the semiannual

RTC oversight hearing, which was mandated by law to have been held by December 3.

Mr. Speaker, this is the people's house and the arrogance of power must not undermine the confidence that the American people hold in this institution.

We are not members of some regulatory agency. We are Representatives in the U.S. Congress, and this body has a constitutional oversight obligation on this matter. Across the country, in polls and everyday conversations, there is concern about what is going on in Washington and why the special counsel is issuing subpoenas to top White House officials. It is in the President's best interests that we disclose all the facts related to this matter so that Americans can return our focus to issues of importance to our Nation.

There have been numerous congressional hearings into Presidential activities in the past: 25 in the past 12 years—many for more frivolous matters than this affair. Let us hold hearings, find the truth, and get this matter behind us so we can return to the work the American people sent us here to do.

SUPPORTING HILLARY RODHAM CLINTON

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

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to acknowledge the personal and professional achievements of our First Lady, Hillary Rodham Clinton.

She is an accomplished and passionate advocate for children's rights and public education who has now taken the leadership position on the most significant American social reform since the Roosevelt era—to assure that Americans receive universal, affordable health care coverage for the first time in our history.

When she speaks on issues that strike at the hearts of the American people, like health care, she speaks as a professional woman, a mother, a daughter, a wife, a sister and a friend.

She tirelessly takes the message of health reform to Congress, the professions and most importantly, the hard-working people who want to understand how the administration's plan will affect them. She can speak, but it is her ability to listen that is the key to her leadership in the creation of a realistic and compassionate plan.

The First Lady continues to focus on her family and health reform, despite the naysayers whose personal criticism seeks to distract her from her course.

I applaud her for her extraordinary grace and dedication.

PUT YOUR SCHEMES AWAY

(Mr. HEFLEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, put your schemes away, is the message the American people are sending to the Clinton White House.

Put your socialist health care scheme away. The American people do not want the Government to run their health care system.

They do not want to pay a 7.9 percent payroll tax to get rationed care, diminished quality, and limited choice.

And put your stonewalling scheme away. The American people want full disclosure on Whitewater. They want a date set for the congressional hearings.

They are tired of assurances without facts, promises without merit.

In short, the American people are tired of the sleaze factor surrounding the White House.

So, put your schemes away, for another day.

Or better yet, put them away forever.

THE FIRST LADY, A REAL DOER

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, we have heard a steady drumbeat of attack rhetoric criticizing First Lady Hillary Clinton from the "Pillory Hillary" crowd. The headline grabbers who jump to condemn every step and every sneeze do so because they have so little to offer the American people in the way of concrete proposals to solve our problems.

Where is their health plan? Their jobs plan? Their welfare plan? It is easy to criticize. It is far harder to find solutions.

And yet find solutions is exactly what Hillary Clinton has done. She has accepted the challenge of providing every American, of whatever station in life, health care.

It is abominable that this country has let over 36 million Americans fall through the cracks. It is embarrassing that the leader of the industrial world cannot provide this very basic service to our people.

The First Lady has taken the ball and she has run with it. She has labored long days and nights over the health care bill. She has taken the cause to the American people. She has faced crowds of every persuasion. She has stood up to powerful lobbies. She has delivered a proposal to Congress.

Those who deliver nothing but barbs do so because they have little else to say. Some people are doers and some are talkers. I salute the First Lady, a real doer.

DON'T BLAME THE REPUBLICANS, MR. PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it is getting to be a tired, old refrain. Blame the Republicans and, maybe, all of your troubles will go away.

From the crisis in health care to the saga of Whitewater, President Clinton has sung the same, old song. The Republicans are behind it.

I need not remind the President that his health care plan has been discredited, not because of the Republicans, but because the American people don't want it. They don't want the taxes. They don't want the bureaucrats. And they don't want to be told by some all powerful, regional health alliance what doctors they can see and what doctors they can't see.

The President has found himself enmeshed in this Whitewater affair, not because of the Republicans, but because he has not been forthcoming. His administration has stonewalled every request for information. His Democrat allies have stood by his side until public opinion finally overwhelmed them.

Mr. Speaker, to find the source of all of his problems, the President need only look in his own backyard. This blame the Republicans business just isn't going to fly any more.

THE FIRST LADY: A FINE EXAMPLE OF GRACE AND INTELLIGENCE UNDER FIRE

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

Mrs. CLAYTON. Mr. Speaker, I rise today to express my outrage at the recent attacks against First Lady Hillary Clinton. There is certainly no justification for the attacks, Mr. Speaker. Indeed, the First Lady continues to stand as a fine example of grace and intelligence under extreme fire.

She can certainly teach her critics a thing or two about the issues of fair play and due process. As I understand it, there has been speculation and innuendo, but absolutely no formal charge of wrong-doing against First Lady Hillary Clinton. In America we still believe that a person is innocent until proven guilty.

Indeed, this country owes the First Lady a great debt of gratitude. Because of her extraordinary leadership in the development of a plan for national health care reform, all of America is focused on this very urgent need.

For the first time ever, people in coffee shops, and back yards, and beauty shops all over the Nation are engaged in serious debate about the need to change the way we deliver health care. First Lady Hillary Clinton is directly responsible for initiating this debate.

As she carries out her duties as wife to the leader of the free world, mother to her teenaged daughter, and cham-

pion of universal health care, I urge my colleagues to give to First Lady Hillary Clinton the respect and support she clearly deserves.

WHO PAYS FOR HEALTH CARE COVERAGE?

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

Mr. BOEHNER. Mr. Speaker, and my colleagues, the foundation of the Clinton health care plan is a requirement that employers shall pay 80 percent of the cost of health care coverage for their employees.

It is estimated by a number of different organizations that this would cost 3 million Americans their jobs. So as congressional committees begin to look at various health care proposals, including the Clinton plan, they are having their doubts about the employer mandate.

So what they are doing is they are beginning to look at smaller mandates. "Let us just require employers to pay part of it, less than 80 percent; let us begin to give subsidies to small employers," they say. It is the classic strategy of getting the camel's nose under the tent before we stick them with a big bill later on.

We need to fix the current system, we need to help the working poor get affordable health care insurance, but not at the cost of losing their job. Let us oppose employer mandates; let us fix the current system and let us do for the American people what they want, health care, affordable for each and every American.

□ 1140

HILLARY CLINTON, FIRST SMART WOMAN IN THE WHITE HOUSE IN A LONG TIME

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise this morning to express my appreciation and respect for the First Lady, Hillary Clinton. As we speak, she is meeting with people who are interested in what we are going to do about long-term care. Hillary Clinton is a well-educated woman who feels confident in her own abilities, who has felt comfortable in leaving the teas at the White House and going to the people, listening to them and helping to develop a policy to respond to them. We appreciate her because of that.

We realize we are not an ivory tower. We realize that we cannot get policies put together that represent people without talking to people and responding to them. Hillary Clinton has been willing to do that. She has been our First Lady.

Mr. Speaker, we elected Bill Clinton for President, and that is his wife, and we are delighted that in America, for the first time in a long time, we have a smart woman who is willing to leave the teas, leave the receptions, and go to the people, and respond to the people. We thank Hillary. We thank her for the respect she has for the people of this Nation. We thank her for the job that she is doing.

WE NEED A BIPARTISAN EFFORT ON HEALTH CARE

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

Mr. THOMAS of Wyoming. Mr. Speaker, the stampede is growing. The gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, is the latest of the big time Democrats to run away from the Clinton health care reform plan. He has introduced his own plan which, according to the Congressional Daily, will do away with mandatory alliances and ease the impact on small businesses.

A step away from the Clinton package is a step in the right direction, Mr. Speaker, but it is only a step. We need a bipartisan effort on health care. We should work together to increase access for every American without including a job-killing payroll tax or quality-killing global budget.

The President has tried to market his package by saying he is the only alternative, that "It's mine or nothing," and his supporters have continued that litany. That could not be further from the truth. The Republican approach to health care will achieve reform for all Americans, the reform that Americans want without government intrusion that most Americans despise.

I urge my colleagues to come together to work toward solutions and turn away from embracing the Clinton plan. Mr. Speaker, the stampede is growing.

THEY DON'T LIKE SMART WOMEN

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

Mrs. MEEK of Florida. Mr. Speaker, I have been dismayed at the concerted and continued vicious attacks on Hillary Rodham Clinton which began in earnest in August 1992. These attacks have continued unabated ever since.

These attacks have originated in what is the extreme right wing of American politics. I have been shocked at the venom of these attacks. I have been wondering what Mrs. Clinton did to create such hatred.

I have had the opportunity to work with Mrs. Clinton.

She is a devoted mother to her daughter, but the right wing believes in motherhood, so they say.

She works hard to support her husband in his endeavors, but the right wing believes that a wife should support her husband's efforts.

She works very hard to improve the quality of family life for all Americans, but the right wing says it champions the family.

For years she worked in the private sector and engaged in capitalistic activities, but the right wing says it reveres capitalism.

I just could not figure it out for the longest time.

Hillary Rodham Clinton is a brilliant, professional woman who has successfully balanced family and career. Hillary Clinton has developed a substantive health care plan for all Americans—she got us started in a debate that will culminate in a health delivery mechanism second to none.

Mr. Speaker, Hillary Clinton is a smart, efficient woman, and I say to her, "Stand by your man, Hillary. We're behind you."

THE SUPERFUND NIGHTMARE

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

Mr. BARRETT of Nebraska. Mr. Speaker, we have an opportunity this year to enact a comprehensive overhaul of the Superfund Program.

We can put an end to the endless litigation that has crippled this program.

We can make the ability to pay a consideration in determining the liability of responsible parties.

And we can, once and for all, resolve the matter of retroactive liability.

Mr. Speaker, it is convenient and popular to think of Superfund as a problem of big business. But I can assure my colleagues that Superfund does not discriminate. It will come after our neighbors, our school districts, our grandmothers, and the corner grocer. Like the endless string of horror movie sequels that Hollywood never tires of making us, Superfund is always looking for a new venue to play. Watch for "Nightmare on Main Street"—coming soon to a location nearby.

I urge all Members to support a comprehensive Superfund reauthorization this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will remind Members to direct their remarks to the Chair and not to anyone outside the Chamber.

WOMEN ARE PROUD OF HILLARY CLINTON'S CONTRIBUTIONS

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

Mrs. MINK of Hawaii. Mr. Speaker, not very many women have the opportunity of public service. There are a few of us in the Congress; I hope someday there will be many, many more in the House and in the Senate. When called upon to contribute to this country, Mr. Speaker, no woman should take a back seat to any man. That is the opportunity that Hillary Clinton has been given as the wife of the President of the United States, and I am so proud of her, and her leadership, her ability to communicate with the American people, to bring down to earth some of these very complicated issues. Her law background, her sympathy to children, her leadership in the Children's Defense Fund and numerous other organizations make her more than qualified to serve the American people, and that is what she is doing in the capacity of the First Lady of the White House and of this Nation. I am proud of her, and I am proud of her leadership, and I wish the American people would understand how proud we women are of her contributions to the current debate on health care.

REVISED ARKANSAS BAR EXAM

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

Mr. SMITH of Texas. Mr. Speaker, the Arkansas State Bar has decided to revise the ethics portion of its bar exam. It seems a number of practicing attorneys have had trouble in this area, despite having passed the old exam. The new test reads:

Question 1: A State attorney general enters into a business deal. He put up no money, but gets a half interest in a land development company that will need many State government permits to operate. Discuss the possible ethics ramifications, if any.

Question 2: A State Governor arranges for a business partner, who controls a federally insured S&L, to make payments on a personal loan that the Governor has taken out. The Governor then claims these interest payments as interest deductions on his own tax return. Are there any ethics complications here?

Question 3: A State Governor arranges for a friend to get a large Federal grant ostensibly to fund projects for disadvantaged business owners. The Governor then induces this friend to lend hundreds of thousands of dollars to a land development company the Governor jointly owns. The true nature of the loan is not disclosed and the money is not repaid. Are there any ethics problem here?

The new test is not hard, but to make it even easier, perhaps Arkansas could get the administration to do the grading.

HILLARY CLINTON IS DOING A GOOD JOB

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. BROWN of Florida. Mr. Speaker, I rise in support of the First Lady, Hillary Clinton, and say, "Newspapers, get off her back. Republicans, get off her back. We support you, First Lady. We love you. You're doing a good job."

OMNIBUS CRIME BILL OF 1994

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

Mr. GRAMS. Mr. Speaker, by the very nature of its name, the Omnibus Crime Control Act of 1994 implies that this Congress is taking significant steps to reduce the rate of crime in this country and deal swiftly and effectively with criminals. Guess again.

Take the habeas corpus revisions, for instance. The revisions contained in H.R. 4092 liberalize the habeas corpus appeal process, effectively undermining the death penalties in the 36 States that have capital punishment.

It relaxes rules on when a defendant can appeal, reverses several Supreme Court cases that prohibit most appeals based on changes in the law after the defendant's conviction; thus allowing new appeals every time the Supreme Court makes a new procedural ruling; and requires that at least two lawyers be appointed to represent the defendant at every stage of the process. These revisions will prolong, rather than curtail, the lengthy appeals process.

Serious crime reform means getting tough on never-ending habeas corpus appeals, not creating loopholes that handcuff our already overburdened criminal justice system and keep crime weary citizens wondering what the heck we are doing here in Washington.

□ 1150

HILLARY RODHAM CLINTON

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I rise today to say thank you to Hillary Rodham Clinton, a woman who has become a hero and role model to millions of women of all ages, and colors.

As a new Member of Congress, I know what it is like to be pigeonholed into stereotypes—fighting a constant struggle against how others would like to define me.

Hillary, too, is one who doesn't fit stereotypes. She has said "no" to those who put upon her their own expectations of who she is. And instead, she has carved out her own niche with her own tools of intelligence and eloquence.

Hillary is a strong, positive woman, admired by women across America. She is a risk taker who is not afraid to speak her mind. Hillary, I think you're cool. Give'em health, Hillary.

GRAPHIC BROCHURES RULED UNFIT FOR PRINTING IN CONGRESSIONAL RECORD

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

Mr. HANCOCK. Mr. Speaker, yesterday, during my 1-minute speech, I asked unanimous consent that materials be placed in the CONGRESSIONAL RECORD. I was informed by the Parliamentarian that they were inappropriate for insertion into the RECORD. Given their near-pornographic nature, I cannot blame the Parliamentarian for his decision.

What are these items? They are graphic brochures designed to instruct and entice young people in homosexual sex acts. These same brochures—masquerading as AIDS education—were made available at a New York City youth AIDS conference to students as young as 12. This conference was sponsored by the New York State Department of Education.

This is exactly the type of prohomosexual propaganda the Hancock amendment to H.R. 6 is targeting.

If this is not fit for the CONGRESSIONAL RECORD, it is certainly not fit for grade-school, junior high, and high school students. I urge Members to support my amendment upon our return from Easter break, and oppose any attempts to weaken it.

TRIBUTE TO HILLARY RODHAM CLINTON DURING WOMEN'S HISTORY MONTH

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

Mrs. LOWEY. Mr. Speaker, March is Women's History Month, and I rise today to salute a remarkable woman who is making history today.

First Lady Hillary Rodham Clinton is a talented, intelligent, effective woman who is expanding her role and leading this Nation in the battle to secure comprehensive health care for all Americans.

As a mother, a wife, and a daughter, she understands how critically important health care reform is to American women—and men.

For all her hard work she has taken a great deal of criticism from those who have nothing more constructive to offer. The forces of gridlock find time to criticize her work—but they find no time to tackle the tough issues affecting American families. Thankfully, health care reform is too important to get sidetracked.

Hillary Rodham Clinton sets a new standard for American women and is a model for our daughters. She deserves our praise and respect.

MORE MEMBERS JOIN HUNGER FAST

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

Mr. WALSH. Mr. Speaker, today a number of Members of Congress are beginning a fast. I am joining my colleague, the gentleman from Ohio, Tony Hall, today in this fast because I think that what he is doing is important and courageous. We are all so caught up in our day-to-day existence of working, paying the bills, trying to be a good husband or wife, being an involved parent, that we forget about some of the real problems in the world.

Twenty-four years ago as a newly trained Peace Corps volunteer, I set out to help end hunger in the world. Unfortunately, we still have not accomplished that task. As many as 35,000 people a day are starving to death and not because there is not enough food; farmers, especially American farmers, are doing a marvelous job. It's happening because of political problems and distribution problems. We have the ability to end hunger and we have the resources.

We all need to focus on what we can do collectively and individually to end that tragedy.

MEMBERS GUARANTEED VOTE ON ENVIRONMENTAL ISSUES

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

Mr. TAUZIN. Mr. Speaker, March may have come in like a lamb, but it is going to go out like a lion. This month has been very interesting. This month environmentalists met to discuss the environmental agenda of this body, and they determined in a memo that has just been released that they were going to take off the table most of the environmental reforms before this Congress and not give us a chance to vote on it. They were going to decide the agenda of this body.

They were going to make sure we did not vote on endangered species reform or wetlands reform, the Clean Water Act, the Clean Drinking Water Act, Superfund, and a host of other environmental reforms. Why? Because they were afraid of something they call the unholy trinity.

That is not some new satanic cult. It is just a satanic cult. It is just a few ideas. The unholy trinity to them is private property rights, unfunded mandates, and risk assessment and cost analysis, three important issues to this

body and to Americans—in fact, so important that a court on March 10, in the Florida rock decision before the Court of Appeals ruled for the first time in a Federal court that no one should be denied compensation for a taking that occurred because of a denial of wetland permits.

Mr. Speaker, we are going to get a chance to vote on those things regardless of the environmental community's memo and their decision to keep it from the floor. I ask Members to join me in support of the private property owners bill of rights, H.R. 3875. That is our chance to put it on the agenda and have a vote in this body on private property rights in America.

A CALL FOR ROGER ALTMAN'S RESIGNATION

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

Mr. ARMEY. Mr. Speaker, we learn in today's papers that Deputy Treasury Secretary Roger Altman was misleading Congress when he said his meeting with White House officials was nothing more than a "heads up."

Mr. Altman's Monday letter to the chairman of the Senate Banking Committee marks the fourth time the Deputy Treasury Secretary has amended his Senate testimony to disclose additional contacts with White House officials relating to Madison Savings and Loan. The latest revelation points out that the White House wanted to be sure to have a political appointee responsible to the President in a position to decide what civil cases go forward.

Mr. Speaker, this is clearly unacceptable behavior from a high-ranking administration official. Mr. Altman cannot seem to remember the nature of his discussions until he reads them in the papers; then once they have been reported he sends up a letter clarifying his position.

Administration officials withholding information from Congress has in the past been considered a Federal crime. Mr. Altman's actions are clearly unacceptable behavior by a high ranking administration official with far-reaching regulatory authority. Roger Altman has demonstrated time and again that he cannot be trusted to provide Congress vital information, and he should resign today.

COMPREHENSIVE JUSTICE IS CRIME BILL'S GOAL

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

Mr. DERRICK. Mr. Speaker, recent statistics reveal a dramatic increase in violent crime. It is this increase that has everyone frightened. Violent crime

creates a climate of fear in our community that has a substantial impact on how we live and go about our daily lives. It is no wonder that people are concerned. They do not want to live in fear. They are ready for tough measures to combat violent crime.

The American people want tougher sentencing. They want more vigilant and effective prosecution. They want it made clear that violent criminals can rely on being pursued, caught, and punished by a society that will not tolerate their actions.

We need a crime bill that implements a comprehensive justice, an uncompromising attack on crime. The crime bill before us today enacts this justice. It is tough and smart. It will remove criminals from our streets, making them safe for our citizens.

□ 1200

BE TOUGH ON CRIME

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

Mr. SCHIFF. Mr. Speaker, the House of Representatives is about to take up the proposed new Federal anticrime bill. I want to say that it is none too soon. Violent crime is the greatest problem facing the United States of America. Why? Because for the obvious reason, that unless we can go to work safely, unless we can send our children to school safely, unless we can be in our homes safely, we cannot address all of our other problems, as serious as certainly they may be.

Of all the different provisions in the crime bill, of which there are quite a number, the most important, in my view, is that which deals with repeat offenders, because it is the repeat offender who is the criminal that will not stop committing crimes and probably commits three, four, five, or more crimes a day, 7 days a week, 365 days a year.

There is a provision in the bill before us that would address this situation that is called three strikes and you're out, meaning three violent felonies or two violent, and one drug felony, and mandatory life in prison.

This would be an improvement over the law today, but it does not go far enough. We need to say if they are truly violent crimes, why get to three? Why should not two violent crimes being committed warrant life in prison?

At the very least, Mr. Speaker, I will offer an amendment that says commission of two serial violent crimes should mean life in prison.

REPUBLICAN SHOW-TIME IN CONGRESS

(Mr. APPLGATE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. APPLIGATE. Mr. Speaker, I think the general public is pretty tired of hearing all the rhetorical garbage that is spewed out on Whitewater by the Republicans. They say it is our constitutional duty to inform the public. That is bull. To them it is showtime. It is politics, because they think they now have an issue that is going to cover up their scandalous past.

But let me say this. This is the same party that gave us the Teapot Dome Scandal, the Great Depression, Joseph McCarthy, Watergate, and Iran-Contra. I think we should have learned by the Iran-Contra hearings Congress is not an investigating body. Congress is a legislative body. We do not do too well at that.

Oliver North and John Poindexter are not in jail because the Supreme Court overturned their convictions because of a technicality caused by congressional hearings.

Frankly, I think the public is just tired of all this damn nonsense, and they are saying to us, do what we elected you to do.

SELLING THE DIRT OF WHITewater

(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, I thought I had heard it all, I thought I had seen it all, and I thought I almost had smelled it all, Watergate and Iran-Contra, but evidently not. James McDougal of Madison Savings and Loan has taken dirt to a higher level. James McDougal is selling the dirt of Whitewater for \$19.95 a cubic foot, ladies and gentlemen. And for \$19.95 you not only get the dirt, you get a non-partisan dirt deed.

Now, look here. I do not know what Hillary did. I still like her. I do not know what the President did. He is doing his job. But I want you to think about something: If these good old boys from Arkansas are willing to sell that Whitewater dirt, those good old boys from Arkansas just might be willing to manufacture some of the Whitewater dirt, too.

I want Congress to think about it, especially Judge David L. Hale, ladies and gentlemen. Let us get down to business and run our country. We do not need to be dumping more dirt on the White House.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 395 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4092) to control and prevent crime. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the Committee of the Whole House shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House. The requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to a resolution reported on or before the legislative day of March 23, 1994, providing for further consideration or disposition of the bill.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, House Resolution 395 is the first rule providing for the consideration of H.R. 4092, the Violent Crime Control and Law Enforcement Act. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill and against its consideration. The rule provides that after general debate the committee shall rise without motion and that no further consideration of the bill shall be in order except as subsequently ordered by the House.

Finally, the rule waives clause 4(b) of rule XI against a resolution reported from the Committee on Rules on the legislative day of March 23, 1994, providing for further consideration of H.R. 4092.

Mr. Speaker, this rule will allow the House to begin consideration of H.R. 4092, the Violent Crime Control and Law Enforcement Act. In the State of the Union Address, the President urged Congress to set aside partisan differences and to pass a strong, smart, tough crime bill. In response to this call, the House has before it today a far-reaching bill that does exactly that.

H.R. 4092 is a strong bill that authorizes over \$15 billion in funding to address the crime problem on a number of different fronts. This targeting of Federal funds on crime is the largest ever considered by the House of Representatives.

H.R. 4092 authorizes a total of \$3.45 billion in Federal grants for 50,000 more cops on the beat. The legislation authorizes a total of \$3 billion to help States build new prisons for the incarceration of violent repeat offenders.

H.R. 4092 is a smart bill that focuses on the causes of crime. The bill authorizes \$7 billion for community programs intended to prevent crime and targets \$525 million for programs providing employment opportunities for young adults in areas with high crime and high unemployment rates. The bill authorizes \$100 million to reduce gang activities and the use of illegal drugs by juveniles and authorizes \$20 million for programs in which law enforcement and child and family services agencies work together to deal with incidents of violence involving juveniles and children. The bill authorizes \$7 million to prevent crime against older Americans.

Finally, H.R. 4092 is a tough bill that expands the Federal death penalty by more than 60 offenses, including drive-by shooting, the murder of a police officer, drug trafficking, and kidnaping. The legislation mandates life imprisonment for a conviction of a Federal violent felony if the defendant previously was convicted of two serious Federal or State drug offenses or violent offenses with a potential sentence of 10 years. It provides that juveniles 13 years or older could be tried as adults for certain violent Federal crimes. The bill overhauls the rules for death row inmates who have exhausted the State appeals process by allowing one Federal appeal within 1 year of the final State decision and requiring States to provide defendants with competent lawyers.

The bill also addresses the problem of violence against women and provides grants to State and local governments for programs to reduce violence against women and punishes those who commit crimes against women. The bill establishes new Federal crimes of interstate domestic violence, stalking, and establishes a national task force on violence against women.

The bill also includes the use of "bootcamps" for youthful first-time offenders. The bill provides \$200 million for States to develop new programs to ensure the punishment of youthful offenders, who might otherwise be placed on probation. These grants can be used for alternative punishment such as "bootcamps" which would teach troubled youngsters the value of hard work and instill discipline.

Mr. Speaker, far too many of us no longer feel safe in our own neighborhoods. Violent crime is on the rise across our Nation. H.R. 4092 cannot solve all of society's problems which result in increased violence, but it is an important step in taking hold of the situation and turning this country's crime problem around.

Mr. Speaker, House Resolution 395 is a fair rule that will begin consideration

of this wide-reaching crime bill. I urge my colleagues to support the rule and the bill.

□ 1210

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

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

Mr. Speaker, some say that the House Democratic leadership has been stung by criticism that it has not done enough to combat crime in America—but, not to worry. In an extraordinary election-year frenzy to get an anticrime bill passed before we head home for a 2-week recess, the Democrat leadership has placed the Rules Committee in the center ring of a circus. This circus has provided us with this bill, H.R. 4092, the 1994 omnibus crime bill. It is a compilation of almost two dozen freestanding anticrime proposals, all rolled into one bill. The distinguished chairman of the Judiciary Committee, Mr. BROOKS, described this bill as carefully balanced and primarily made up of measures this House has dealt with in the past. But, Mr. Speaker, we have 114 new Members of this House who were not here for debate the last time an omnibus crime package came through. Even Members who have been around for awhile believe this bill needs to be improved.

These amendments, weighing in at a modest 10 pounds, are the 179 amendments that were filed with the Rules Committee for consideration along with the crime bill—99 by Democrats and 80 by Republicans—offered by more than 100 Members, almost one-fourth of this House. All of these ideas come even though there is no composite committee report for H.R. 4092.

We now embark on a contorted and confusing process of debate that will lead us through three separate rules. That is why I have labeled this sort of a three-ring circus, but given the nature of what we are talking about. Perhaps we should call this the "three strikes and you're out" rule. And it is the Members who are out. This rule invokes a special procedure known as the "two-thirds martial law rule," designed to pave the way for a second crime bill rule later today, without the customary overnight layover. The second rule will likely include a batch of amendments of high priority to the majority and the minority, so we can advance this debate throughout the day. Then we can expect a third rule tomorrow, to deal with the remaining amendments and wind this whole performance up in time to go home and tell people we did something about crime.

There is no dispute about the importance of beefing up our Federal crime laws—in fact, the Republicans introduced a comprehensive anticrime initiative last August 4, a bill that now carries 95 cosponsors. Late last fall,

when the other body passed a substantive crime control bill, the minority pleaded with the majority leadership to consider our bill in the House. No chance. But now things look a bit different. After all, it is 1994 and Americans go back to the election booths in just a few short months with concerns about the rise in crime foremost on their minds. Perhaps that explains the seemingly sudden sense of urgency on the part of our Democrat counterparts.

We all know that our constituents do not feel safe—in neighborhoods, shopping centers, schools, and even homes and cars. As Federal legislators we walk a narrow tightrope—setting the tone, providing the tools and then getting out of the way so local law enforcement can do its job. Above all, we must not pass a gutless crime bill simply to say we did something. Logic tells us if we put criminals in jail, they cannot commit more crimes. If we ensure that justice is swift and sure by doing away with endless appeals, we save the States money that can be channeled into other crime-fighting initiatives.

When people know they will be caught and punished if they commit a crime, fewer will take the risk. And if we reinforce the importance of our children saying "no" to drugs, "no" to sex and "no" to criminal behavior while saying "yes" to responsibility, then we can put a stop to the tragic cycle of juvenile violence.

Still, as important as tough and meaningful Federal legislation is, it is only one step along a very long road. The violence and despair we face is rooted in our communities, not within the thick white walls of this Capitol building. We simply have to restore education, discipline, and adherence to some basic values, especially respect for others, decency, a sense of community and individual accountability.

Back in my district recently, I saw a very disturbing sign of the times. Instead of the familiar "my child is an honor student" bumper sticker, a car boasted the slogan, "my child beat up your honor student." How far have we come?

Mr. Speaker, in the next day and a half Members will have a brief chance to explore some of the things that this Federal Government can do to assist communities and law enforcement in reversing the trend of violence, drug abuse and broken homes. It is just not enough time and the American people expect more. I wish we had organized full debate and deliberation after the Easter recess to take up this crucial topic—in a more orderly and less-rushed format. For that reason, I must oppose this rule. Crime control is simply too important to be used as a convenient election-year gimmick.

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

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes

to the gentlewoman from New York [Ms. SLAUGHTER].

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

Mr. Speaker, I rise in support of this rule and in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994.

H.R. 4092 is the strongest anticrime bill this House has ever considered. I am glad that we have finally moved it to the floor, so that we can translate our rhetoric about crime into reality.

The answer too many children give when asked, "What do you want to be when you grow up?" is: "I just want to grow up." Far too many of America's young people live in an atmosphere of pervasive violence that destroys their hope for the future.

I would like to read part of a letter I recently received from one young constituent. He wrote:

I am a freshman at Cornell University. I grew up in Rochester, New York and I have been personally affected by the deterioration of our American cities. Last summer, when we were 17 years old, a friend and I were carjacked and driven around Rochester at gunpoint by two other 17-year-olds. We survived, but two weeks later another friend was murdered by gang members. Upon returning from Cornell for [Christmas], I learned that an 18-year-old girl from my neighborhood was carjacked and then shot in the head and chest. She died, too. Homicide statistics in the morning paper sure become a little more vivid when you become a part of them.

Mr. Speaker, this bill fights crime on two tracks. On one hand, it strengthens our neighborhoods with ounce of prevention programs, community policing, and efforts to reduce gang activities. At the same time, the bill's provisions on law enforcement and three-time losers ensure that serious offenders are prosecuted and put behind bars—for good.

Our first responsibility is to those who sent us here. We owe them a bill that restores their freedom to walk the streets without fear—and even to daydream about the future sometimes. We cannot afford any further delay in fulfilling this promise.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the committee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this resolution. I do so not because the time is not here to debate the crime bill, because it is, but because this resolution takes away a significant tool for the Members to know what they are voting on.

By waiving all points of order, which this resolution does, and this waiver will be applicable toward rules II, III, and IV, the requirement that a committee report explaining the arguments and the details of what is about ready to come before the House is

waived. That committee report is very important from a number of standpoints.

First, it is important to describe the various features of this comprehensive bill, which is an amalgamation and a conglomeration of several other bills that have been reported from the Committee on the Judiciary.

Second, the committee report would inform the Members as to the total cost of this legislation, because the rules require that committee reports contain a cost estimate by the Congressional Budget Office, as well as an estimate as to the impact on inflation.

We are dealing here with major amounts of money, and we ought to be giving thought to make sure that this money is being effectively spent, rather than going back to the knee-jerk reaction of the Great Society, where Congress simply threw money at problems and was not very concerned about the administration of those funds or what good those funds would bring about.

I have heard estimates that say the cost of this bill ranges from \$12 billion to \$22 billion over the next 5 years. That is not small change. I think that that requires a very good look by the House as a whole as to how these programs are being set up and how these funds are to be administered.

Second, I am concerned that there is no funding mechanism involved in this legislation. When the other body passed the crime bill, they established a trust fund which would be used to finance programs like cops on the beat and drug treatment in prisons and things like that, for which there is no real substantive argument.

Here we are not establishing a trust fund. There is no amendment to make a trust fund in order, so we are just having an empty promise of an unfunded authorization bill at a time when the Congress and the country are living under discretionary spending caps. Without a funding mechanism, every dime that is authorized in this bill will end up requiring a 10 cent for 10 cent reduction in other programs that are presently funded by the Congress.

To combat crime, we have to be tough on prevention, as well as backing up our promises.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker I am proud to support the bill and the fine efforts of the committee to bring this bill out. As a former sheriff, I have a couple of amendments that I would like to discuss on this bill. I think they are important and make the bill favorable.

First of all, many times you have individuals that provide the testimony that gets a conviction in a courtroom. Some of these individuals are con-

victed and some of these felons say, "When I get out of jail, I'm going to hurt you. I'm going to get you, Judge," or "I'm going to get you who turned that evidence against me."

After they come out, as evidenced by an article in the Reader's Digest, too often they come back and live up to that promise, and they literally at times have not only hurt some of those victims or some of those people who have brought the evidence, they have killed them as well.

The first Traficant amendment says 30 days prior to release they notify the principals that this felon is being released into the community, the victims, the people that gave the testimony against them, the judge and the jury, anybody who was involved in that that may be a principal.

Second of all, we are talking about nonviolent offenders and the deterrence of crime. The worst day I had as a sheriff is when a young man was raped in the Mahoney County jail. That's right, raped. There was no reason for that nonviolent offender to be in that jail.

The Traficant amendment says the judge will have options, and could in fact put the wrist bracelet on, with the devices where they could monitor them in their own home, and let them pay big fines. The bottom line is, though the Traficant amendment says that the judge could also order that their picture be published with the offense they have committed, and they are responsible to pay for that photograph, and let the community know. That would probably serve as the greatest deterrent Congress could possibly pass.

The last amendment deals with disabled police officers, those who have been injured or disabled in the line of duty. It calls for the establishment of counseling centers for many of these disabled, wounded, or officers who end up losing their homes, losing their marriages, because of their job and because of the injury they sustain. It creates a fund, \$3 million, to establish these regional counseling centers that can work with the policemen that are so affected to try and help to bring them around.

I would appreciate it if the committee would give an opportunity for these amendments as we come down to a more specific rule, and I would hope that they would be included in the list of amendments.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, CA, Mr. DREIER, a distinguished member of the Committee on Rules.

Mr. DREIER. I thank my friend from Sanibel for yielding me the time. I congratulate him for his very fine statement.

I listened to my friend, the sheriff from Ohio, talking about his amendments that he hopes to include in this

bill. The fact that he is talking about his amendments and the other 177 amendments that we are now hearing upstairs in the Committee on Rules leads me to join the gentleman from Florida [Mr. GOSS] in opposing this rule.

Why? Well, here we are talking about a very important crime bill, and this rule grants an hour of general debate, but what are we going to debate?

□ 1230

We do not know what amendments are going to be allowed under this rule that is finally going to come down that will make that determination. So it is a very sad commentary on where we are today when we want to proceed with discussions on legislation that we have not even seen.

Yes, we have the bill upstairs. The bill is this thick, as the gentleman from Florida [Mr. GOSS] pointed out. The stack of amendments is about three times as thick, so let us do this in an orderly way. Let us make a determination what amendments are going to be considered when we bring this to the floor and allow general debate to take place around those amendments. I thank my friend for yielding.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, Mr. BROOKS.

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

Mr. Speaker, I rise in strong support of the rule.

The debate over the crime bill last Congress is instructive in considering the rule today. At that time, the Rules Committee permitted about 50 amendments to be made in order under the rule adopted by the House. As usual, I think that the Rules Committee both then and now is striving to achieve exactly the right balance and mix: enough amendments and alternatives to allow a good healthy debate of the major issues, but not so many that the House cannot finish its work because of overlapping and duplicating amendments.

I should note that during the recent markup in the Judiciary Committee of 13 of the underlying bills included in H.R. 4092, 63 different amendments were proposed: 24 of them were adopted, another 24 were defeated, and 15 others were either ruled nongermane or withdrawn. And let us also remember that almost half of the provisions of the bill before us have already been formally adopted by the House by votes, such as 421 to 0, 422 to 0, 413 to 23, and 394 to 32.

Some of the issues garnering considerable debate in committee included the three strikes you're out proposal, the grants to States for prison construction provisions, death penalty and procedures, the crime prevention pro-

posals, habeas corpus, and racial justice.

It is my belief that the alternative proposals made in order under the rule for the major sections of the bill are both fair and appropriate to the offerors on both sides of the aisle. As I said at the Rules Committee yesterday, I believe that my colleagues on the other side should be given a fair chance to debate their major proposals and this rule addresses that need.

I know there are some who ask why we do not delay consideration of the bill because so many amendments have been filed and because the House has not had sufficient time to consider the committee's work product. But in response to that argument I say to all of my colleagues—do not fall for the delay trick. The bill tracks very closely the work product of the crime conference report adopted by the 102d Congress. I reject those who want to wait till late spring or early summer to vote. We have had an overabundance of process in crafting this bill and remaining open to major amendments. It is time to move forward. I urge a "yes" vote on the rule so we can get on with passing the crime bill.

Mr. GOSS. Mr. Speaker, I will just briefly tell the distinguished chairman that I have here what looks like the "Congressional Directory" in front of me. It is not. In fact it is just a list of the Members that wish to testify at the other ring of this circus up in the Rules Committee right now, and I know he appreciates the hard work the Rules Committee does and we appreciate the hard work his committee does. But we do not want to do your work and you do not want to do our work, and we are simply suggesting perhaps, Mr. Speaker, that the work is not yet complete because there are so many Members who feel that they have something to contribute to this piece of legislation.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, one of the important elements that is contained in the bill that we are going to be considering in both general debate and then which will itself be subjected to amendments later, is the death penalty to which the chairman has alluded in his remarks.

In the past, we have had monumental discussion and debate over this important issue. We ought to begin this debate and make it abundantly clear that the American people support by overwhelming majorities the imposition of the death penalty in the brutal murders that they read about day after day or see depicted on television.

We have been struggling for a generation in this Chamber to convince those who oppose the death penalty, those Members of Congress who oppose the death penalty, that first we ought to

have a death penalty and second that they should not stand in the way, those who oppose the death penalty, in crafting procedures so that the death penalty, when imposed, will meet the constitutional standards and not just line up people on death row who, with appeal after appeal, will avert the final judgment that has been conferred upon them by their fellow citizens.

This is an important portion of the debate which is forecast now by me in which I want to lay down some forecasts and some warnings.

The bill as it is now contained on the death penalty allows so much discretion in the jury that will be deciding life or death for the brutal murder who has already been convicted theoretically in a previous trial, and now the punishment is being decided, a brutal murderer has been convicted of that murder and now the convict is in front of the death penalty jury.

The way the bill is now crafted there is so much discretion left in the jury as to what guidelines to confer on the process to determine whether or not a person should have the death penalty that it becomes unconstitutional and reverts back to the 1970's where the Supreme Court said with too much discretion in the jury they can, on the basis of favor or prejudice, find either death or life not on the facts but on how they feel about a certain defendant and how that defendant looks to them.

And so my amendments, which I hope will become in order, will tighten up the procedure and allow guidelines for the jury to be able to impose the death penalty in proper brutal cases and be confirmed by the Supreme Court.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time.

Mr. Speaker, I would simply say to my colleagues, what is all of the fuss about? The folks on the other side of the aisle have been importuning us that we must do something about crime. I have agreed with them.

□ 1240

I felt we have to do more about crime. I feel that we have a comprehensive and broad bill, and we have to have a bill that is paid for, and so what is happening is because we have been, since session has gotten back with hearings and subcommittee and full committee markup, we do not want to get caught in a conference that drags on through the summer.

Yes, we are moving as quickly as we can to get a crime bill on the floor.

Now, I understand all of our concerns. I have amendments, the gentleman from New Mexico has amendments, everyone has amendments; they want to see them in order. But I can

tell you this, that there will be a second rule, and maybe a third. Nothing wrong with that, in my judgment.

The question is, Will the rule be fair or unfair; will it allow the great debates to occur on the issues that face us; will they allow us to debate the death penalty; will they allow us to debate three strikes and you are out; will they allow us to debate the programs that we have put into the bill? My strong feeling is that they will.

So I would ask my colleagues on the other side of the aisle not to prejudge but wait and just see. Sure, we do not have to do the rule now. We could wait until everything is worked out in the Committee on Rules, and I admit that that is the regular order, and then maybe we will not have a bill for 3 more weeks come to the floor.

We have momentum now. We have some degree of consensus. We do not agree on everything, but the broad outlines of a crime bill that says punish those who commit violent crimes toughly and prevent, particularly, smartly, by focusing on youth who could go one way or the other. That is basically in agreement. The details do remain to be worked out, but I would plead with my colleagues not to slow down what we are doing. Wait and see. See what the rules yield.

My guess is that my colleagues will be quite pleased that every major issue will be debated and voted upon by this body and that we will emerge by Friday afternoon with a bill that almost every one of us can be very proud of, a bill that for the first time deals with both punishment and prevention and for the first time puts its money where its mouth is and says we are not going to just talk about programs, we are actually going to create them and implement them.

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

Mr. Speaker, I found the remarks of the gentleman from New York very interesting, because this is the part of the debate about the Committee on Rules. The Committee on Rules is trying to determine what we are going to bring to the floor. About half the reports on this bill have not yet been filed. Yes, some have been filed, as the chairman, the gentleman from Texas [Mr. BROOKS] said, but a great many have not.

It is very hard for us to tell what the debate is going to be about and who is or is not going to have a chance to have deliberative democracy at work on their proposals and ideas on this, because we do not know yet.

Why are we here trying to pass a rule when we do not know what the rule is?

Mr. Speaker, I yield 4 minutes to my colleague, the very distinguished gentleman from New Mexico [Mr. SCHIFF], who is a former prosecutor and a former defense attorney who knows a good deal about this subject.

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

Mr. Speaker, I would like to continue with the subject I brought up before my colleagues earlier this morning about the subject of repeat offenders.

Of all the different aspects of trying to solve the problem of crime, which is a complex problem in my judgment, the single most identifiable problem is the repeat offender. That is the individual who has chosen to commit crimes as a career. That is why they are also called career criminals. These individuals, depending on the crime they have selected, may commit three, four, five offenses a day, but whatever it is, it is 7 days a week, 365 days a year.

The career criminal, the repeat offender, is addressed in this bill under the provision three strikes and you are out. Three strikes and you are out is commonly discussed across the country. The problem is that in general it means three crimes, in this case, three violent crimes and mandatory life in prison.

Nevertheless, that is a general idea. The idea of the specifics of three strikes and you are out can vary considerably from legislature to legislature to the Congress.

For example, the legislature in the State of New Mexico where I am from just passed a three-strikes-and-you-are-out bill, but the definition of the crimes that would apply to become one of those strikes is so narrow that I doubt it will apply ever, ever to very many criminals. It is not effective in the least.

Here in this bill, a strike is not defined as an offense. The list of offenses, although I think it can be increased and improved, is basically a decent list of offenses. Nevertheless, a strike is not a crime by itself.

In other words, if somebody commits three murders, murders three people in a row sitting right here, that is one strike. If a person murders someone on Monday, murders someone on Tuesday, and murders someone on Wednesday, that is one strike, not three strikes. Neither of those examples are three strikes.

Why not? Because the definition of a strike in the bill before us is not the crime but the conviction for the crime. Before you can move from a crime or set of crimes as a first strike to a second strike, there has to be an intervening conviction. There has to be a conviction so the individual can be punished, have a chance to reflect on their ways and decide not to be a repeat offender.

With that in mind, I would suggest that if we are going to be dealing with violent criminals, two strikes, that is, two convictions for violent crimes should warrant mandatory life in prison.

Now, in committee, in the Committee on the Judiciary where I serve, that

idea was rejected by the majority on the idea that somebody could make, well, a mistake when they are 19 years old and then, well, another mistake when they are 39 years old, and, hence, be subject to mandatory life in prison.

In all honesty, Mr. Speaker, I do not think it works that way. I do not think somebody commits a murder, a rape, an armed robbery, goes to Harvard, gets an MBA, joins the Peace Corps for a couple years, comes back, and commits another murder or rape or armed robbery. I do not think that happens.

I submit essentially you have a career criminal.

I am going to offer the two strikes and you are out to the Committee on Rules. I have done so, and I hope they make it in order and we can vote on it.

But I have offered an alternative. If two strikes, that is, two convictions for violent crime is rejected for the reasons given, the alternative I would offer to the House of Representatives is as follows: if the first strike, that is, the first conviction is for a series of the same crime, that is, two or more armed robberies, two or more rapes, or two or more murders and so forth or the equivalents under Federal law and then there is a conviction and then there is another series of the same offense, two or more armed robberies and so forth, that person is a career criminal. That person, under my alternative amendment, would have committed at least four individual acts of violent felonies.

Under that situation, I am arguing that those should be two strikes that put a career criminal away for life. It makes no sense to give a serial criminal a third chance to go out and be a serial criminal.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. MCCOLLUM], a member of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I think that the gentleman earlier has made good points about the process.

I do not have any question at all about the genuine sincerity of the Members working to prepare a rule or to bring this bill forward, but to suggest that those of us who are concerned about how quickly this process is moving and how kind of messed up it seems to be over these 3 days, for them to suggest we want to delay this bill is disingenuous. We do not want to on this side. We very strongly want to see crime legislation out.

In fact, a lot of Republicans were concerned because we did not see this bill out last year before the August recess, certainly before the November recess, and we made our complaints known at the time that the serial bills were brought up, some of the smaller bills that are incorporated in this larger one we are going to debate today and tomorrow and presumably the next day.

Our concern is how, over the last couple of weeks, we have suddenly rushed to judgment with so many times and hours in markup in the subcommittee and then the full committee, and now to get this bill out just before we go on this recess, the haphazard process with which the Committee on Rules is considering the amendments before us, which makes it very difficult for the minority to get its amendments in order, to get itself heard, to make those decisions that are important to go to the floor.

A number of my colleagues have expressed those concerns to me. They are simply procedural in nature, and I think they should be recognized as that with some justification.

Sixty-five Americans are murdered and 288 Americans are raped each and every day in this country. A boy born in 1974 stands a greater chance of being a homicide victim than a soldier in World War II stood of dying in combat. Nine hundred and seventy-nine criminals are released early from prison every day, and approximately 6,000 convicted rapists received no prison sentence at all last year.

I would suggest those figures and that data tell us why the American people are so anxious for us to enact Federal criminal laws that provide leadership across the board to the States and to everybody involved in this war against the violent criminal and why this legislation we are about to consider is so important.

□ 1250

The product that is coming out today is a hobgoblin of all kinds of things, many of them well intentioned. But the primary concern that this Member has and I think most on our side of the aisle have is that when all is said and done, the limited resources we have are devoted to the real problem, the primary problem that we must address, which is applying a tourniquet to those bleeding to death, in the straight, literal sense of the word, from violent repeat offenders, those who are getting out, those 6 percent or so who are committing 70 to 80 percent of the violent crimes and serving about a third of their sentences in this country.

We must stop that revolving door, we must incapacitate those who are committing these heinous, violent crimes again and again. And only when we do that can we turn our attention and the limited resources the Nation has to fight crime to some of the root-cause problems that exist. That is not to say we ignore them in the meantime, it is just to say that the high priority out of this legislation and all others in the States going on today has to be directed to this violent criminal crisis that we have in this country.

To anything less than that, to do anything less than moving toward truth-in-sentencing so that we really

send a message that puts deterrence back in our criminal justice systems, with swiftness and certainty to send a message to the criminals is to not do the job the American people expect us to do because we will not be stopping the crisis we have today.

So as we look at the amendments that come down the road, the most important ones deal with this subject, how do we move on, how do we send a message? Put truth-in-sentencing so that we require everybody to serve at least 85 percent of their sentences. There is a big incentive to the States to do that; Federal laws are not sufficient. We have got to be able to encourage the States, though we do not pass the State laws here, we need to find ways to do this, such as the prison grant program, attaching eligibility requirements that encourage in reasonable fashion States to do such things; get to pretrial detention, get to appropriate mandatory sentences for these very bad people and take them off the streets; end the endless appeals of death-row inmates that do not have the burden that this bill would do that would cause the prosecutors never to be able to carry out or have carried out the death penalty again in this country.

We need to get to the point where we are sending the message to deter the violent criminal and take the worst off the streets for a very long period of time, including the "three strikes and you're out" legislation, which all of us certainly support not only here but in the States.

So I do not know what the rest of the rule is going to look like any more than anyone else here does today, but I am deeply concerned, I say to the gentleman from Florida, because it might not contain the things we want to, because we must have the opportunity to amend the bill. The bill, in its present form, is not a good bill. It has some good features in it, but it is not doing the job that is necessary.

So I thank the gentleman for yielding and letting me explain the thought premises involved in this debate.

Mr. DERRICK. Mr. Speaker, I reserve the balance of my time, and I reserve the right to close. I have one speaker remaining.

Mr. GOSS. Mr. Speaker, we have no other speakers besides myself. So I presume we can get on with this rather quickly. I yield myself the balance of my time.

I want to say in summation what we have been talking about here on this rule—and we are talking about the rule—this is very serious business. We are talking about a criminal justice bill, but we are talking about the rule, and that is a little something different.

In terms of criminal justice, we all know we want a program that is smart, we want a program that is tough, and we also want a program that is com-

plete. And that is what our concern is. We have so much to weigh in such a short period of time that it is virtually certain that we cannot complete it in an organized, efficient and accurate management way. It just simply cannot be done, given the volume of paper.

That means somebody is going to get left out, some good ideas are going to be missing, and we will probably have some unintended consequences that will be extremely negative. That seems to be what happens when we rush legislation.

Nobody can say the Republicans have delayed or tried to delay. We have been ready and willing since August 4 with a package—August 4 of last year—and now here we are on March 23, suddenly confronted with a work period or holiday deadline saying, "Oh, my gosh, what we talked about in August and pleaded for in August of last year we suddenly now have to get done so that when Members go home they are comfortable and do not get asked embarrassing questions about 'why haven't you done anything on those initiatives about getting tough on crime that the Republicans brought forward last August?'"

Well, I understand that. I sympathize. Everybody would like the comfort of being able to say what is going on. But nobody wants to report that we did a sloppy, incomplete, or poor job on a bill that is so important.

I think that I am speaking of the rule now, and I am characterizing, I think, the way in my view it is being sold. That is the way the rule is being sold by the leadership on this. They are trying to convince the Members that this is a little bit like buying baloney, you get it a slice at a time, "Trust us, it is going to be good, but you are just going to get it a slice at a time." But we are going to take at least three cuts at this rule.

Let me tell you what that means: If you come in here and say, well, this is not a malevolent rule, 1 hour of general debate, no problem, I can support that. But what you do not know is how much further you are going to be brought along, it is like a fish nibbling ever closer to taking the bait and grabbing that hook, because by the time we get to the third slice of this particular piece of baloney, you are going to find that you do not have a choice and a lot of Members are going to find they got locked out, left out, and we will not have completed deliberation. That is my big concern with this. We start out with what is benign and we end up with something that is not quite as benign when we are through.

I would guess it is not fair to say that 1 hour of general debate is enough on this. How many hours have we debated on the balanced budget amendment? How many hours have we debated other subjects? Crime is probably No. 1 out there in the polls in this

country. One hour is not enough, surely.

What are we going to debate anyway? Are we just going to discuss—go back and check that in the process indeed about half of the reports have not been filed? So we really do not know what is in the bill or what is not going to be in the bill, because we still have all these amendments to do as you go along.

We have had testimony upstairs, alternating our time between the floor and our hearing room. The committee upstairs had testimony coming from Members. "Well, I didn't have a chance to finish this," in front of the committee, or, "We are trying to work this out with Chairman BROOKS in some other way," or, "We are going to try to work this out in some other way," or, "We are going to get together and see if we can communicate some amendments."

This is really a strange way to go through the legislative process. Frankly, in my 5 years, I have never seen anything quite like this so far.

I guess what I conclude with is that this is simply just not ready to bring forward to this House. I know there is greater urgency to move this bill. I want to move it too because I want to say Congress has done a great job on crime. But it is more important to me to say we have done a great job on crime and then be able to deliver the product than to say we have done a great job on crime and come up with a gutless bill.

That is my fear, and that is why I am going to urge a "no" vote on this rule.

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

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

This is a fair rule, and it is not unprecedented. This is the way we have handled bills that get as involved as this one. There are before the Committee on Rules at this time 176 amendments that we are trying to deal with. It is impossible to deal with all of that in the so-called one ball-of-wax. What we are trying to do is get a crime bill passed as expeditiously as possible. It makes, to me at least, common sense that we go ahead and take care of the general debate.

What will be made in order will be voted on this House, whether it be one more rule, two more rules, or three more rules. I cannot think of a fairer way to do it.

You know, I do not think there is a more important bill that comes before or that is going to come before this Congress.

We are daily giving up our freedom in this country or ours. For over 200 years we have been known as the land of the free. We are no longer the land of the free because we are no longer free to walk the streets and byways of this country without fear of great bodily harm to ourselves and to our families and to our friends.

There is no more important bill than this. I hope that we are going to make some concrete steps forward.

You know, we have more people incarcerated in prisons in this country per capita than any other nation in the world, and we keep building them. We cannot build them fast enough. But it does not seem to help the crime rate. I was looking at a television program last night.

□ 1300

I see where the Chinese shipped over 1 million cheap rifles into this country last year. Now these are not rifles used for hunting. These are rifles that are used to kill people. And what are they doing with the profits? According to the news, Mr. Speaker, they are using it to help build up their military.

As my colleagues know, we have lost whatever judgment we ever had about this society of ours and what we are letting happen to it daily. I say to my colleagues, "I mean, you know, you don't have to be locked in a jail to lose your freedom. All you have to do is to be like me, to have a home within four or five blocks of our Nation's Capitol with the most sophisticated burglar alarm, to pull up in front of your house and to look up and down the street to make sure you have a quick run into the house so that you know there aren't any suspicious characters around. As you ride down the street and you stop at stop lights, you look over next to you and wonder, wonder if there might be a gun on the seat of that car next to you and, just for the heck of it, your head will be blown off."

Mr. Speaker, this is imprisonment. This is imprisonment, and we daily are becoming more and more imprisoned in this country. And why? We fail to realize it, but we fail to take steps to do anything about the gun culture in this country.

And then I ask, "Why don't we take steps to do something about the abuse of drugs in this country that contribute to 80 percent of the people who are locked up in State and Federal incarceration today?"

It is beyond me. I do not know what it is going to take.

But I can assure my colleagues that it is not going to be pleasant, what is going to happen if we do not do something, and we are going to have given away everything that this country ever meant. We are going to have given away everything that our forebears fought and died for just because we do not have the intestinal fortitude to deal with the problem today.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 175, not voting 18, as follows:

[Roll No. 84]

YEAS—240

Abercrombie	Gephardt	Neal (MA)
Ackerman	Geren	Neal (NC)
Andrews (ME)	Gibbons	Oberstar
Andrews (TX)	Glickman	Obey
Applegate	Gordon	Oliver
Bacchus (FL)	Green	Orton
Baessler	Gutierrez	Owens
Barca	Hall (OH)	Pallone
Barcia	Hall (TX)	Parker
Barlow	Hamburg	Pastor
Barrett (WI)	Hamilton	Payne (NJ)
Becerra	Harman	Payne (VA)
Beilenson	Hastings	Penny
Berman	Hayes	Peterson (FL)
Bevill	Hefner	Peterson (MN)
Bilbray	Hinchey	Pickett
Bishop	Hoagland	Pickle
Blackwell	Hochbrueckner	Pomeroy
Bonior	Holden	Poshard
Borski	Hoyer	Price (NC)
Boucher	Hughes	Rahall
Brewster	Hutto	Rangel
Brooks	Insee	Reed
Browder	Jacobs	Reynolds
Brown (CA)	Jefferson	Richardson
Brown (FL)	Johnson (GA)	Roemer
Brown (OH)	Johnson (SD)	Rose
Byrne	Johnson, E. B.	Rostenkowski
Cantwell	Johnston	Rowland
Cardin	Kanjorski	Roybal-Allard
Carr	Kaptur	Rush
Chapman	Kennedy	Sabo
Clay	Kennelly	Sanders
Clayton	Kildee	Sangmeister
Clement	Kleccka	Sarpalius
Clyburn	Klein	Sawyer
Coleman	Klink	Schenck
Collins (MI)	Kopetski	Schroeder
Condit	Kreidler	Schumer
Conyers	LaFalce	Scott
Cooper	Lancaster	Serrano
Coppersmith	Lantos	Sharp
Costello	Laughlin	Shepherd
Coyne	Lehman	Sisisky
Cramer	Levin	Skaggs
Danner	Lewis (GA)	Skelton
Darden	Lipinski	Slattery
de la Garza	Lloyd	Slaughter
Deal	Long	Smith (IA)
DeFazio	Lowey	Stark
DeLauro	Maloney	Stenholm
Dellums	Mann	Stokes
Derrick	Manton	Strickland
Deutsch	Margolies-	Studds
Dicks	Mezvinsky	Stupak
Dingell	Markey	Swift
Dixon	Martinez	Synar
Dooley	Matsui	Tanner
Durbin	McCloskey	Tauzin
Edwards (CA)	McCurdy	Tejeda
Edwards (TX)	McDermott	Thompson
Engel	McHale	Thornton
English	McKinney	Thurman
Eshoo	McNulty	Torres
Evans	Meehan	Torricelli
Farr	Meek	Traffant
Fazio	Menendez	Tucker
Fields (LA)	Mfume	Unsoeld
Filner	Miller (CA)	Valentine
Fingerhut	Mineta	Velaquez
Flake	Minge	Vento
Foglietta	Mink	Visclosky
Ford (MI)	Moakley	Volkmer
Ford (TN)	Mollohan	Waters
Frank (MA)	Montgomery	Watt
Frost	Murphy	Waxman
Furse	Murtha	Wheat
Gejdenson	Nadler	

Whitten
Williams
Wilson

Wise
Wyden
Wynn

Yates

NAYS—175

Allard	Gingrich	Morella
Archer	Goodlatte	Myers
Armey	Goodling	Nussle
Bachus (AL)	Goss	Oxley
Baker (CA)	Grams	Packard
Baker (LA)	Grandy	Paxon
Ballenger	Greenwood	Petri
Barrett (NE)	Gunderson	Pombo
Bartlett	Hancock	Porter
Barton	Hansen	Portman
Bateman	Hastert	Pryce (OH)
Bentley	Hefley	Quillen
Bereuter	Herger	Quinn
Bilirakis	Hilliard	Ramstad
Billey	Hobson	Ravenel
Blute	Hoekstra	Regula
Boehkert	Hoke	Ridge
Boehner	Horn	Roberts
Bonilla	Houghton	Rogers
Bunning	Huffington	Rohrabacher
Burton	Hunter	Ros-Lehtinen
Buyer	Hutchinson	Roth
Callahan	Hyde	Roukema
Calvert	Inglis	Royce
Camp	Inhofe	Santorum
Canady	Istook	Saxton
Castle	Johnson (CT)	Schaefer
Clinger	Johnson, Sam	Schiff
Coble	Kasich	Sensenbrenner
Collins (GA)	Kim	Shaw
Collins (IL)	King	Shays
Combest	Kingston	Shuster
Cox	Klug	Skeen
Crane	Knollenberg	Smith (MI)
Crapo	Kolbe	Smith (NJ)
Cunningham	Kyl	Smith (OR)
DeLay	Lazio	Smith (TX)
Diaz-Balart	Leach	Snowe
Dickert	Levy	Solomon
Doolittle	Lewis (CA)	Spence
Dornan	Lewis (FL)	Stearns
Dreier	Lightfoot	Stump
Duncan	Linder	Sundquist
Dunn	Livingston	Talent
Ehlers	Machtley	Taylor (NC)
Emerson	Manzullo	Thomas (CA)
Everett	McCandless	Thomas (WY)
Ewing	McCollum	Torkildsen
Fawell	McCrery	Upton
Fields (TX)	McDade	Vucanovich
Fish	McHugh	Walker
Fowler	McInnis	Walsh
Franks (CT)	McKeon	Wolf
Franks (NJ)	Meyers	Young (AK)
Gallely	Mica	Young (FL)
Gekas	Michel	Zeliff
Gilchrist	Miller (FL)	Zimmer
Gillmor	Molinari	
Gilman	Moorhead	

NOT VOTING—18

Andrews (NJ)	Mazzoli	Spratt
Bryant	McMillan	Taylor (MS)
Gallo	Moran	Towns
Gonzalez	Natcher	Washington
Lambert	Ortiz	Weldon
LaRocco	Pelosi	Woolsey

□ 1322

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to House Resolution 395 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4092.

□ 1324

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 4092) to control and prevent crime, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes.

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

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to appear today on behalf of the Committee on the Judiciary to begin general debate on H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994. The legislation is the result of perhaps the most extensive review of policy and substance surrounding the complex issue of crime in the past 15 years.

There is a simple, irreducible reason why crime—both its punishment and prevention—is the preeminent issue on the minds of most American citizens: it is because no force is more damaging to the fabric of national life than acts of violence against person and property. We cannot as a people be truly free when we live in fear; and there is none among us who has not at one time felt fear in the workplace, in one's neighborhood, and, yes in one's own home.

Crime also has a corrosive effect on a society. By draining the energy and resources of the Government from more productive pursuits, crime stifles economic progress and impedes the development of a standard of living to allow our citizens to enjoy the fruits of their labor, and their freedom as Americans.

The omnibus legislation before you is carefully balanced: it's hardnosed about punishment yet forward looking in seeking to prevent a whole new generation from going down the wrong road. We can do no less. From the outset, our purpose has been to construct a bill that can reach the President's desk and not be a hodge-podge of ill-conceived initiatives. To this end, the legislation before you is respectful of the States and the important historical role they have played in this arena. Unlike some other legislation, H.R. 4092 avoids placing undue burdens on the States in the area of prison enhancement, and, equally important, does not seek to federalize every crime under the Sun. That is because we have to be realistic and acknowledge up front an undeniable fact: As hard as we try at the Federal level, no omnibus legislation can be a panacea for crime afflicting our neighborhoods. Only 4 percent of all serious criminal convictions are obtained in Federal courts; 96 percent of all crime control efforts occur at the State and local level. We

cannot forget that fact in placing our efforts in perspective today.

Will we be able to maintain this balance between punishment and prevention between Federal assistance and primary authority vested in the States? Judging from past experience it will be difficult, indeed. All of us have witnessed the spectacle in the other body where a 962-page bill was created—almost in a spirit of default. Sponsors of amendments accepted widely divergent amendments on the stipulation that their amendments would be accepted in turn. When we go to conference, conferees will have their hands full, trying to see that the equilibrium represented by H.R. 4092 is not torn asunder.

I am proud to say that Members on both sides of the aisle in this body have labored diligently to craft a cohesive, comprehensive piece of legislation. Subcommittee chairmen SCHUMER, HUGHES, and EDWARDS conducted some of the most probing hearings on crime issues seen on the Hill in the past 20 years. They were ably assisted by Republicans such as Congressmen MCCOLLUM, HYDE, SENSENBRENNER, SCHIFF, and RAMSTAD in trying to create a crime policy that makes sense and lays the framework for future work. I commend them all.

It is clear to me that our work here today is really part of a larger debate—a debate among the national family of citizens about what values we wish to address and be identified with as a people. As with any family decision, there has to be firm resolve to make hard decisions and abide by them—but also spend the time needed with the young among us to help them understand what is needed to lead productive and fulfilling lives.

□ 1330

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, all of us are here today for the same purpose. We all want to see the crime crisis that faces this country today, the repeat violent offender crime crisis addressed the best way we know how.

Federal law itself is not the total answer, because most of these crimes, as the distinguished chairman from Texas has said, are State crimes. We need to form a Federal-State partnership. We need to reach out. We need to provide leadership. We need to do those things that are essential to solve this critical problem facing our Nation today.

Statistics do not tell everything, but they tell a lot. Five million Americans are victims of violent crime every year in this country. Sixty-five Americans are murdered and 288 are raped each and every day. A boy born in 1974 stands a greater chance of being a homicide victim than a soldier in

World War II stood of dying in combat. Nine hundred and seventy-nine criminals are released early from prison every day, and approximately 6,000 convicted rapists received no prison sentence at all last year.

An estimated 60,000 violent offenders will not go to prison this year, including 1,100 convicted murderers and 6,900 convicted rapists.

If that sounds shocking to Members, it should. The fact of the matter is that 6 percent of the criminals of this country are committing an average of about 70 to 80 percent of all violent crimes of this country. And they are serving only about a third of their sentences, somewhere around 37 or 38 percent.

We have a revolving door that is letting them out of prison again and again and again. So the first thing we have to do, when we look at this crime legislation today, as thick and voluminous as it is, is to say, is it good enough to do the job of getting these violent criminals off the streets who are repeat offenders and locking them up for long periods of time and throwing away the keys? Anything else that we do in this bill is secondary to that.

I would suggest the bill in its present form does not begin to solve that problem. We need to reach out with a partnership to the States. We are not allowed, because of the germaneness rules of this House, to offer the so-called regional prison concept, but some of us will be supporting an effort to approve a grant program to build more prisons that are absolutely essential under this bill to help the States to provide money to States and State compacts to build them for housing serious violent offenders or alternative nonviolent offenders who would free up prisons for those violent offenders.

But in order to get that money, there should be conditions those States go through to apply and to be eligible for it. One of those conditions is that they pass truth-in-sentencing laws that basically abolish parole for those who are serious violent felons in this country, the repeat offenders who are causing this problem. Make them serve at least 85 percent of their sentences, at least. Have pretrial detention laws denying bail that are at least as restrictive as Federal law. Pass certain minimum mandatory sentences that are appropriate in the most heinous of crimes and provide a three strikes and you are out provision for life sentences like the Federal Government is doing in this bill to apply to the States where most of these crimes are committed.

If we do not do at least that, we will not have accomplished the task that the American public expects or at least to begin that path.

The fact of the matter is, we need to send a message of deterrence. We need to apply a tourniquet, the country is bleeding, the wound is there. It is open,

and we need to apply a tourniquet to stop that bleeding. We have somebody who has been run over by a car and has a severed arm. He may have some other injuries and things that need to be repaired, but before we can get to those other injuries we must apply a tourniquet to stop the arm's bleeding. If we do not stop the bleeding by getting these violent criminals off the streets, we will not have the resources to devote to get at the root causes of crime that some of my colleagues want to do. So I think the measure of this bill needs to be judged on the basis of how we address that problem first and foremost.

Sending a message, saying to somebody that if they get 20 years, they are going to serve 20 years, if they do these violent crimes. If they get the death penalty, it is going to be carried out instead of having endless appeals.

If there is an essence to this legislation, it has to fall in that category. We need to recognize that there are problems that Federal law has created beyond the question of the death penalty procedures and the issue of needing more incarcerations for these criminals to stop the repeat violent felons.

We have court rules today that prohibit search and seizure evidence from coming in to get convictions that we should be getting. We are holding the hands of the police officers behind their backs, and we are not getting the kind of convictions that we should get. Prosecutors and police have demanded a change in the so-called exclusionary rule for years. We should have the opportunity to do that.

We should double the sentences for those who are under 18 and over 65 in order to send a message that when one commits a crime against a young person or an old person, they are going to serve an extra length of time; a message of deterrence by putting swiftness and certainty of punishment back into the system again, to make the criminal justice system work.

I hope that the amendment process, when it is over, and we do not know what it is going to be. We do not know what the rule is on the amendments to be allowed out here today. I hope that when it is all said and done that we will have done enough, that we will have provided this basic framework, this partnership with the States that is required to stop the revolving door and keep violent criminals locked up and put deterrence back in the criminal justice system.

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

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Chairman, I rise in support of this measure.

Mr. Chairman, the plague of violence sweeping across this country threatens every

family, every neighborhood, every community. Crime statistics fail to tell the full story. Even though some crime rates are down, the fear of crime—especially random, senseless violence—is destroying the quality of life for millions of Americans. In Washington State, the percent of homicides in which the victim was killed by a stranger increased from 12 percent to 28 percent from 1984 to 1992.

We used to think of crime as a problem of the inner cities, and it still is among the greatest problems in urban areas. The congressional district I represent is almost entirely suburban. But in one community of 20,000 people, there were 1,500 violent crimes last year—a rate three-and-a-half times New York City's. Suburban schools are installing metal detectors. Driveby shootings can happen anywhere. Children are killing children.

In the 9th district, we have had our share of tragedies in just the last few months:

Thirteen-year-old Larry Rodgers, stabbed to death in Lacey last November by reputed gang members because of the color of his clothes.

Sixteen-year-old Zachariah Spears, shot to death a few days before Christmas at Sea-Tac Mall.

Fifteen-year-old Shaun Proctor, shot to death in the back on New Year's Day in an apparent robbery attempt in Tukwila.

Sixteen-year-old Tyrone Leon Anthony, gunned down in February during an argument with other teenagers at a Milton convenience store.

Youngsters like these, their families, and our communities deserve security and justice. Those who prey on them deserve punishment. Whatever else we think about the role of government, we all agree that government's first duty is to assure public safety. State and local governments have assumed this duty throughout history, and continue to have primary responsibility. But the Federal Government can and must do more to help.

That is why I support this Violent Crime Control and Law Enforcement Act—a comprehensive, balanced strategy to combat crime and violence.

This bill authorizes \$3.45 billion in the next 5 years to pay for up to 50,000 more local police officers across this country. This will help cities in the 9th district like Renton, Sea-Tac, Tenino, and Yelm, which have applied for the more limited funding we authorized last year. Communities like these need more police to patrol the streets, work with neighborhoods and business owners, respond rapidly to crime reports, and arrest offenders. Without adequate policing, we cannot hope to get criminals off our streets.

The bill also includes new sentencing laws that send a powerful message to violent criminals: "Three strikes and you're out!" As a cosponsor of the Three-Time Loser Act, I'm glad we are enacting in Federal law the principle Washington State voters approved last year by a 3 to 1 majority: Anyone who commits three violent felonies, anywhere, gets locked up for good. That's how to protect society from the small group of criminals who do the most harm, over and over again. And it sends a message to all those who might consider violence as a way of life.

Tough sentencing laws won't work unless we have the prison capacity to make them

stick. Too often, dangerous offenders have to be released before their sentences expire because prisons are full. Prison construction and operation is very expensive for States as well as the Federal Government. This bill includes \$3 billion in the next 5 years to help States ensure that prison space is available for violent repeat offenders.

But no one can afford all the prison cells we'll need if we don't do more to keep young offenders from beginning criminal careers. In one year, more than 18,000 children were held in detention facilities in Washington State. Too many first-time juvenile offenders are either put on probation or locked up with more serious criminals. Some get the message that crime goes unpunished; others get advanced training in criminal behavior, their own "law-breaking" degree. States like Washington are experimenting with programs like "shock incarceration" or boot camps, restitution and community service, to send a different message to youngsters: Crime does not pay. This bill provides \$200 million a year to help these States send that message.

The best way to fight crime, of course, is to prevent it in the first place. That's not just a job for law enforcement, it must involve the whole community. This bill includes \$7 billion for community programs to prevent crime, involving schools, parents, social service agencies, and community groups, as well as law enforcement agencies. Programs like after-school tutoring and athletics, job training and placement, substance abuse prevention and treatment, gang and drug resistance education, and others can make the essential difference in thousands of lives.

For women, the greatest threat of violence comes not from strangers but from those whom they know. Roughly 80 percent of sexual assaults against women are committed by someone known to the victim. And more than 4 million women suffer from domestic violence, which Secretary of HHS Donna Shalala rightly calls "terrorism in the home." I am especially pleased this crime bill includes the Violence Against Women Act. I am a cosponsor of this legislation, which would increase training for police and court officials, fund rape prevention and domestic violence shelter programs, toughen laws on protective orders, make interstate stalking a Federal crime, and establish a national task force on violence against women.

No one who cares about public safety can ignore the traffic in illegal firearms and the tremendous damage guns in the wrong hands can do. That's why I support the Youth Handgun Safety Act, which is part of this bill, making it a Federal crime to sell or transfer a handgun, or handgun ammunition, to anyone under 18, or for a minor to possess a handgun. The number of weapons in our schools is hard to believe: In Washington State, school districts reported more than 1,700 guns or knives in possession of students last year.

Another important provision in the bill is the Crimes Against Children Registration Act, which would require States to register people who have committed crimes against children, including sexual offenses, for 10 years after their release from prison. I have also cosponsored legislation to allow the Federal Government to garnish Federal pensions for court-ordered child abuse payments.

The crime bill also allows State and local governments to use Federal funds for improving DNA identification systems, and provides for standards for the accuracy of DNA testing. This new technology allows identification of criminals, especially those who commit violent crimes, from evidence that would not have been available just a few years ago. DNA testing offers the chance to convict criminals who would otherwise go free.

I also strongly support the provisions in this bill that would require enhanced sentencing for those who commit crimes motivated by racial or religious hatred. There is no place in our country for those who commit hate crimes.

Laws like these will help make our communities safer for everyone. But every community's first line of defense against crime is its own citizens. No matter how many police officers patrol our streets, how many years we lock people up, how much we spend on social services, we will never be safe unless we reclaim our own neighborhoods. That means we must rebuild the sense of community and the strengths of family life that once sustained us.

We must not allow children to grow up in a world where violence is a way of life, where gangs and drug dealing are the only future they can see, where deadly weapons are easy for a child to obtain, where children have children and fathers walk away, where there is no refuge from violence in the school, the neighborhood, or even the home.

Of course we have to see that the laws are enforced and criminals punished. We have to support our police and send the strongest message to those who would prey on the helpless. But there will never be enough prison cells in this country to hold all the children who are at risk, right now, in every community, if we let them grow up without values, without discipline, without strong families, and without hope.

As a parent and former school board member, I know we can all do more to make our children, our families, and our neighborhoods safer. As Members of Congress, the least we can do is enact this legislation.

Mr. DINGELL. Mr. Chairman, H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994, contains an important proposal that I, along with my colleague, the chairman of the Judiciary Committee, introduced last year. This bill, H.R. 665, is now title IV of H.R. 4092. It would make it a Federal crime to defraud an insurance company. I believe that this new statute will help prevent many of the serious crimes perpetrated by some unscrupulous individuals in the interstate insurance arena.

Title IV of the crime bill is the result of 3 years of hearings conducted by the Energy and Commerce Subcommittee on Oversight and Investigations. These hearings demonstrated that the enforcement of insurance laws and regulations is one of the weakest links in the present insurance regulatory system. States apparently are not collecting adequate information, investigating wrongdoing, or taking legal action against the perpetrators of insurance fraud even when an insolvency results from that fraud. Statutory penalties and remedies also seem out-of-step with the realities of today's insurance market and the interstate and international nature of the business

of insurance today. The hearings showed that there is little fear of meaningful administrative sanctions or criminal prosecution, and that there is no Federal deterrent for most complex insurance fraud schemes.

In February 1990, as a result of its hearings, the Oversight and Investigations Subcommittee focused public attention on the need for Federal criminal legislation with its report, "Failed Promises." In this report, the subcommittee examined four major insurance company failures and concluded that existing State remedies were ineffective against the fraudulent behaviors that drove these companies into insolvency:

[M]ost people involved with obvious wrongdoing at insolvent insurance companies simply walk away with no real investigation of their activities. Many of them continue to be active in the insurance business.

The subcommittee also found that:

Federal enforcement efforts are greatly restricted because looting an insurance company is not itself a Federal crime, and the 5-year statute of limitations on mail and wire fraud has often run before a case can be successfully developed.

Based on this record, Chairman BROOKS and I introduced the insurance fraud bill, H.R. 3171 in 1991. H.R. 3171 was the predecessor to H.R. 665. It was included in the crime bill that passed the House (H.R. 3371) and a similar bill was included in the Senate crime bill. The insurance fraud provision was ultimately a part of the conference report on the omnibus crime bill in 1992 (H. Rept. 102-405). This conference report was passed by the House but never acted on by the Senate. Chairman BROOKS and I reintroduced the provisions in the 103d Congress as H.R. 665, and it now constitutes title IV of H.R. 4092.

The Dingell-Brooks insurance fraud provision amends the United States Code by adding two new sections to title 18 and by amending existing statutes to provide adequate enforcement against insurance fraud.

New section 1033 establishes specific Federal crimes and strong penalties for willful and material insurance fraud. This section contains five subsections. Subsection (a) would make it a Federal crime to file fraudulent statements with insurance regulators for the purpose of influencing the regulators' decisions. Subsection (b) would make it a Federal crime to embezzle or misappropriate insurance company money, funds, premiums, or credits. Subsection (c) would make it a Federal crime to falsify company records or to deceive its policyholders and creditors about the financial states of an insurance company. Subsection (d) would make it a Federal crime to obstruct the proceedings of insurance regulatory authorities. Subsection (e) would prohibit those who have committed a felony involving dishonesty from engaging in the business of insurance for 5 years.

New section 1034 would authorize the Attorney General to bring a civil action for a money penalty against any person who has violated the provisions of new section 1033. This provision also authorizes injunctive relief to prevent continuing conduct that violates section 1033. Under section 1034, any civil fines for violations of section 1033 would, if the violation contributed to the insurance company being

placed in receivership, be remitted to the appropriate State regulator for the benefit of the policyholders, claimants, and creditors of that insurance company. This provision will ensure that those harmed by fraudulent acts will be made whole to the maximum extent possible.

Finally, the provision makes several miscellaneous amendments to other enforcement provisions of title 18. Among these is the adoption of a 10-year statute of limitations for offenses committed under section 1033. This provision reflects the conclusion of "Failed Promises" that more effective deterrence, detection, and punishment of those who perpetrate insurance fraud is critical to safeguarding the solvency of the insurance companies on which American policyholders rely.

There are a few parts of the insurance fraud provision that may benefit from further explanation as to the intent of Congress in enacting them.

Section 1033(a) would make it a Federal crime to file material statements and reports with insurance regulators or to make overvaluations of land, property or securities that are filed with regulators in an attempt to influence their decisions. This subsection requires that the false statements must be "material" to constitute an offense. This is intended to clarify that this subsection applies only to those statements or reports that are materially false in the sense that the statement could reasonably be expected to make a difference in the actions that the regulator takes in reliance on the statement. It is similar to the securities context, in which a "material" fact is one that could reasonably be expected to cause or to induce a person to invest or not to invest. *TSC Industries v. Northway, Inc.*, 426 U.S. 438, 449 (1976). See also *United States v. Palolicelli*, 505 F.2d 971, 973 (4th Cir. 1974). Thus, under this subsection, a material fact is one that could reasonably be expected to lead an insurance regulator to take an official action.

This concept of materiality is also embodied in the subsection (a) prohibition of overvaluations of land, property, and securities. The prohibition focuses on act—that is, overvaluations—that, by their very nature, involve elements of individual, subjective judgment. By employing the higher standard that the overvaluation be "willful" in order to constitute an offense under this subsection, it is intended, as is the case under this same subsection as to false statements, to incorporate the concepts of materially described above. In fact, under the provision, both the overvaluation offense and the false statement offense specifically require that the prohibited act be done for the purpose of influencing the actions of regulatory officials in order to constitute an offense.

Section 1033(b) makes the willful embezzlement or misappropriation of money or funds an offense. A statute that requires an act to be "willful" in order to constitute an offense requires that the person have the necessary "intent"; that is, the person intended both to commit the act and to violate the law. Therefore, although this provision does not specifically require an "intent to defraud" as an element of the crime, because of the inherently corrupt nature of the prohibited acts, "intent to defraud" is nevertheless an essential element of an offense under this subsection.

Finally, section 1033(e)(1)(A) would exclude from the business of insurance those who have been convicted of any criminal felony involving dishonesty or breach of trust. The term "convicted" is intended to mean a conviction which is final and for which all direct appeals have been exhausted or waived or for which the time in which to file such appeals has lapsed. See, for example, *Martinez-Montoya v. INS*, 904 F.2d 1018 (5th Cir. 1990); *In re Ming*, 469 F.2d 1352 (7th Cir. 1972) and *State v. Bridwell*, 592 F.2d 520 (Okla. 1979).

Mr. Speaker, insurance fraud is white collar crime. Prosecution, conviction, and incarceration have proven to be very effective in deterring such crimes, yet most people involved with recent cases of obvious fraud at insolvent insurance companies simply walk away with no real investigation of their activities. In fact, many of them continue to be active in the insurance business. It is clear from my subcommittee's hearings and the testimony of the State insurance regulators themselves that the current State criminal statutes and penalties are inadequate to deal with complex insurance fraud, and that States have neither the resources to devote to criminal enforcement of insurance fraud at the State level nor the adequate legal authority to address complex national and international insurance fraud schemes. Title IV of this bill will remedy these problems.

I would like to note that this provision has broad support. The National Association of Insurance Commissioners, the National Conference of State Legislators, the National Association of Casualty and Surety Agents, the National Association of Professional Insurance Agents, the National Association of Mutual Insurance Companies, and the Coalition Against Insurance Fraud have all called for a Federal criminal statute to help insurance regulators deal with the interstate and international nature of many insurance fraud schemes that drive insurance companies into insolvency and harm U.S. insurance consumers.

Insurance is truly an interstate and international business and abuse of insurance companies has also become interstate and international. This new Federal insurance fraud prevention bill will be a strong enforcement tool to bring a stop to criminal fraud in the business of insurance.

I want to thank my colleague, Chairman BROOKS, and the Judiciary Committee for including this insurance fraud provision in H.R. 4092, and I urge its enactment by the House.

Mr. BUYER. Mr. Chairman, I rise in strong support of legislation that is tough on crime. For this reason I must state my opposition to this measure, H.R. 4092, the Violent Crime Control and Law Enforcement Act, because once again Congress is attempting to posture itself as the leader in providing a safe environment for all Americans by getting criminals off the streets. But, do not let the title fool you—what is inside could prove hazardous to Americans' health and property.

H.R. 4092 has been brought before the House with the same Washington mentality of glitz and glamour—a lot of tough talk—only to be backed up by weak substance and misdirected spending. Reading through this bill and you can see the titles: "Federal Death Penalty," "Habeas Corpus Revisions," "Man-

datory Minimum Sentencing," "Three Strikes, You're Out," "Violent Repeat Offender Incarceration," "Racial Justice Act," "Crime Prevention and Community Justice," "Victims of Crime Act," "Juvenile Prosecution Act," "Assaults Against Children," "Child Sexual Abuse Prevention," "Insurance Fraud Prevention." These titles give the impression of focusing in on the heart of this Nation's crime epidemic. While a look at the fine print shows several good measures, it clearly defines how this bill places a greater emphasis on funding "hug-a-thug" programs than it does on true law enforcement.

The symptoms of this Nation's ailing crime problems are clear. The Bureau of Justice Statistics has shown that 7 percent of the criminals commit 80 percent of the crimes, yet these violent criminals serve, on average, 37 percent of their sentences. Congress needs to show criminals their actions will not be tolerated. Criminals will receive this message if Congress enacts and expands a true, Federal death penalty and reforms the death row appeals provisions; requires truth-in-sentencing provisions as it provides the necessary funding to incarcerate criminals for their entire sentences and replace the revolving door we now have on our prisons; provides funds for State and local law enforcement agencies to hire additional police officers and acquire the resources they currently lack; enacts stiffer and new mandatory minimum sentences; and, most importantly, corrects the problem our current system has of protecting the rights of the criminal rather than the victim.

H.R. 4092 claims to add 25 new Federal crimes which would be subject to the death penalty; however, it never requires the imposition of the death sentence. The "Racial Justice" provisions undermine the imposition of the death penalty where it is determined to show that race was a statistically significant factor in decisions to seek or impose the death penalty. This provision confuses the question of guilt or innocence with racial considerations that inappropriately merge the issues of capital punishment and racial quotas. If you do the crime, you should do the time. Criminal laws must place the responsibility upon criminal behavior, not society.

Criminals should not serve on death row for life. Congress should limit successive death row appeal petitions to questions of guilt or innocence. H.R. 4092 claims to revise the appeals process. Our current process is plagued with petitions which totally lack merit, clog the Federal district court dockets each year, and allow prisoners on death row to almost indefinitely delay their punishment. However, H.R. 4092 would prolong the process even more. It would generally allow one habeas corpus appeal within 1 year of the final State appeal, relax the rules on when a defendant can appeal by allowing new appeals every time the Supreme Court makes a new procedural ruling, and require a new and costly requirement that at least two lawyers be appointed to represent the defendant at every stage in the process.

H.R. 4092 attempts to provide facilities to keep career criminals locked up; 7 percent of career criminals commit three-fourths of all the rapes and robberies, and virtually all the murders. Statistics have shown that over 60,000

of these convicted, violent criminals never even serve a prison sentence. It is obvious that in order to effectively stop the proliferation of violent crimes and to remove the recidivist criminals from our towns and streets, we must ensure that State's have the resources necessary to incarcerate these criminals for the duration of their sentences.

Congress must provide sufficient resources to the States to accommodate all criminals without strapping them with burdensome requirements or providing luxuries which many Americans do without, such as cable television, carpeting, and air conditioning. H.R. 4092 authorizes \$3 billion in Federal grant money to help States build new prisons or improve existing ones. The bill recommends that each State provide assurances that its correctional policies and programs provide sufficiently severe punishment for violent criminals and that criminals serve these sentences.

The title of this bill is just as deceiving as are the provisions included in its prison program. H.R. 4092 does not require States to adopt policies which assure that criminals serve at least 85 percent of their sentences, establish pretrial detention programs, require life imprisonment after a certain number of offenses, allow a defendant's victim or the victim's family to make a statement at the time of sentencing, and notify the victim or the victim's family whenever the defendant is released.

Congress needs to adopt a plan which would provide a flexible, Federal-State regional prison partnership to allow sufficient funds to be used to expand or operate current facilities, as well as construction of new prisons. It should also allow funds to be used to incarcerate both violent and nonviolent offenders, and allow for the Federal Government to fund up to 75 percent of the costs, as long as these funds do not replace State funds.

Finally, H.R. 4092 misdirects spending. More than half of the \$15.2 billion authorized by this bill goes to support 10 alternative programs. I do not dispute the merit of many of these programs, nor do I ignore the fact that the disintegration of the family unit, illegitimacy, and government dependence are some of the causes of crime. Congress should deal with these aspects through welfare reform, enterprise zones, and family tax credits. A crime bill should focus on the specific aspects of the criminal justice system to make our streets safe. The Government should realize that it cannot assume the role of head of the American family.

We must empower local communities with the resources they need to address crime in their areas. Congress cannot continue to fight the war on crime from Washington. We must build on the positive aspects already included in H.R. 4092 and enact tougher crime legislation as I have stated.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I want to thank the chairman not only for his generous offer of time but for his leadership and steadfastness on this, a very difficult and comprehensive bill.

Mr. Chairman, I rise in support of the bill. In my opinion, it is the best crimi-

nal bill we have written since this Congress started. I am proud of it. Members should be proud of it. Because the crime bill is tough, and it is also smart.

It is tough where we need to be tough. It hit violent offenders with severe punishment measures. It helps States build prison space to house their worst criminals.

But it is also smart where we need to be smart. It targets help on protecting children from violence and breaking cycles of crime and drugs and poverty. It answers urgent pleas for communities overwhelmed by violence. It sends them real solid help that will make a difference to millions of Americans.

My colleagues, this bill is historic. It is a carefully-reasoned balance of punishment and prevention. And we need both.

I urge every one of my colleagues to remember that balance as we debate the bill. Do not focus on one little part here or another little part there. Keep your eyes and, most importantly, your minds on the bigger picture. See the grand strategy that holds this bill together.

We have already approved some of the titles in this bill, cops on the beat, drug treatment in prisons, alternative punishments. I will not address them other than to say they are a vital part of the overall package.

Let me, instead, talk for a few minutes about the new parts of the bill we are considering.

On the punishment side, the bill focuses on the most violent offenders. Violent repeat offenders who prey on the rest of us will face life imprisonment under the "three strikes and you are out" measure. But this is not a mindless three-time loser law. It is a smart law that takes reality into account.

We have carefully narrowed the crimes that qualify as strikes to target truly violent repeat offenders, and we have added a review so that prisoners over 70 who are no longer dangerous can be released from prison. This is not simply compassion. It is hard common sense. It will free up prison space for the most actively violent and dangerous criminals. In a sense, what the bill does is rationalize what we have been doing in the criminal justice system. Is it not absurd to have somebody serve five years in jail if they are caught for the first time in a non-violent crime with a small amount of marijuana and have somebody who commits burglary after burglary after burglary serve virtually no time at all?

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That is what we are trying to do here. So we have a carefully drafted safety valve in the bill. It allows but does not require the release of first-time nonviolent drug offenders, or

their incarceration for 2 years and then their release, for cooperating with the Government. That is another smart moderation of our tough, mandatory minimum sentencing laws.

We must keep those laws. I believe mandatory minimums are appropriate and proper, but they should be applied intelligently and carefully, to be aimed at the most violent, the most repeating, the worst criminals, the ones who make us afraid, not symbolically to take a 21-year-old who has some marijuana plants in his house and say, "You get 5 years and the violent guy gets 2." That does not make sense.

We put \$3 billion in this bill to help States build prisons. These funds will help the States build prison space for violent criminals, but the bill does not impose unnecessary Federal mandates on the States. It recognizes that they are ultimately the best judges of how to structure their systems of punishment and incarceration.

Now let me turn to the other side of the balance, the targeted funding for smart crime prevention programs, the first time that this House and this Congress is taking a look not only at punishing crime, but at preventing it. The bill contains \$7 billion in Federal support for programs to help root out the causes of crime.

These get right to the heart of urban and rural America's crime problems, which are basically problems with our kids. Kids these days are pushed in two directions in many parts of America, rural, suburban, and urban. They can take the life of crime, or they can take the life of being a productive citizen. If they take the life of crime, we are going to punish them, but before that path is taken, we ought to use our funds intelligently to see that they become productive, hardworking American citizens, rather than criminals.

Mr. Speaker, the "ounce of prevention" programs put more than \$1 billion into communities for after-school, weekend, and night programs, to give kids a constructive place to hang out after the 3 o'clock bell rings. It will help children develop their minds and bodies in healthy ways and safe havens, with programs in sports, education, and the arts. There is a jobs program for the young people who are most at risk of falling into a life of crime. Is it not better if kids will take jobs than become criminals? We can help. We can make a difference in this bill. We do.

Mr. Chairman, let me close by repeating, the bill is a careful balance. I know that some of my colleagues on the right say that the policies of the sixties and seventies prove that prevention does not work, and some on the left say that the crime programs of the eighties prove that punishment does not work.

Mr. Chairman, these simplistic, ritualistic positions miss the point. The fact is that there are punishment pro-

grams that work and there are punishment programs that do not. The same goes for prevention. We need a law that combines the best of both, and this bill does just that.

We must not, Mr. Chairman, bog down in partisan debate, or in picking the parts away from the whole. Our constituents are anguished about the lack of safety. They are pleading with us to do something, and do something real.

Do you have an ideology or partisan debate that means nothing to them. Get them the cops on the streets, get them the prisons, get them the tough punishment, get them the after-school programs, the job training programs, the drug treatment programs, so that we can finally do something real.

Mr. Chairman, in conclusion, Americans are fed up with violent crime. They are scared, they want help, they want it now. This bill sends them smart, tough help. America needs it, and we should pass it.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, this bill is full of a lot of coddling for criminals and a lot of hug-a-thug programs.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I want to start out to praise the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. SCHUMER]. They are two extremely partisan but extremely fair Members. They are even generous. They know this subject and they have contributed a lot, and I want to acknowledge that.

At the same time, Mr. Chairman, I must say it is an embarrassment to have 1 hour to debate the subject of crime. If we were to ask anybody in America, "What are the two or three biggest problems," invariably we will hear crime as one of those. We have spent over 1 month debating education in H.R. 6. We have not finished with that yet. However, we have 1 hour to debate the subject of crime. As I say, that is a disservice, that is an embarrassment.

This bill, if we were to analogize it to a dance, is hardly a tarantella, it is more a minuet. I have never heard so many strong words about how vicious crime is assailing the home and hearth of Americans, and yet seen so little done about it.

I do not mean that there are not some very good things in this bill, there are, and we are supporting them. But we have habeas corpus revisions which are no reform, they are regression. They are a leap back from present law. They weaken present law.

Mr. Chairman, I will have an amendment to strike the habeas corpus provisions in the bill and in an amendment

that will probably be offered by the gentleman from South Carolina [Mr. DERRICK], which does nothing to remedy the bill's relaxation of existing weak controls over the process of habeas corpus.

One of the most interesting and bizarre features of the habeas corpus aspect of this bill states that a defense lawyers' group that will be set up will have the job of appointing two, not one but two, highly qualified criminal lawyers to defend a defendant at the trial level, at the direct appeal level through the State courts, collateral appeal through the State courts, and then collateral appeal through the Federal courts; two lawyers who are highly qualified, have experience in capital cases, have experience with psychiatric testimony and the rest.

Until this defense lawyers' group appoints these two defense lawyers, all proceedings stand still. This is one of the most unusual and unsatisfactory aspects of the habeas corpus provision.

Let me say, when we want to reform something, we ought to make it better. We ought not to weaken it and make it worse. This bill, insofar as habeas corpus is concerned, is a worsening, a weakening, a regression from existing law, and it ought to be defeated.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. MANN], a member of the committee and an outstanding jurist.

Mr. MANN. Mr. Chairman, I want to begin by commending Chairman BROOKS and Chairman SCHUMER for their leadership on the crime bill. It has been a real pleasure as a member of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary to work with both of the gentleman on this piece of legislation, which I think is a powerful piece of legislation, for it very neatly balances the two things that a comprehensive crime bill needs: on the one hand, swift, sure, and severe punishment, and on the other hand, programs that speak to prevention.

Mr. Chairman, I want to share with this body a news clip from the morning paper in Cincinnati. Last night a 17-year-old teenager was killed on the streets of Cincinnati.

All too often in Cincinnati and cities around this country juveniles are victims of crime involving handguns and other weapons. All too often juveniles are those who are committing crimes, some against themselves, some against those that are adults. There is a very real need for this legislation.

Mr. Chairman, I applaud the three strikes and you are out legislation. It is appropriately and narrowly crafted. It makes clear if a human being in this society three different times is convicted of a violent crime, then on the third strike, that individual is going to be put away for life.

I think it is appropriate that the death penalty provisions have been restored, and once more those who commit capital crimes under Federal law can be incarcerated, and if need be, sentenced to death by execution.

Mr. Chairman, I come from a community that has experimented quite successfully with the concept of community-oriented policing. In Cincinnati, police officers walk beats instead of riding patrol cars. They devote themselves not to responding always to problems, but to working with citizens and neighborhood groups and youth groups to try to prevent problems. It is a proactive kind of policing. I will tell the Members that in Cincinnati it is working extremely well.

The crime bill will authorize 50,000 additional police officers for this country of ours. That is a 10-percent increase in the officers that will be available to agencies around this country. I know that Cincinnati and other communities in my district are already preparing the applications by which they may seek to support this funding, and in Cincinnati it will be very welcome indeed.

□ 1350

I urge my colleagues to act quickly, not to approve weakening amendments when we get to that stage in this bill. The American people badly want the crime problem in our society addressed, and this Congress can do no less than respond quickly to that cry.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member on the Committee on the Judiciary, who we are going to miss because this is the last of the crime bills, I guess, that we will have the pleasure of debating with him. And indeed it will be a pleasure to have him here today, and we are going to miss you terribly, HAM.

Mr. FISH. Mr. Chairman I thank the gentleman very much for those remarks.

Mr. Chairman, violent crime is a devastating national problem—it is the most serious domestic problem facing America today. Violent crime has increased over 23 percent since 1988. A violent crime is committed once every 22 seconds—a murder is committed every 22 minutes. A rape occurs every 5 minutes and a robbery every 47 seconds. Over 70 percent of the violent crimes committed in our country are committed by repeat offenders.

These are not just statistics. The victims are real people and the ultimate victim is our society. The crime epidemic has brought with it the pestilence of fear. We need to address this complex problem in a comprehensive but realistic way.

I believe that we need to address the root causes of crime—we need programs fostering education, health care,

housing, and jobs. But the root causes approach is not the short term answer to what is an immediate problem. We have to deal with the results of violently anti-social behavior, whatever its causes. The role of government is to protect its citizenry and insure that law and order prevails. In short, government at all levels, has the obligation to provide a safe atmosphere so that real freedom can flourish.

Generally speaking, the crime bill reflecting the Judiciary Committee's work is a measured step in the right direction. In particular, the provision requiring life imprisonment for three-time violent offenders—three strikes—is most laudable. I also strongly support the bill's provisions on victims of crime, assaults against children, and mandatory minimum sentences.

But colleagues, more—much more—needs to be addressed.

This includes Congressman MCCOLLUM's amendment requiring the States to adopt truth in sentencing policies before they are eligible for prison construction and expansion grant funds. In addition, Congressman MCCOLLUM seeks to offer a drug kingpin death penalty procedures amendment and a very important amendment providing a good faith exception to the exclusionary rule. The last amendment mentioned is terribly important and has passed the House on prior occasions. If a police officer has a reasonable, good faith belief that he or she is acting in compliance with the fourth amendment, then the evidence seized should be admitted into evidence.

Congressman LAMAR SMITH of Texas has put forward an extremely important proposal on criminal aliens that should also be made in order. It would assist in the identification, incarceration, and deportation of criminal aliens by establishing a criminal alien tracking center. Most importantly, the Smith amendment recognizes a Federal Government responsibility for the undocumented, criminal alien population. My State—New York—for example, spends of \$62 million annually to incarcerate undocumented criminal aliens. This amendment says that the Federal Government will either take the responsibility to incarcerate these persons or compensate the States for their costs of incarcerating them.

Congressman DUNCAN HUNTER has submitted a related amendment calling for an additional 6,000 Border Patrol agents. Effective control of our borders is an important aspect of the war against crime and the Hunter amendment should be made in order and this too is a laudable amendment.

Congressman JIM SENSENBRENNER, our ranking member on the Subcommittee on Crime and Criminal Justice, has proposed an amendment striking the so-called Local Partnership Act from title X of the bill. This would result in a cost savings of \$2 billion. Title

X proposes a series of hastily-conceived and ill-planned social programs. Without more thought they will merely waste taxpayers' money. Allow the Sensenbrenner amendment as well.

Congressman McCOLLUM is also proposing to double the penalties for serious violent felonies committed against minors or senior citizens. This is another excellent idea—aimed at protecting those among us who are very often least able to protect themselves. Crimes against children or against the elderly, are abhorrent and should be dealt with accordingly.

In conclusion, I want to compliment my Republican colleagues on the Judiciary Committee who are working so hard to fashion a strong and effective crime bill. The gentleman from Illinois [Mr. HYDE], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Florida [Mr. McCOLLUM], the gentleman from Texas [Mr. SMITH], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from New Mexico [Mr. SCHIFF], the gentleman from Florida [Mr. CANADY], these gentlemen have worked hard to bring the bill to the Members today. The amendments we have proposed, all of which have been considered in the House Committee on the Judiciary during our markup, I hope will be made in order under the rules to come to the House. They deserve our support in order to have a comprehensive and effective bill.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, some time ago, Jeffrey Dahmer was interviewed on television, no less, and he was asked a few questions he did not like. And he said, "I do not have to answer those questions. I have rights, too."

Jeffrey Dahmer stated the fact that he had constitutional rights, and he did, and he does. He did not have to bear witness against himself. He could have taken his fifth amendment, he could have sat back, and he did, and he utilized all of the rights that he had.

I would like to talk a little bit about the rights of victims today. I think that we have record numbers of tombstones popping up around America, and everybody is beating their chest about crime, and basically victims' rights have been overlooked by the Congress of the United States. We go out of the way to protect the rights of murderers and everybody, but overlook victims.

One of the most specific concerns I have as a former sheriff, and this has happened many times, and Readers Digest has written about it, someone gets convicted of a felony, and they look over at the prosecutor, or they look over at a witness and they say, "When I get out of here, I'm going to get you." And when they are released, many of them come back to the areas, find

those people and hurt them, sometimes kill them.

I have an amendment, because I believe this bill is silent on victims' rights, in regards to that. It says 30 days prior to release of these convicted felons, the principals involved, the judges, the witnesses, the policemen that made the arrest, they are notified that this person is coming back so they can at least be aware of that.

The second victim, in my opinion, is the taxpayer. Nobody wants to be tougher on crime than I do. But many times the victim is the taxpayer who has people in jail feeding at the trough, especially when they are nonviolent. An amendment I have offered says look, for these nonviolent offenders, give the judge some discretion. Why have them stay in jail? When I was sheriff, I had a young man who was a nonviolent offender who was literally raped in jail. Now he will present more problems to society with a tougher sentence that we patted ourselves on the back for than if we had just let the judge have discretion, put his wrists in a bracelet, let him pay a huge fine, let the judge put his picture in the paper and force him to pay for that photograph in the paper.

Third, this bill is also silent on one other major aspect. Where does a policeman go who has been injured, or retired, or is suffering from problems domestically, for counseling? Do they go to the mental health center, where they may have arrested everybody sitting in the front row? Do they go down to the community counseling center? They really cannot.

There has been a program developed in Maryland which has become a standard for a program around the country where policemen can go for counseling. My amendment calls for us to expand upon that. There is a small authorization of \$3 million so these police counseling centers can deal with some of these problems.

Finally, for years I have been attaching fraudulent label laws onto many of our different respective bills. The fourth amendment does something a little different. It says not only do we have a fraudulent label, but we can put up to \$100,000 in penalties for a company that puts those fraudulent labels on. The victim is the American workers, ladies and gentleman. Time after time, people are sending imports into this country or putting fraudulent labels or deceiving the American purchaser and the American consumer. And who is hurting? The victim is the worker in our own country.

That amendment says put a fine, let the judge have an option of putting a \$100,000 fine on these people, in addition to the bad publicity, and let us put a little bit of damage into their pocketbook.

□ 1400

So I appreciate the time that the chairman has yielded to me.

Let me say this: This bill is better when this bill deals with the rights of victims. We have gone overboard for the rights of killers and murderers; let us not overlook the rights of victims.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the gentleman for yielding this time to me.

Mr. Chairman, previously on the floor I discussed the repeat-offender section of this bill. I would like to address another section. I offered an amendment to the Committee on Rules, which I hope they will make in order so that we can vote on it today, which will strike a provision of the bill that requires States to have alternatives; that is, nonprison-type sentencing programs. Now, what is wrong with nonprison sentencing programs? The answer is: By itself, and in appropriate cases, there is absolutely nothing wrong with it. I do not believe that every single person who commits any kind of crime serves society best by being placed in prison. The problem is, this requirement to have alternative sentencing is in a provision that deals with violent criminals. The message that the combined section gives to the States is, "You should let certain offenders go, let them out of prison," or, "Don't put them in prison," not because they deserved it through individual rehabilitation or remorse, not because they are not a threat anymore to commit the crimes that they were committing, but specifically to create space for more serious offenders.

Now, what that means, for example, is that the States are being encouraged to release car thieves but to jail armed robbers. Now, is armed robbery a more serious offense than auto theft? I think in most cases it most certainly is. But the people of the United States do not want their cars stolen any more than they wish to be robbed at gunpoint.

The point is this is a question of which is the cart and which is the horse? The horse ought to be the determination: who belongs in prison and who deserves alternative sentencing. We should not make that decision solely by the number of spaces in existence or where will it end? We may have to let armed robbers loose to jail someone who is even more dangerous to society. I cannot imagine anything more destructive to our society than releasing people to the streets who we know will commit crimes just because we do not want to provide the space to keep them off the streets.

I urge adoption of my amendment.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to a distinguished Member, the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the chairman for yielding this time to me.

Let me first thank the chairman of the Committee on the Judiciary, the

gentleman from Texas [Mr. BROOKS] for his efforts so far to try to bring to this floor a bill that all of us could support and to be able to tell the American people that we are trying to do something about crime in this country.

It is alarming when you think about the statistics on crime. I must say it is very difficult to fashion a bill that will get the majority support of all the Members on both sides of the aisle on this particular issue. I must say this is a crime bill that the House has proposed that has a number of different proposals in it, much different in many ways from the version of the other body. I would say it is a great improvement of what the other body has done. Though I have some concerns about some of the programs, let me mention some of the things that I think will help us fight crime.

First of all, let me refer to those programs that are preventative in nature. When you take a look at the close to \$7 billion that we will be spending to prevent criminal activity, when you take a look at those programs that are geared to prevent children from becoming at-risk youth or from becoming juvenile offenders and then adult offenders, I think you find that this crime bill tries to go in the right direction. We are trying to prevent crime, not only take care of those who have committed crime.

One of the big problems I see these days when it comes to crime prevention and that type crime measure is that all we do is deal with the crime after the fact. We have victims when you deal with crime only after the fact. We do nothing to take care of the problem about the person who is behind that criminal who will not begin committing these same kind of crimes.

What we have found over the last 10 to 20 years is we increased sentences for prisoners, and yet the crime rate continues to be about the same. We do not get a decrease even with all the prisoners we are putting behind bars.

When you take a look at a State like California, where over 117,000 people right now are behind bars and you realize that in California we spend \$4,200 to keep a child in school and \$32,000 to keep that same child locked up behind bars, you see that we have gone in the wrong direction.

I would hope when we finish with a crime bill, with all the amendments, what we will do is we will say let us be tough on people who commit crimes, let us try to compensate the victims, but let us also close the door behind the criminal whom we lock up, so we do not see a young person following their footsteps. And unless we realize that we need the prevention programs that will make that possible, we are sunk.

I would hope that the Members of this particular House will see it judicious to come before this particular

body and say that we need prevention programs; it is time to start talking not only about incarcerating people but also stopping children from becoming the delinquents that become those major adult offenders.

Three strikes and you're out, we are going to have people in geriatric wards imprisoned and we are not going to do anything about those 14 to 25 year olds who are really committing all the crimes. We have to do something to make sure that if we are going to be tough on a prisoner and tough on a criminal, we are also going to be sympathetic but tough on the youth to make sure that we prevent them from becoming the criminals of the future.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD] a member of the committee.

Mr. RAMSTAD. I thank the gentleman for yielding this time to me.

Mr. Chairman, Edmund Burke put it best when he said the primary function of Government is to keep people safe in their homes and neighborhoods. If that is the primary function of Government, then Government at all levels has failed the American people.

Mr. Chairman, the bill before us today is far from perfect. Members combing through the 386-page document will surely find provisions they don't like.

Enacting comprehensive legislation to respond to the epidemic of violence in our society is not an easy task.

But we were not elected to do easy tasks.

We cannot afford to fail at passing a crime bill this Congress. Partisanship killed the anticrime bill in the last Congress. Bipartisanship must govern this time around.

It is time for us to take off our Republican hats, take off our Democrat hats and work together to pass a bill most Members can support.

I am pleased that three bills I authored comprise three titles of this bill.

Title III incorporates H.R. 1120, the Assaults Against Children Act. This bill closes an alarming gap in Federal law which does not allow felony prosecutions of child abusers who inflict such substantial injuries as broken bones and burns.

Title XII incorporates H.R. 3993, the Child Sexual Abuse Prevention Act, which I introduced with Mr. KENNEDY and Mr. BLILEY.

This bill addresses the world-wide tragedy of child pornography and prostitution. It makes it a crime to produce and traffic in child pornography intended for importation into the United States.

It also strikes a blow at "pedophile sex tourism," by making it a crime to travel overseas for the purpose of sexually abusing children.

Finally, title XIII incorporates H.R. 324, the Jacob Wetterling bill, which

this body passed last fall. Named for an abducted Minnesota youth, it would require individuals convicted of certain crimes against children to register with law enforcement for 10 years after their release from prison.

I want to thank both Mr. BROOKS and Mr. SCHUMER for their support for these bills.

Mr. Chairman, the House has the opportunity to make this bill even better with amendments in the next few days. Let's work together to enact a tough but smart crime bill that balances punishment and prevention.

The American public, and the millions of crime victims in this country, deserve nothing less.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I congratulate the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from Texas [Mr. BROOKS], and all those who worked on this package. I commend you for it.

Mr. Chairman, by addressing the crime problem in this country, we really are addressing the problem that concerns Americans the most at this particular time. We have a lot of amendments to debate. I am not sure what is going to come out. Essentially, we have to start with the legislation, and I hope we can improve it as we consider the amendments which will be following.

I have introduced a bill which passed here and is now part of this crime bill, the Youth Handgun Safety Act, which is cosponsored with my distinguished colleague from Kansas, DAN GLICKMAN, and it will prohibit minors under the age of 18 from possessing a handgun except for use in hunting, target practice, or a gun safety course under the supervision of an adult.

□ 1410

Handguns in the hands of our youth is just not a problem on the streets of the big cities of America. Consider these cases in schools in my small State of Delaware:

A 15-year-old brings a loaded semi-automatic weapon to school. A 14-year-old pulls a gun on another student at a junior high school. A high school student packs a handgun in his book bag for protection.

Interestingly, Mr. Chairman, in a survey I conducted in a Delaware high school a couple of weeks ago 80 percent of the 255 students who responded support the Youth Handgun Safety Act. The students agree with the premise of the legislation, that it would send a strong message that guns are not wanted in our schools and that minors who possess guns, or adults who give them guns, will face tough penalties.

I am pleased this legislation is part of the omnibus crime bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM] for yielding this time to me.

Mr. Chairman, I repeat:

An important feature of the bill that is in front of us is the death penalty.

Mr. Chairman, we must indulge in a little bit of historic review here so that we can inform the American public about what we are considering voting on here today.

Back in the early 1970's, Mr. Chairman, the Supreme Court of the United States struck down the death penalty largely because the Justices felt, and they so recorded in their opinions, that there was such a large discretion granted to the jury that the courts could not be sure that the jury found either for the death penalty or against the death penalty as a result of prejudice, hate, bias, or some other freakish, and that is their word, "freakish," consideration that forced them in their minds to acquit, or release the man from life imprisonment, or to impose the death penalty. So the Supreme Court, as I say, struck it down.

What happened? They left a window opened to determine, to allow the States to determine, how they could construct the death penalty that would meet the constitutional standards. So, *Gregg versus Georgia* and *Proffitt versus Florida*, two death cases from those two States, came up to the Supreme Court where the Supreme Court then decided, "ah hah, the procedures that have been set up in Georgia and in Florida, a bifurcated hearing where the jury, after determining guilt or innocence, presumably finding that the individual was guilty of murder, would then have to sit in a separate session to determine the penalty, whether it's death or life."

Now here is what has to be made clear:

We have in front of us this jury in the second procedure, a man or a woman who has been found guilty of a brutal murder. He is convicted; he is a convict. There is no question of guilt or innocence. Now the jury has to decide, under the constitutional standards, death or life imprisonment.

Now the question is, What did the Supreme Court find in the Georgia and Florida cases to their liking where they found it constitutional? Here is what it is:

The jury is supposed to take the circumstances presented to them by the prosecutor, which could be considered to be aggravating factors, and aggravating factors are something like the individual before he killed the woman raped her. That is an aggravating factor. And the jury is to take into account a mitigating factor like tender

years. He was only 16 years old when he committed this act, a mitigating factor. Another aggravating factor would be that the man ran from the scene and did not try to help the lady after shooting her, after raping her. That is another aggravating circumstance. Another mitigating circumstance might be that he came from a poverty background.

Now the jury has in front of it aggravating factors and mitigating factors. Under the *Profit* case and the *Gregg* case, weighing those and coming out in favor of aggravating circumstance, they outweighed the mitigating factors, the jury would be justified in finding the death penalty.

Well, now let us come back to 1994 and the bill that is in front of us. The bill that is in front of us allows the jury so much discretion, and where have my colleagues heard that before? I just talked about it, so much discretion that they could in the final analysis find death or life based on their whims, not guidelines, not aggravating or mitigating circumstances, but on whether they liked the defendant's looks and, therefore, gave him life imprisonment or did not like the defendant's race or his background and so caused the death penalty to be applied.

So, Mr. Chairman, we are back to pre-1972 where the Supreme Court found the jury discretion so wide that they could not fairly allow the death penalty to be imposed. The amendments that I will offer later in these proceedings will try to bring back to a sense of sanity what the jury instructions should be so that we could put in proper place the aggravating and mitigating circumstances and allow a jury with guidelines to produce a death penalty or a life imprisonment for a brutal murder, depending on how these aggravating and mitigating circumstances show up in the minds and hearts of the jury, not on their whims or on their prejudices.

Mr. Chairman, that is the only way that I will be able to support the death penalty that is inherent in these bills.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the distinguished gentleman from Texas [Mr. BROOKS] for yielding this time to me.

Mr. Chairman, it is wonderful that we finally have this bill on the floor, and I thank all of the members of the committee who worked so hard.

Yesterday I had the opportunity to listen to the majority leader's speech at a school about crime, and he pointed out some very important things.

First of all, of the crimes that have victims in America, 91 percent of those crimes there is no arrest made. The other thing that we know is that, if we do not look at the certainty of arrest,

we are in real trouble. The certainty of arrest motivates people a whole lot more than the severity. And finally we looked at statistics, and we looked at prior crime bills and said, we have spent megabucks, we have spent gigabucks, we have gotten tougher, we have made it more severe. We have done all these things, and the crime rate looks worse than it did 16 years ago.

So, Mr. Chairman, the good thing about this crime bill is it goes a different direction. It goes a different direction in that, while it deals with crime very firmly, it continues to tighten loopholes. It also tries to lift people up and prevent crime, prevent it before it happens, and it does this with a multitude of things.

The Violence Against Women Act is a very historic bill. It is the first time that we are saying that the Federal Government is going to take this very seriously and try to get localities to take this seriously because one of the things we know is very often criminals had violence that started in the home, and, if they have seen every single dispute solved with violence, it is very difficult to suddenly learn conflict resolution with an hour course. So, as a consequence, this has been a very, very important part.

We have other things in there for youth that have been mentioned by prior speakers. One of the ones I am very excited about is the midnight sports program. We have seen some pilot projects in the private sector on this. They have been incredible. Maybe many of my colleagues have heard about Chicago where right in the middle of the toughest housing project around they put in midnight sports, and they got these young boys interested in it. They have to come to study hall first. They get their grades up, they get their degree, and they go on, and they have had a terrific, terrific success with that. This helps local communities get those going by paying just the tiniest little bit that is required to help run the electricity a little longer, or pay the janitors, or pay a little on the liability insurance for keeping the place open a little longer so they can run these programs.

□ 1420

But this is why I think this bill is really a groundbreaker, and it is a direction-changer. Heaven only knows, we need it. We can keep doing the things we have done before, but in that way we do not get there. This is the way we need to proceed to get balance in the bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MOORHEAD], who is the ranking member of one of the subcommittees bringing the legislation to the floor today.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in the midst of the debate on health care, welfare reform and Americans' concern about the future of our economy and its rapidly changing nature the polls clearly show that the problem of violent crime in our society is the issue most often on the minds of Americans. The real crisis in America is the crisis in our streets—the crisis in public safety and the crisis in our criminal justice system.

Statistics show that a violent crime is committed every 22 seconds, one aggravated assault every 28 seconds, one rape every 5 minutes and one murder every 22 minutes. Furthermore, 7 percent of the criminals commit almost 80 percent of the violent crimes in America. On average, these violent criminals serve only 37 percent of their sentences.

To deliver a knockout blow to violent crime and stop the revolving door which spins violent criminals out of prison too early so they commit more violent crimes requires setting priorities and passing laws that put punishment and deterrence back in the system.

To his credit, our colleague BILL MCCOLLUM has developed such a proposal entitled the "Violent Offender Incarceration Act" which he will offer as an amendment to H.R. 4092. The McCollum amendment will provide \$10 billion in Federal grant money to the States over the next 5 years to be used to incarcerate violent offenders. To be eligible, States would have to establish truth in sentencing laws under which offenders will serve no less than 85 percent of their sentence for conviction of a second violent felony. In addition, States would be required to adopt three strikes and you're out laws that would mandate life in prison for anyone convicted of a third violent felony. The McCollum amendment is a solid proposal that will go a long way towards eliminating the revolving door and taking violent criminals off the street and I urge Members to carefully consider and support it.

Finally, Mr. Chairman, Congressman DUNCAN HUNTER and I hope to be able to offer an amendment to H.R. 4092 that would provide for an increase in the number of Border Patrol agents from 4,000 to 10,000 over a 5-year period. In a recent letter, Pete Wilson, the Governor of California, highlighted the fact that: The message is growing loud and clear: "There is a national crisis in Federal immigration policy, and State and local governments cannot continue to pay the bill for Federal failure. By State fiscal year 1994-95, California's prisons will house more than 18,000 illegal immigrant felons, at a cost projected to exceed \$375 million."

The Border Patrol is the first line of defense against illegal immigration and drug smuggling and can be an effective deterrent to crime if substantial manpower and resources are in place.

Last year was a turning point for our Border Patrol, when the House overwhelmingly passed the Hunter-Moorhead-Schenk amendment appropriating \$60 million for 600 additional agents for this fiscal year. We must continue this trend by authorizing the personnel and resources needed to enforce our laws and make our national borders secure. We have shown we can stop the revolving door by a strategy of deterrence through prevention as demonstrated recently in El Paso, TX. We need to implement the same operation in San Diego and accordingly I urge my colleagues to support the Hunter-Moorhead amendment.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, first I commend the chairman of the Committee on the Judiciary, the gentleman from Texas, [Mr. BROOKS], and the minority for bringing us a good bill.

Mr. Chairman, all across the Nation, each and every American has been telling their Representative to be strong and to make their schools, neighborhoods, and homes safe again. Mr. Chairman, the time has now come. Today, we are prepared to pass a crime bill that represents the largest commitment to stopping crime that the House has ever considered.

This is the first serious effort this Congress has undertaken to deal with the crime problem in the past 10 years. Every year, we pass crime bills that basically are not funded and have not responded to the crime problem. A good crime bill needs provisions that effectively reform the current system. Mr. Chairman, the bill today contains these provisions, and that is why it is an effective bill. This crime bill, for example, includes provisions which reform the laws regarding parole and mandatory minimum sentences to ensure that our sentencing system is reformed.

President Clinton has called upon Congress to vote for a crime package that is strong, smart and tough. A package that will punish offenders, yet will also promote measures to prevent crime. I am proud to stand here today to speak in favor of a crime bill that does just that—it punishes criminals and offers good prevention measures.

Mr. Chairman, this crime bill sends the message to repeat offenders that enough is enough. It tells them that if you do violence to others, you will be punished. The three strikes you're out provision will send criminals with three serious offenses to prison for life with no possibility of release until they are 70 years old, and have served at least 30 years in prison.

A strong message will also be delivered to those who are making money from the sale of drugs to innocent chil-

dren, and to those who murder in the course of committing a violent Federal offense. Our message is clear. The death penalty will now apply to you. The death penalty provisions, however, have been well thought out to ensure that racial discrimination is prohibited in death sentencing. Furthermore, the provisions will guarantee that State death row prisoners have access to competent legal counsel at all stages of the trial and appeal process.

I also support the committee's approach to issues affecting native Americans. The best thing we as Congress can do is to allow tribes to exercise sovereignty. The opt-in provisions for both the death penalty and the three strikes you're out provision will allow the tribes themselves to determine the applicability of these provisions. I also agree with the exemption the tribes received with regard to the prosecution of teenagers as this would have a disparate impact on Indian people.

Furthermore, the crime bill includes provisions which helps crime victims. It permits victims of crime and sexual abuse to present information or make a statement at the defendant's sentencing. It is time to pay attention to the rights of victims. It also compensates victims and helps them get counseling.

Mr. Chairman, today is the day that we will send a message to criminals, a simple message. We will no longer stand by and allow you to terrorize families. The time has come to stop crime, and to give all Americans a chance to have a future that is free from fear. Mr. Chairman, we must send a message to criminals that if they proceed to commit a crime, they will be punished and our courts will be supportive of this message.

This crime bill also strengthens laws against individuals who sexually abuse children and who deal in child pornography. It is time that we protect children against the merchants of filth.

Smart crime prevention measures are also included in this crime bill. Literally billions of dollars will be directed to youth crime prevention including measures to keep kids occupied and off the streets. This crime bill also allows grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking. It also supports drug treatment programs within State and local correctional facilities.

Yesterday, with the majority leader, the gentleman from Missouri [Mr. GEPHARDT], several Members visited a school in downtown Washington that will receive assistance to keep kids in school after school hours day and night so they can get involved with activities like basketball. Such assistance will also encourage others to work with kids in youth recreation programs and will give young people an opportunity to exercise athletics in the hopes that this will build teamwork incentives and get them off the streets.

A message will also be sent to the woman who enjoys walking her dog at night. The message is that her chance of having the police patrolling her neighborhood has now been increased. With 50,000 new cops on the beat, criminals will want to think twice before harming anyone. And let us make sure that we not forget the rural areas in community policing. This measure should not just benefit big cities like Los Angeles and New York, but small communities as well. The bill also contains a wide variety of provisions intended to reduce violent crimes that are committed against women.

Mr. Chairman, our local police have been working around the clock to provide residents with safe streets. However, they cannot be alone in their endeavors. Perhaps most importantly, we must recognize that in our efforts to deter crime, we have to involve families, local communities and local police. Everyone, from the mayor to the high school student, must realize that stopping crime is a joint effort, and the battle against crime will not be won unless everyone participates. For this reason, our crime bill helps local governments and local police find new ways to best protect those who live in their communities. The best solutions to crime are local, and this bill emphasizes local solutions.

Mr. Chairman, this is a good bill that contains a good mix of punishment and prevention.

Mr. MCCOLLUM Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, what today we are dealing with is a bill that is designed to solve the big crime problem or at least go a long way to solving that with the States. And there are some good things in this bill. There is no question that the cops-on-the-street provision is good; the "Three strikes and you're out" needs improvement, but it is basically a good idea. There is no question there are things in this bill to address the juvenile problem with boot camps, but there are a lot of things wrong with this bill and we need amendments to correct those. One of the most egregious things some of my colleagues have pointed out is that there are provisions in this bill which mean if enacted there will never be another death penalty carried out in this country because of the procedures and hoops that would have to be gone through by prosecutors in giving the opportunities to appeal every year. There are things in this bill that really are wrong in the terms of how they are balanced or not balanced.

There is \$8 billion in the title of this bill to go to crime prevention, but there is only \$3 billion for more prisons, and what the States are crying out for is something to help them with the overcrowded prisons.

There is nothing in this bill, though amendments are being offered to help

address it, that would remedy the problem of our Federal system interfering with the prisons in the overcrowding area that would cause more problems than good. And there is no carrot in here for encouraging States in prison construction and in housing violent criminals, to go to truth-in-sentencing and to abolish parole for the violent criminals and make them serve at least 85 percent of their sentences.

As I said earlier, we need to do something about "Three strikes and you're out," which needs improvement. We also need improvement in the death penalty procedures in here. There is a drug kingpin death penalty technically in the bill but without the kind of procedures necessary to make sure that it would withstand the challenge of constitutionality under the Supreme Court guidelines.

We need to make significant amendments to this bill. In its present form, it is actually not a good bill; it is a bad bill, even though there are good things in it.

So in the next couple of days and with what the rule produces that is going to come out here in a few minutes to allow amendments, that is absolutely crucial to this legislation. Above all else, as I said in opening this general debate, we must have a partnership with the States where most of the crime is committed to solve the revolving door problem where the violent criminals of this country are getting back out on the streets having served only a fraction of their sentences. We talk about 6 or 7 percent of the criminals in this country committing 70 to 80 percent of the violent crimes and serving only an average of 37 percent of their sentences.

Mr. Chairman, if we do not address that problem, this bill will not be a good crime bill.

□ 1430

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I just wanted to say we feel this bill is a constructive bill, one that will help to solve crime problems in the United States, and one that will help the States cope with their problems. It is one that realizes four percent of the violent crimes are in the Federal domain, and 96 percent, State and local.

This bill recognizes that fact and tries to give the States alternative proposals to set up ways to help non-violent prisoners regain their citizenship and their contribution as citizens. It is a worthwhile bill. I hope the Members will support it. We will be back tomorrow at the same time and place.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises. Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

M McNULTY) having assumed the chair, Mr. TORRICELLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4092) to control and prevent crime, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during rollcall number 84. Had I been present, I would have voted "yea" on House Resolution 395.

CONFERENCE REPORT ON H.R. 1804, GOALS 2000: EDUCATE AMERICA ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 393 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 393 provides for consideration of the conference report on H.R. 1804, the President's Goals 2000: Educate America Act. Under the rules of the House, conference reports are privileged and are considered in the House under the 1-hour rule with no amendments in order. The rule waives all points of order against the conference report and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, today's world is much different than it was 50 years ago. Advances in technology have changed the entire nature of our work force. No longer is it enough to equip our children with basic skills. We must also provide our children with the skills to

compete in today's global economy. The conference report for H.R. 1804 seeks to accomplish this goal through the improvement of education for all children.

Under the conference report over \$400 million in grants would be awarded to the States as an incentive to improve their elementary and secondary schools. Each State could apply for these funds through the development of State plans which set standards for education. Participating States would establish voluntary content and student performance standards—or what children should know in English, math or other subjects at certain points in their education. Local school districts would also be eligible for subgrants from the State to develop and implement comprehensive reform at the local school district level as well.

The conference report establishes a national education goals panel charged with building a national consensus for education improvement and reporting on the Nation's progress in meeting the national educational goals. It also establishes a national education standards and improvement council. This council would develop criteria for certifying voluntary national content, student performance, and opportunity-to-learn standards, as well as standards developed and voluntarily submitted by the States. These national standards enable America to set voluntary goals for students and would become available for use by States as guides or models in developing or modifying their academic standards.

The conference report further establishes a national skill standards board intended to serve as a catalyst in stimulating the development of a voluntary system of skill standards. The board will encourage and facilitate the establishment of voluntary business-labor-education partnerships to develop skill standards systems. The conference report further provides that the skill standards meet or exceed the highest standards used in other countries.

Mr. Speaker, this conference report is a departure from the way the Federal Government has previously dealt with education. Not only does the legislation call for voluntary national standards, but it calls for the relaxing of regulations and emphasizes academic achievement instead. The conference report supports creativity to develop new and innovative approaches to educating our Nation's children.

Mr. Speaker, House Resolution 393 is a fair rule that will expedite consideration of the President's education reform bill. I urge my colleagues to support the rule and the conference report.

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

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

Mr. Speaker, the able gentleman from South Carolina [Mr. DERRICK] has

described the provisions of the rule. Mr. DERRICK, we are going to miss you after this session of the Congress. We are sorry you are retiring from this House and this body. You are a Trojan hard worker, and we are going to miss.

Mr. Speaker, as my colleague and good friend, the gentleman from South Carolina [Mr. DERRICK] has described, this rule provides for the consideration of the conference report to accompany H.R. 1804, the Goals 2000: Educate America Act. The rule waives all points of order against the conference report and its consideration.

Although I do not generally favor waiving the 3-day layover requirement—particularly on comprehensive bills such as this—it is necessary for both Houses to complete action on this conference report expeditiously. Funds have been appropriated for fiscal year 1994 for this program, and this bill must be signed into law before April 1 in order to use these funds for the purposes provided by this bill. Therefore, I will not oppose this rule.

This bill sets out to improve the quality of education for all students while maintaining the principle that although education is a major Federal concern, it is primarily the responsibility and function of State and local government. Thus, the opportunity to learn standards contained in Goals 2000 would be voluntary, and States can establish their own standards.

Mr. Speaker, I want to commend the conferees and the committee staff who worked through the weekend to get this conference report to the floor. Hundreds of differences had to be worked out by the conferees, and they did a tremendous job. However, the House instructed conferees to accept specific Senate language regarding school prayer. The school prayer language in the conference report is not the same as the original Senate language, and my colleague from Tennessee [Mr. DUNCAN] intends to offer a motion to recommit the conference report with instruction to include the original Senate language. I urge my colleagues to support this motion, and I urge adoption of this rule so we can move this legislation forward.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1440

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me. I think that it is useful to put this particular action into context. I do not think any of us are opposed to this rule. It allows us to bring the Goals 2000 bill to the floor. It waives certain points of order that need to be waived in order to have that happen. I am always a little concerned when we are waiving points of order, but in this particular case, I do not see any great harm to be done.

However, this is a part of the ongoing saga of trying to assure that we get school prayer language that is widely and broadly accepted in both the House of Representatives and in the other body, the U.S. Senate. It is clear at this particular point, from a number of votes, that the advocates of school prayer have been successful in trying to move toward a standard that has each school district set a policy to assure that constitutionally protected school prayer can in fact take place.

There have been votes in the Senate on that. There have been votes here. They have been passed overwhelmingly. There is no doubt that that is the direction that Congress wants to go, and it is a direction that the American public has wanted to go for a long, long time.

Now we come back with the Goals 2000 bill, where this language originally arose in the Senate and where language has been included that is almost exactly the same as language that was rejected by the House just a few hours ago. And what the action that is going to be taken here on the conference report will be is to say, let us get all of our language together. It is broadly accepted now. We know what we want to do. Let us get all the language together. We cannot drop it out of this bill. That is not something which is going to happen.

Why in the world do we adopt language that the House has rejected and then will set up a competing standard of what school prayer really means?

Why not stick with the similar kind of approaches?

In our view, what needs to be done is the conference committee needs to meet again and adopt the language that everybody in both bodies has now agreed is the direction to go. I believe that we will have, in the next little while, such a motion to recommit. I cannot see why other than simply to block the inevitable, why anyone is now moving to try to adopt language that has been specifically rejected. It seems to me that all we have in those kinds of instances is a situation where having been thwarted on one bill, that Members are coming back and trying to do what they can to stop this movement in another bill. And then, because they hope that if we passed different languages in different bills, I guess what they think is that the regulatory agencies then will have trouble working it out and it may never take place.

Let us get this thing settled once and for all. We can do it by having the motion to recommit be successful.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise not to speak directly to the rule before us but to in-

form Members that I will offer a motion to recommit this bill with instructions.

Mr. Speaker, the House finds itself in a very awkward position today. My motion to recommit with instructions is intended to do something this House overwhelmingly voted on last month, when I offered a motion to instruct House conferees on this bill to agree with the Senate language concerning school prayer.

Mr. Speaker, that motion to instruct passed this body by a huge margin of 367 to 55. Moreover, the Senate passed the exact same language by an overwhelming vote of 75 to 22.

And just 2 days ago this House again passed the exact same language, the Johnson-Duncan school prayer amendment to H.R. 6, by a vote of 345 to 64. Mr. Speaker, these are very, very lopsided votes.

Now, we are here today considering this conference report on the Goals 2000 bill and we find that the school prayer language that we instructed conferees to agree to is not included.

Instead, a handful of Members decided to ignore the Senate vote, ignore the motion to instruct, and then included the Williams school prayer amendment.

At the time this closed-door decision was made, neither the House nor the Senate had even seen the language. Mr. Speaker, this is incredible. This is wrong.

I need to mention that the school prayer language included in this conference report, the Williams language, was defeated by this House, just 2 days ago, by a vote of 239 to 171.

Mr. Speaker, the House and the Senate have been very, very clear on this issue. I find it very disturbing that a few Members can ignore the mandate that the overwhelming majority of this Congress has spoken on.

I urge my colleagues to support the motion to recommit with instructions so that we can right this wrong and include the school prayer language that we have all agreed to on a number of occasions in this conference report.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, just 2 nights ago, 345 Members of this body supported a vitally important amendment to H.R. 6 which protects voluntary prayer in schools.

On February 23, this body overwhelmingly instructed conferees on another education bill, Goals 2000, to agree with this identical language.

The other body passed this same language by a steadfast 75 to 22 vote. Judging from the vote margins on three separate occasions, this Congress supports protecting the constitutional right of children to pray.

Mr. Speaker, I am disappointed that a handful of Members have taken the

school prayer amendment and, I'm afraid, the constitutional right to pray, and played the shell game within the confines of a conference committee.

Let's be consistent on this. We should return to the original language which has already been affirmed by both bodies of Congress.

Let's protect the rights of our schoolchildren and recommit this bill back to committee and insist that the will of Congress prevail, not the will of a handful of conferees.

I urge a yes vote on the motion to recommit Goals 2000 with instructions. After the overwhelming support that voluntary school prayer received this week, there is no better time than today for Congress to take action to protect the constitutional right to freely exercise one's religion.

If you supported Mr. DUNCAN's instructions to conferees on Goals 2000, if you supported the Johnson amendment to H.R. 6, if you support voluntary school prayer, you should support the motion to recommit.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, I rise today in opposition to the conference agreement to H.R. 1804, Goals 2000. I do so with some apprehension, because I strongly support the establishment of national education goals, as originally envisioned in President Bush's Educate America 2000. These goals sought common ground with every parent and teacher in America to create a national benchmark for education performance. It made good sense then, as it does now.

That is why I voted to support this legislation last year, even though I had serious reservations about certain mandates included in the bill. Unfortunately, those provisions are still in Goals 2000, going far afield of the original intent to establish a national education benchmark.

It seems to me that this Congress is becoming more and more intent on micromanaging local education decisions. But is more Federal Government involvement the solution, or is it becoming part of the problem? Real reform should allow local school officials and parents the flexibility and choices to meet the goals and needs unique to their local educational system. As much as some in Congress and the Federal Government may like to think so, we are not smarter or wiser than the parents and teachers who are, and should be, responsible for the education of individual children.

With Goals 2000, federal interference in education only gets worse. I am speaking in particular of the so-called opportunity-to-learn standards included in this bill. H.R. 1804 mandates that each State develop a strategy to implement opportunity-to-learn standards, although they may or may not actually implement those strategies.

This is a massive Federal mandate, any way you look at it. Why does this bill force States to develop a strategy even if they have no intention of implementing the plan? Once we establish federal meddling as the standard, where does it stop? You cannot take just one step down a slippery slope.

Those Members who originally fought for a more comprehensive mandate will be back next year to force implementation as well.

Mr. Speaker, in a recent Wall Street Journal article, Charles Kolb, former Deputy Undersecretary of Education in the Reagan and Bush administrations, argues that:

Opportunity to learn is the latest euphemism concocted by professional educators to mask their single-minded determination to boost education spending. To cut through the Orwellian mist, read "opportunity to spend," whenever you see "opportunity to learn." In essence, such standards would mean that we cannot hold our children, schools and teachers accountable for better education performance until we first equalize—and then raise—per-pupil spending across America.

Unlike some members of this body, I do not believe that Federal spending, per se, is the key to improving education.

As a Nation, we are already spending well over \$400 billion annually to educate our children. The problems with our education system are not caused because we spend too little, but because we spend with too little thought. Too much of the money we currently spend goes to the education bureaucracy, not students.

But don't take my word for it. Both President Clinton and Education Secretary Riley oppose opportunity-to-learn standards. Here is what the President wrote regarding opportunity-to-learn criteria:

Our proposal deliberately makes no mention whatever of "opportunity-to-learn" standards. *** Both the Department of Education and my staff here at the White House will work vigorously at every stage of the legislative process to ensure that when the ESEA reaches my desk, it does not contain opportunity-to-learn standards. The same principles have guided, and will continue to guide, the Goals 2000 bill.

Mr. Speaker, beyond the opportunities-to-learn mandate, there are plenty of other mandates and restrictions included in this legislation, such as a mandated one-year expulsion for any student caught carrying a gun in school.

No flexibility, no questions asked. Mr. Speaker, support common sense—and President Clinton—by opposing H.R. 1804.

□ 1450

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am really saddened that the conference committee has

taken it upon themselves to try to prohibit constitutionally protected prayer and inserted their cute little language which we already debated at length this week, and which the House has already overwhelmingly spoken on this particular issue.

It seems to me we have a minority of people in this body who are constantly trying to thwart the overwhelming majority of this body. Members need to really look at this issue, and later, we are going to have a motion to recommit, to reinsert the Duncan language as it passed this House 367 to 55. I hope Members will vote for that. And I hope Members will not have their principles bought, because I have heard rumors on the floor that the choice is between losing \$105 million, if we do not pass this bill by April 1, and changing the rules, or inserting the Duncan amendment and substituting it for this new language. I hope Members will not approach this important issue in that manner.

I hope the Members, the 300-plus, that have voted in support of the Johnson-Duncan approach to protecting children's rights to constitutionally protected prayer in school, will continue following that principle and vote for the motion to recommit and substitute the language that we all overwhelmingly support.

Overruling the obvious will of both bodies is not the way to do business. This sort of business is what the American people have seen that disgusts them and frustrates them so much. Despite the will of the people and the overwhelming will of the House has spoken, a conference committee has decided to take it on themselves to change it. Vote "yes" on the motion to recommit and protect the right to voluntary prayer in public school.

Mr. QUILLEN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO], who does a tremendously good job.

Mr. MANZULLO. Mr. Speaker, the rules of the House do not permit any debate on a motion to recommit legislation back to conference with instructions, so I will use the time allotted under the rule to speak in favor of the Duncan amendment.

Mr. Speaker, Congress has voted overwhelmingly three times to protect the constitutional right of children to pray in school. In fact, the very language in the Goals 2000 conference report was defeated 2 days ago by a vote of 239 to 171. Why was the will of the majority of the Members of Congress thwarted by such a small group of Members of Congress in conference? That which Congress tried to do and did do on two different occasions was undone in one fell swoop by a small group of Members of Congress.

For those who voted against the Williams amendment on Tuesday, they must be consistent and vote for the

Duncan motion today. The Duncan motion has nothing to do with mandates. It has everything to do with constitutional rights. No school can discriminate based on race, religion, gender, creed or disability. Yet if schools deny children the right to pray in a constitutionally protected manner, this conference report would let them off the hook.

During debate on Tuesday, the gentleman from New York [Mr. NADLER] made the following statement. Listen very closely: "There is no reported case in our courts in the history of the Republic involving school officials refusing to allow private voluntary prayers by individual students." That is simply not true. That is why we need to support the Duncan motion, once the vote on the rule is over.

There are very numerous cases on this issue. Just talk to Eileen Unander of Champaign, IL, or J.J. Music of Prestonberg, KY, who were denied the right to pray around the school flag before classes. Just ask Bethany Null, a special education student from Panama City, FL, who was told by school officials that she could not pray over her lunch. Just call the students at Smithfield High in Virginia, or the high school students of Roslyn, NY, who were prevented by school officials from forming a Bible club to pray and study scripture.

Of course, any student of constitutional history knows the famous *Mergeas* case, where the Supreme Court in 1990 upheld the constitutionality of the Equal Access Act, which allows students to form religious clubs. Mr. Speaker, this very body passed a law, the equal access law, which allows children the right to form those voluntary clubs.

One organization has over 80 active cases dealing with the right of students to voluntarily pray in school. Those who say that no one has ever been denied the right to voluntarily pray in school are simply wrong.

I find it ironic that the very Members of this body who have no problems passing legislation overturning the *Grove City College* decision, which cuts off all Federal funding to institutions that do not have equal programs for both genders, raise so many objections to the Duncan motion.

Mr. Speaker, I urge my colleagues to support the motion of my friend, the gentleman from Tennessee [Mr. DUNCAN] to protect the constitutional rights and reject this conference report that circumvents the will of the vast majority of both houses of Congress.

Mr. Speaker, a recent survey was taken, and it showed that only 29 percent of the American people polled have confidence in the U.S. Congress. I can understand why, myself.

I am a Member of this body, and have worked very hard to get here. I share that lack of confidence in this body,

when on two separate occasions this body votes for very specific language, only to have that very specific language ripped away in a conference committee, and to bring the matter back before the floor. It is a matter of fairness, it is a matter of equity, it is a matter of justice that we pass and vote upon this Duncan provision to recommit.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

□ 1500

Mr. BOEHNER. Mr. Speaker, Goals 2000 is on the floor today. We ought to remember why we are here and where this process started.

The process started when 50 Governors came together with then-President Bush to talk about what can the Governors and the President do to bring focus to the efforts to reform America's schools, and the whole idea here was to bring together a voluntary framework to help each of the Governors reform education. But when the bill came through during George Bush's years, it did not get very far because we could not come to some agreement on what that bill ought to be. And so it was reintroduced under President Clinton, a bill that was not bad, was not exactly what George Bush had brought to the Congress, but not much different.

And then, the majority in the House and Senate got hold of it, and look what happened then. Instead of empowering communities, instead of empowering parents to improve schools in America, all this bill does is empower the bureaucracy once again. The most glaring example is the language in this bill that puts in opportunity to learn standards. It is much better than the House-passed version, but it is still rather confusing. It orders the States that they will in fact put opportunity to learn standards together. It says, "You do not have to implement them," and third, it says, "We will not check to make sure whether you are implementing them or not."

Then why in the world are they even in the bill? Because in the series of compromises, everybody got a little something. So those who wanted opportunity to learn standards have the words in the bill, but in fact, it is a waste of paper, it is a waste of words, and nothing is going to come of it.

We had an opportunity when this bill came to the House to support an alternative that would have empowered parents and local communities to take hold of this reform movement in their schools. The amendment offered by the gentleman from North Carolina [Mr. BALLENGER], the gentleman from Texas [Mr. ARMEY], and myself would have in fact done that, and provided some focus for States to drive reform to its lowest level. But no, once again we are going

to take reform out of Washington and try to mandate it on the States.

If Members look at all of the quality programs in America that American industries have gone through, one of the principles they have all learned is we have got to drag decisionmaking down to its lowest possible level. If we want real quality in the workplace, if we want real quality products, drive decisions to their lowest level. It is exactly the opposite of what we are doing in this legislation. It does not deserve to be on this floor, and it does not deserve our support.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding the time. I just want to be sure that Members on both sides of the aisle are fully aware of what has happened with the language we spent so much time on and dwelled so long on on school prayer. The fact is the Duncan-Johnson language that merely expresses intent, that we are offended by taking prayer out of the schools, and that we support voluntary prayer in schools, is now out of this. And we have 345 Members of Congress who voted for this, and I am sure that all 345 will go back and they will campaign on the fact that they wanted to do something about reinstating prayer in schools.

A book by David Barton of Tulsa, OK, ought to be required reading. He has charted the behavioral patterns of America all the way back for the last 200 years. He charted the behavioral patterns of violent crime, of drug addiction, rapes, teenage pregnancies, and for 200 years that line was a parallel line until 1963 when it shoots off of the chart. And what happened in 1963? That is when the Supreme Court took God out of the public schools.

Now we went to all of this trouble getting that back in, and I have no doubt in my mind that those individuals who were embracing taking this language out, and are among the 345 who voted for it, are going to try to go back and campaign on it. But we will not let them get by with it. The language is gone, and they have butchered it, and they have again fortified what the Supreme Court did in 1963.

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

Mr. Speaker, I have no further requests for time, but whenever the motion to recommit is heard after the debate on the measure, I urge Members to vote for the motion to recommit to be offered by the gentleman from Tennessee [Mr. DUNCAN].

Ever since the Supreme Court ruled that you could not read your Bible or say prayers in school, I have fought religiously to get that changed. And I think the conference report language does not go far enough. We should revert back to what the gentleman from

Tennessee's amendment did in his motion to instruct conferees.

Mr. Speaker, I urge a yes vote on his motion.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FORD of Michigan. Mr. Speaker, pursuant to the provisions of House Resolution 393, I call up the conference report on the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 393, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, Mar. 21, 1994, at p. 5639.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

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

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the conference report on H.R. 1804, the Goals 2000: Educate America Act. It is imperative that the House act today to pass this conference report or funds that have been appropriated for programs in this legislation will be lost. This comes about because the fiscal year 1994 appropriation law provides \$105 million for 1994 expenditures for Goals 2000 and \$20 million for the Safe Schools Act, only, however, if these initiatives are enacted by April 1.

Both of these programs are contained in the conference report on H.R. 1804. With the Easter recess pending this Friday, the House must act today to give our colleagues in the Senate the time they need to consider this legislation.

Members should understand that if this report is recommitted to conference, these funds will be irrevocably lost. A motion to recommit the conference report is not like a motion to

recommit to the committee. If we had a recommit with instructions to the committee, I could get together with my ranking member and we could solve the problem very quickly and come back to the floor. But what we are recommitting to if Members vote to recommit today is to a new conference with new conferees appointed by the House and Senate that will go into conference with every item in both the Senate and the House bills available for debate and discussion. And I can assure Members that there is no possibility that I could get back from conference by the end of this week. It took literally weeks of work, after many weeks of work by the staffs on both sides in the House and the Senate, to get this conference report together, and if we have to start all over again, it just cannot be done in time for Friday. There is just no time to reconvene a conference and negotiate a new report and get it through both Houses.

This conference report is important because it makes the Federal Government a partner in education reform by assisting States and school districts to undertake school improvement activities.

I should mention, parenthetically, that we passed basically this bill for President Bush in 1990. We passed it again for President Bush in 1992. And we passed it last year for President Clinton through the House, and now the conference is here. In each of the previous situations it has been the Senate that was unable to pass the conference report. But on the previous attempts in the House, the vote for passage of this bill has been overwhelming.

The conference report on H.R. 1804 contains several education initiatives, including safe schools, the authorization for programs and activities in the Office of Educational Research and Improvement at the Department of Education. Those programs will assist schools in their efforts to provide a quality education to our students.

Let us not forget that that is what this legislation is all about. It is education reform. This is the legislation that was put together by President Bush and the National Governors Association when President Clinton was the head of that organization.

□ 1510

Both of them had a very strong commitment to the purposes of this legislation, and I hope now we are going to be able to finally bring this to a conclusion.

Mr. Speaker, I rise today to support the conference report on H.R. 1804, the Goals 2000: Educate America Act. It is imperative that the House act today to pass this conference report, or funds which have been appropriated for programs in this legislation will be lost.

The fiscal year 1994 appropriations law provides \$105 million for Goals 2000, and \$20

million for the Safe Schools Act if these initiatives are enacted by April 1, 1994. Both of these programs are contained in the H.R. 1804 conference report. With the Easter recess pending this Friday, the House must act today to give our colleagues in the Senate the time they need to consider this legislation.

Members should understand that if this report is recommitted to conference, these funds will be irrevocably lost. There is not time to reconvene the conference, negotiate a new report, and pass it in both Houses before the end of the week.

This conference report is important because it makes the Federal Government a partner in education reform by assisting States and school districts to undertake comprehensive school improvement activities.

While President Bush proposed similar school reform legislation, we were unable to enact the Bush bills because of Mr. Bush's focus on school choice programs. President Clinton has sent us, and we are passing today, legislation which focuses on the key issues of education reform, not on gimmicks like vouchers.

The conference report on H.R. 1804 contains several other education initiatives, including Safe Schools, and the authorization for programs and activities in the Office of Educational Research and Improvement at the Department of Education. These programs will assist schools in their efforts to provide a quality education to our students by making our schools free from violence and crime, and by funding crucial research in education.

The conference report also contains the National Skills Standards Board. This Board will serve as a catalyst in stimulating the development of a voluntary national system of skill standards which will connect the skills needed in the workplace with the skills imparted through education and training.

Mr. Speaker, we must pass this conference report today or these funds for school reform and safe schools will be lost. We must not delay. I urge my colleagues to support the conference report and oppose any attempts to recommit this measure back to the conference committee.

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

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the conference report.

Mr. Speaker, for the last 6 years I have been trying to shepherd legislation of this nature through the Congress of the United States so it could actually become law. As the chairman, the gentleman from Michigan [Mr. FORD] said, it began with the Governors and former President Bush meeting in Charlottesville, setting six national goals and then trying to figure out how we can help States and local school districts move toward those goals. I probably raised my voice louder on this legislation more often than any other legislation, hammered my fists more often on the table on this legislation than any other because I wanted to make very sure that we did not micromanage State and local education efforts.

I am trying the same thing in H.R. 6. It is very difficult to rail against the majority and tell them not to micromanage and then say that when my side of the aisle does it, it is all right.

It is not all right on either side.

So I tried to make sure that we do not micromanage local and State efforts, I tried to make sure that we do not set equalization formulas from the Federal level on how State and local governments spend their money for education; I tried to make sure there is no national curriculum; I tried to make sure we do not have unfunded mandates; I have tried to make sure that our major interest is what has the child learned, rather than the input effort into the education of that child.

Why have I done this, and why have I worked so long? Because I happen to believe that even though this is a very little program, a very small program, it might be one of the most effective things we have done perhaps in the history of this Congress in relation to bringing about quality in education rather than just access. In the past, that is all we have considered: access, access, access. As I have indicated many times, we spent \$82 billion on chapter 1 and we are not sure whether we helped the disadvantaged become more disadvantaged or whether we may have just helped some to become less disadvantaged.

We spent \$22 billion on Head Start, and we are not sure what the outcome of that is, because our emphasis has never been on quality, it has always been on access.

Well, the time has come when, if we are going to survive as a great nation, we are going to have to get above the business of mediocrity. Access to mediocrity is of no value whatsoever to a Nation such as ours in the competitive world in which we live.

That is what we are doing with Goals 2000.

From a small program like displaced homemakers, which is about the smallest program we have ever done, we have probably gotten more bang for the buck than any other program that we have ever developed in the past in the Congress of the United States. Yet it is just a small program.

Even Start appears like it may be working, that the whole emphasis on family literacy and parenting skills may be helping, and it is a small program.

This is a small program, and yet a great opportunity that we have, not to micromanage local and State efforts as far as reforming their school system, but giving them some help, some support, and some guidance.

Now, it is very important that I repeat, even though it really does not matter whether you say what is in the legislation or not, those who want to believe what is in the legislation even if it is not in it will believe that no

matter what I say; but it is important to understand that in the legislation it says, "Notwithstanding any other provisions of Goals 2000, no State, local education agency, or school will be required to implement OTL standards or strategies." It is important to understand that in the legislation it says, "No State is required to have their OTL content or performance standards certified by the goals panel."

It also says that nothing in this act creates a legally enforceable right to sue on a standard or assessment certified by NESIC.

It also says nothing in this act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or schools' curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this act. I do not know how you can get a greater guarantee from the Federal level that we are not micromanaging local and State efforts. Again, I repeat, I think this is a small step but a very important step, and maybe the most important that we will take to bring about quality in education in the United States rather than just access.

Mr. Speaker, I rise today in support of final passage of the conference report on S. 1150/H.R. 1804, the Goals 2000: Educate America Act. While I am not satisfied with many of the final provisions of this legislation, this conference agreement does contain many improvements to the House-passed bill.

As a former educator who is extremely interested in education reform, I was very hopeful that we could work together in conference to ensure that the version of Goals 2000: Educate America Act which emerged from conference would be a vehicle for education reform. Unfortunately, this legislation falls far short of what our Nation truly needs to meet the national education goals developed 5 years ago by President Bush and the Nation's Governors.

Indeed, because the Goals 2000 bill produced by this conference committee contains a truckload of new reporting requirements and provides very few dollars in return, I fear that many States, local education agencies, and schools may choose not to participate in this program. That would truly be a sad commentary on the ability of Congress to play much of a role in reforming education.

Nevertheless, after nearly 6 years of negotiations spanning nearly the entire Bush administration and the first 1½ years of the Clinton administration, I am reluctantly convinced this bill is the best that Congress can do. For that reason, as well as the fact that this agreement removes nearly all of the worst opportunity to learn provisions that were in the bill that passed the House, I will vote for this bill.

Because this issue has generated such controversy, let me take a few moments to explain the opportunity to learn provisions in this bill. First, while a State must develop opportunity to learn standards or strategies, they

only have to include those factors it seems appropriate to achieve a State's content and performance standards. In other words, OTL standards or strategies are whatever a State wants them to be as long as they are focused on improved student learning.

Let me also point out the single most important section of the bill dealing with opportunity to learn: No State, local education agency, or school will be required to implement OTL standards or strategies. So, while a State must develop OTL standards or strategies, they do not have to be implemented.

There are a number of other opportunity to learn provisions that I helped to draft in this bill prohibiting unfunded Federal mandates and ensuring local control of education.

There are, however, two OTL provisions in the statement of managers that are of concern to me. These provisions directly contradict some of the actual bill language dealing with opportunity to learn. I spoke to Secretary Riley about my concerns about the statement of manager, and he made it clear the Department intends to implement the actual language in the bill, and does not plan to follow the instructions found in the statement of managers. I am gratified with the Secretary's assurances, and I will work closely with him on the implementation of all of the opportunity to learn provisions.

Mr. Speaker, let me make it clear there should be no mention of opportunity to learn standards or strategies in Goals 2000. However, the opportunity to learn sections of this bill have been watered down to such a degree that they may as well not be in this bill at all. As such, these provisions are acceptable to me.

There are some positive things about this bill. Goals 2000 enshrines into law the national education goals and a National Education Goals Panel to monitor our country's progress toward attaining these goals. It sets high academic standards for America's children, and it makes it clear that we have high expectations for our future generations.

Goals 2000 contains a very important provision that provides regulatory flexibility to States, local educational agencies, and schools. For many years I have urged my colleagues on the Education and Labor Committee to trust local educators to do what is best for their students. The flexibility provisions in Goals 2000 would permit States, local educational agencies, and schools to apply for waivers from statutory or regulatory requirements which impede their ability to carry out a State or local education reform plan. Although waivers may only be obtained for seven existing elementary and secondary education programs, this is an acknowledgment that State and local education officials know best how to develop programs to meet the needs of their students.

Under title V of the Goals 2000 legislation, we have provided for the establishment of a national board for the development of voluntary, national industry-recognized occupational skill standards. While I support the conference agreement on this title, I remain convinced that success is dependent on making this an industry-led effort—otherwise the standards will not be used. While I would have preferred establishment of a national board

that provided more of a leadership role to business and industry, I feel that the compromise reached during conference will move this effort along the right path.

Other important parts of this conference agreement include the reauthorization of the Office of Educational Research and Improvement and a Safe Schools Program to provide grants to local educational agencies to fight crime and violence in local schools. It is my hope that the Safe Schools Program will provide us with some effective models for combating the violence problem in our Nation's schools.

Mr. Speaker, there is a strong need for education reform in our country, and due to outreach efforts undertaken by both the Bush and Clinton Education Departments, many States and local communities have already begun reform efforts which may be undertaken as a part of Goals 2000. This legislation may give them the assistance and guidance needed to implement their reform plans.

In light of the fact that we have been able to neuter most of the onerous provisions of the Goals 2000 bill that passed the House, I see no reason that we should not go forward with this legislation. We have spent over 5 years working on education reform and it is time to move on to other equally pressing issues.

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE] chairman of the subcommittee, who has worked so long and hard on this legislation.

Mr. KILDEE. I thank the chairman for yielding this time to me and for his very hard and effective work on this bill.

Mr. Speaker, I am very pleased to support this conference report on H.R. 1804, a bill which I introduced over a year ago. It represents a very thorough and very thoughtful consideration of the President's education reform bill, which he sent to the Congress at the beginning of this 103d Congress.

It is similar in structure, indeed, to the bill sent to us by George Bush during his Presidency. The conference report includes these features: establishment of national education goals and national standards and improvement council as part of a process for building a national consensus for education improvement and for overseeing the development of voluntary national education standards.

These standards would be available as guides that States may use to develop their own high standards for student achievement.

The bill also includes authorization of formula grants to States for locally based reform activities. It also establishes a national skills standards board to serve as a catalyst for development of a national system of skills standards to better prepare our workers for high-skill jobs in this very competitive global economy.

It also reauthorizes the Office of Educational Research and Improvement. It authorizes the Safe Schools program to help schools deal with school violence.

The Goals 2000 Educate America Act is the means for the Federal Government to help States and local school districts to help themselves to improve education for all children. It is based upon the principle that, to be effective, school reform must be developed on the local level.

I want to insert in the RECORD, Mr. Speaker, a letter from the Business Coalition for Education Reform, among whose membership is the Chamber of Commerce of the United States, the National Alliance of Business, the National Association of Manufacturers, very strong conservative bodies.

One thing they say in their letter supporting this bill: "The final conference report creates neither unfunded Federal mandates nor a national school board, nor national building codes."

The letter referred to is as follows:

BUSINESS COALITION FOR
EDUCATION REFORM,

Washington, DC, March 22, 1994.

HON. WILLIAM D. FORD,

HON. WILLIAM F. GOODLING,

Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CONGRESSMAN FORD AND CONGRESSMAN GOODLING: The Business Coalition for Education Reform urges all members of the House to give the Goals 2000: Educate America Act, H.R. 1804, their full support. We believe the conference report establishes the appropriate federal framework for creating, for the first time in this country, an education and training system which is performance-based and results oriented.

The Coalition firmly believes that enactment of the Goals 2000 bill is essential to building a world class workforce and ensuring our long term economic strength. Now, more than ever, establishing the federal role in a voluntary national system of academic content standards and assessments to help guide states, schools, teachers, parents, and students is critical to the nation's ability to compete with the other industrialized countries of the world.

The Goals 2000 legislation describes a new federal role in education and training: one of leadership, incentives, and assistance, coupled with the state and local flexibility necessary to design the appropriate instructional programs for individual communities. The final conference report creates neither unfunded federal mandates nor a national school board, nor national building codes. Discretion in developing and implementing academic standards, assessments, and opportunity to learn standards or strategies, is left where it belongs—with the states.

We also believe the conference report ensures there will be strong business leadership on the national skill standards board. The business community believes skill standards, if developed properly, in conjunction with academic standards, skill standards will enhance economic security by providing workers with nationally recognized certifications. With strong business leadership on the board, a national system of skill standards and certifications will ensure the relevance of worker skills and training to jobs.

We commend the Senate and the House for their leadership and persistence in the development and passage of the Goals 2000: Educate America Act, and we urge swift action on the conference report.

Sincerely,

WILLIAM H. KOLBERG.

MICHAEL JACKSON.

Mr. Speaker, I want to point out to this body that Mr. GOODLING and I, in crafting this bill, were very careful to make sure that participation in Goals 2000 is totally voluntary and is not a prerequisite for receipt of funds under any other Federal education program.

If a State or school district does apply for funds and receives them, it must develop its own reform proposal with broad public input, including parents. I urge parents to get involved in that reform in the local school districts, at that level, because that is where it will take place.

Goals 2000 envisions many types of reform, many types of reform activities, throughout the Nation, developed to meet individual community needs. This bill recognizes that which I have always believed, that education is a Federal concern but it is essentially a State responsibility and a local function. I think, in crafting this bill, Mr. GOODLING and I have been very careful to make sure that these are voluntary and that the reform will take place at the local level and with local input.

□ 1520

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, I say to my colleagues, "This is it. Either today you vote for education reform or you go back home and admit you're not really in support of it."

There is not a Member among us who cannot come to the floor today, after the 6 years that the distinguished leaders on both sides have referred to of working on education reform, there is not one of us that could not come here today and say there are some things in this bill that I do not like. I know there are some things the gentleman from Pennsylvania [Mr. GOODLING] does not like. I know there are some things that I do not like. I am sure there are things that the chairman of the committee and the chairmen of the subcommittees do not like either. But this is what governing is all about, and this is the day, and this is the afternoon, when we will have to decide whether we are going to go home and say that we truly are committed to education reform. That is what this is about, my colleagues.

Mr. Speaker, this bill establishes the framework for education reform, nothing more, nothing less.

I showed this to my colleagues in the debate a few weeks ago, the learning revolution. This is what we are talking about here, enabling every State and enabling every local school district in America that so chooses to respond in its own unique way to the challenges of education reform in that community, and I hope my colleagues have listened carefully to what I just said because I

said "enables every State and every local education agency that so chooses."

There is, my colleagues, not one mandate in this bill. There is not a State in the country that has to participate in Goals 2000 if they choose not to. There is not a local school in this country that has to participate in education reform under Goals 2000 if they choose not to. But if they choose to, then they have the power through their locally created reform panel to determine what works best for them, and, my, is there a lot of compromise in that area.

The chairman of the committee has allowed public school choice as one of the options, if they so choose. We have allowed in this bill education flexibility, if it is a part of an education reform proposal.

As the gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican, said, there are absolutely no mandates anywhere in this bill on any local community, and yet we return the bulk of those funds to the local schools. Year one, 60 percent of all the money that goes to those States that choose to participate must go to those local education agencies. In year two and beyond, 90 percent of all of the money must go to the local schools.

My colleagues, name me another program adopted by the U.S. Congress where 90 percent of the money actually goes into the delivery of a program at the local level, and yet that is exactly what happens under this particular program.

A few years ago, when George Bush first articulated Goals 2000, in my home area of western Wisconsin they got all excited, and under the leadership of a Dr. Charles Edwards, who was the dean of school education, still is the dean of school education at one of our universities, we created a Western Wisconsin 2000 Education Reform Panel. They got excited about it, and they put together this handbook, and they have done that without any money.

But the interesting and exciting thing about this program, Mr. Speaker, is one of those schools, which is the larger school, said: You know what? We have looked at our program, and we do nothing to prepare our young people for the international global economy. We want to set up a program, probably a charter school, focused on international education where they focus on world history, and bilingual education, and metric mathematics, and so forth.

Then there was this medium-sized school in a rural farm area that says:

You know, we have got a lot of economic stress in our area, and we have got to recognize that a lot of these young kids are not getting the kind of preparation for learning they ought to have, and they don't start school today ready to learn. So, we want to set up a program in our rural community to guarantee that under education reform every

child in our school starts school ready to learn.

Then there is an even smaller community along the Mississippi River, and the superintendent actually came to me, and he said:

You know what? Not too many of my kids are probably going to go to college. They really need technical education, but very frankly we don't have the resources and the tools to give to them the 1990's or 21st century technical education. We would like to find a way under educational reform to uplink and downlink those kinds of courses and bring them into our school to empower our students.

My colleagues, that is what we are talking about this afternoon, enabling those local communities to chart under their own plans their best methods for improving education for their kids.

One final note before I sit down—I would hope every one of my colleagues, when they come here to vote today, would give this vote to the gentleman from Kentucky [Mr. NATCHER]. Anybody who knows the gentleman from Kentucky at all, knows that he never appropriates money for something that is not authorized. In all the years that I have been here, Mr. Speaker, this is the first time I know of that the gentleman from Kentucky [Mr. NATCHER] has ever put money into an appropriation bill because he had confidence in the secretary, he had confidence in those of us in the Committee on Education and Labor, and he had confidence in this Congress that we were going to do what was right, and by April 1, we were going to have passed and sent to the President an education reform framework.

I say to my colleagues,

My guess is he is sitting in that hospital bed watching us on TV this afternoon, and I think we could give him a vote of confidence and a vote of well wishes to say, "BILL, your confidence in this Congress for your grandchildren and for all the children of this country was well placed. Thank you very much."

Mr. FORD of Michigan. My Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin [Mr. GUNDERSON] for his comments about our chairman, the gentleman from Kentucky [Mr. NATCHER], and for reminding everyone in here of how steadfast he has been over so many years in refusing to put any money on the stump, as the expression goes. This was not money put on the stump. The gentleman from Kentucky [Mr. NATCHER] was convinced that we were going to be able to do it in time for April 1, and that is why he made this \$125 million contingent on us passing this legislation before this week-end.

As the gentleman said, it would be a terrible recognition of that break from the past by him if we were unwilling to break from anxieties and angers of the past to do it.

Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island [Mr.

REED], a new, but very valuable and very active, member of the committee.

Mr. REED. Mr. Speaker, I rise in strong support of the conference report, and I first want to commend the gentleman from Michigan [Mr. FORD] and the gentleman from Michigan [Mr. KILDEE] for their efforts, as well as the ranking member, the gentleman from Pennsylvania [Mr. GOODLING].

As the gentleman from Pennsylvania indicated, we did have some rather frank and vigorous discussions about this bill which resulted in the principal resolution of all these issues and resulted in, as he indicated in his remarks, a conscious recognition of the importance of local control of school policy, and I think this bill recognizes that fundamental tenet of American educational law that is truly the local communities and the States will guide educational reform.

But what we have been able to do in this legislation is to provide a Federal catalyst to help those local reformers. This bill does not purport, nor in any way will it require, the Federal Government to manage reform, but it will, I hope, stimulate through these funds and through these programs vigorous efforts at the local level to reform our educational system.

Now there are two basic components of this legislation. First, the establishment of voluntary standards, and I should hasten to add: voluntary national standards.

□ 1530

So that there is a national consensus on what each child should know at relevant positions in their education. In addition to these national standards, there is a framework of reform, a framework which we hope will encourage the States to address the difficult questions they face each day.

Included in these questions are the resources that should be available to education. They have been described in this legislation as the "opportunity-to-learn standards," but they are basically a set of questions about what resources are necessary to young people to truly master the content standards.

This legislation does not dictate standards, but what it does is encourage the States to ask the hard questions, questions like what they will do when a school or a school system fails to meet the content standards. By asking these questions, by starting a process of sincere and thorough analysis, I think we are going to do remarkably great things for education in the United States without taking upon ourselves at the Federal level the mantle of educational policy in the United States.

This is critical legislation at a critical time in our history. The world economy is expanding. Our competitiveness is at stake unless we can learn all the skills necessary to be successful

in a very competitive and very challenging world.

That is why a host of business organizations, as the subcommittee chairman, the gentleman from Michigan [Mr. KILDEE], indicated, such as the Chamber of Commerce of the United States, the National Alliance of Business, and the National Association of Manufacturers, have all urged us to act today. In their words, in the words of the Business Coalition for Education Reform, they say, "We commend the Senate and the House for their leadership and persistence in the development and passage of Goals 2000. Educate America Act, and we urge swift action on the conference report."

Mr. Speaker, I, too, urge swift action on the conference report.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of recommitting the legislation to conference to restore the protections for constitutionally permitted prayer that have been approved repeatedly in both the House and Senate.

The House has voted overwhelmingly to include language in this bill prohibiting any local school district from infringing on the right of children to engage in constitutionally protected prayer. We reaffirmed this position earlier this week by approving identical language in the elementary and secondary education reauthorization. And the Senate also approved this language with only token opposition.

Why then does this bill not cover constitutionally protected prayer? Apparently, because some of the conferees on this bill have chosen to strike it in favor of language explicitly rejected by this House earlier this week.

Everyone in this House is in favor of education, and even those of us who don't believe this bill is perfect want the process to move forward fairly. However, we should not accept a blatant rejection of the clearly stated will of both Houses on an issue as important as the freedom of religion.

I urge my colleagues to join me in voting to recommit this conference report so that the will of the House on this issue can be done.

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the subcommittee chairman who wrote the Office of Education and Research Improvement provisions that are in this conference report.

Mr. OWENS. Mr. Speaker, I would like to note the fact that in this monumental bill, we have discussed primarily Goals 2000, but also it contains the reauthorization of the Office of Educational Research and Improvement.

Mr. Speaker, the Office of Educational Research and Improvement is reauthorized, updated, modernized and

provided with a structure that brings it into the 20th century. For the first time, education ceases to be second-class citizen here in Washington; for the first time it is recognized that the education function is as important as the defense function, the commerce function, the health function. For the first time it is recognized that a research and development component is necessary for any modern activity to go forward.

Mr. Chairman, it is also recognized that at the level of the States, the States will never have the funds, the resources necessary to do the kind of research that has to be done.

So we now have an Office of Educational Research and Improvement which has 3 major innovations that will carry it forward into the future.

One is an innovation which establishes a Priorities Review Board. This is a board consisting of people who come from the education community, some people chosen from the educators at the level of teaching, some people chosen at the level of researchers, businesspeople, a cross section of people to make up this board appointed by the President.

Mr. Chairman, it is important to have such a board because OERI throughout its history has been plagued by partisan swings one way or the other depending on who was in the White House, and sometimes those swings have taken it off on orbits that have almost destroyed the agency. If a group of educators are there to anchor the agency and to provide an ongoing objective evaluation of the kind of research that needs to be done, the likelihood that this agency will be bogged down in partisan wrangling is lessened greatly.

Mr. Speaker, another important innovation is the establishment of several institutes similar to the Institutes of Health. Those institutes will focus in on particular problems.

One institute will focus on the problem of at-risk students. There will be an institute for the education of at-risk students, there will be an institute for governance and management, and several other institutes which will serve as backdrops and supportive systems for whatever kind of reform does take place at the local and the State level.

Mr. Chairman, the Institute for Governance and Management is needed all over the country. School boards are made up of amateurs who really do not know a lot about how to manage. They are often swindled. A large part of the money that should be going into instructional cost goes into money for buildings and supplies and bus contracts, and, in my hometown of New York, custodian services that are overpriced; and it appears that laymen who are appointed to the boards are not able to deal with these situations.

Therefore, to have an institute working at the national level to support and back up these school boards across the country would greatly benefit the educational reform effort.

Mr. Speaker, we also have a district education agent plan in there which is the heart of a dissemination process to make certain that whatever new research is done, there will be a system similar to the system established many years ago under the Morrill Act.

Mr. Speaker, the way we became the leading power in the world in respect to agriculture and food production was that very early in the life of this country, we established land-grant colleges, and those land-grant colleges were linked up with county agents and they were linked up with experimental stations at universities so that the dissemination of the information that came out of the universities went right down to the farmer at the local level.

Mr. Chairman, we now have a system which will carry the educational research benefits right down to the classroom so that a teacher at the local level can immediately make use of whatever new techniques and approaches are developed. This is a proven approach. We did it long ago in the Department of Agriculture, and it made us the unchallenged producer of food in the world. We are now bringing the education function in parity with the other functions like the Department of Agriculture, the Department of Health, and the Department of Defense, in terms of a first-class, modernized research and development approach, a first-class modernized effort for disseminating information, and a respect for the scientific approach. If science worked to give us Patriot missiles and make us the leading military power in the world, then science and a scientific approach will certainly work to give us a world-class education system and make us the leading innovator in the world.

The children in our classrooms suffer from an outdated, antiquated approach to education, and here is an opportunity to see that they get the very best in terms of a research and development system to produce a world-class leading education system.

Mr. Speaker, I rise in strong support of the conference report on H.R. 1804, the Goals 2000: Educate America Act.

I want to highlight two important parts of this legislation which will provide critical assistance to the Nation's schools: Title VII, which contains the Safe Schools Act, and title IX, which contains the reauthorization of the Office of Educational Research and Improvement.

When the House finally passes H.R. 6, the Improving America's Schools Act, we will have the opportunity to approve legislation which would provide every school district in the Nation with additional resources to prevent violence in and around their schools by the start of the next fiscal year.

Unfortunately, there are schools in our country who cannot afford to wait that long. They need help today.

By incorporating provisions of my bill, the Safe Schools Act of 1994, Title VII will provide the Department of Education with the means to respond immediately to this crisis, providing emergency assistance to those schools which now face severe violence problems and enabling the Department to develop model antiviolence programs which schools throughout America will be able to implement when H.R. 6 is signed into law.

These provisions, in short, will jump-start Federal efforts to respond to the epidemic of violence which now threatens too many students and teachers throughout our Nation, providing the immediate and meaningful Federal response that is now urgently needed in central Brooklyn and in too many other communities in the Nation.

I also want to highlight the dramatic reform of the Federal educational research and development effort that is set out in title IX of H.R. 1804. This legislation reauthorizes and restructures the Office of Educational Research and Improvement to establish a world-class research and development system to guide and drive the national effort to improve education.

If we are to achieve the national education goals, OERI must be moved from the periphery to the center of educational reform and innovation in America. It must become the locomotive which pulls and guides the national effort to improve education with sound, research-based leadership for change.

Title IX creates a stable system of governance modeled upon the National Institutes of Health and the National Science Foundation to guide OERI's activities. A 15-member national educational research policy and priorities board consisting of both educational researchers and representatives of teachers, parents, and other stakeholders in education is established to oversee and guide OERI. The board's key function is to work with the Assistant Secretary to develop a comprehensive research priorities plan to end the incoherent, flavor of the month approach to research which has limited OERI's effectiveness for so long. This would be a long-term agenda for OERI's research and development efforts, reflecting a national consensus which would set out priorities and objectives for OERI.

Title IX also realigns OERI's activities according to an institute structure to provide an enduring focus for its efforts. Currently, OERI is organized by how it conducts research and not by what is being studied. This has contributed to the overall lack of coherence and stability at OERI. Title IX would restructure OERI's research and development activities according to an institute framework, with institutes focused in the following areas: The education of at-risk students; educational governance, finance, policymaking, and management; early childhood education and development; student achievement, curriculum, and assessment; and postsecondary education, libraries, and lifelong learning. These institutes would conduct research through the same means that OERI now employs, including through centers and field-initiated research.

To assure that the results of educational research are fully translated into real improve-

ments in practice, title IX creates an office of reform assistance and dissemination within OERI which would be responsible for managing and directing multiple efforts to synthesize, disseminate, and promote the use of knowledge gained through research. These efforts include the ERIC clearinghouses and the regional educational laboratories.

Title IX also establishes the Goals 2000 community partnerships to support sustained collaborations among institutions of higher education, community-based organizations, local education agencies, and others to use research and development to improve education in low-income communities. This district education agent program is inspired and derived from the county agricultural extension agent, a program which proved enormously successful in the first part of this century in transforming American agriculture, community by community, to a position of world dominance. Following this model, a district education agent would be based in a learning grant institution and would work with the local community to develop and implement a comprehensive plan to improve education from the preschool to postdoctoral level. The agent will also help schools and community members evaluate the success of Federal educational programs within the community and assist in improving their implementation. Other activities which may be supported by the partnerships include preservice and inservice professional development for educators within the community, facilitating the coordination of social, health and other services to children, and school- and community-based research by teachers and others designed to solve specific problems within the community.

This legislation has been crafted through a uniquely open and participatory process. We have worked hard to achieve a consensus on the fundamental reforms which must be made at OERI. The Subcommittee on Select Education and Civil Rights has held 18 hearings and heard from 112 witnesses over a period of 5 years about the kinds of changes which must be made in the structure and authorities of OERI. We have carefully considered and, in most cases, adopted the recommendations of two complementary studies of OERI completed by the National Academy of Sciences and the National Academy of Education. We have also incorporated many useful insights and suggestions provided by the administration and Assistant Secretary Sharon Robinson. The end product of this lengthy, exhaustive process is a very strong, consensus bill which sets OERI on a bold, new course.

I want to acknowledge the contributions and dedication of some of the many individuals who have worked with us to craft this legislation. Dr. Art Wise, Dena Stoner, New York regent Adelaide Sanford, Gerry Sroufe, Carolyn Breedlove, and Gregg Jackson have worked alongside with us throughout this process, contributing many thoughtful ideas. This legislation also reflects countless hours of work by the staff of both the majority and minority of the Education and Labor Committee: Kris Gilbert, Andy Hartman, Maria Cuprill, Braden Goetz, Laurence Peters, and Theda Zawaiza have all worked long and hard on this legislation over the past 5 years. These and other individuals believed that meaningful, visionary

reform was possible and they helped us to make it happen.

With this legislation, we can provide meaningful support to the national movement to reform and improve the quality of our children's education. With this legislation, we can assure that the kind of research-based knowledge they need will be systematically and abundantly produced by OERI. No longer will OERI be a faint and flickering light; it will be a powerful and reliable beacon for reform and change in education.

Mr. Speaker, to significantly improve education in America we need an overwhelming campaign. This legislation provides the Office of Educational Research and Improvement with the capability to lead this overwhelming campaign for the improvement of education.

□ 1540

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY], a member of the committee.

Mr. ARMEY. Mr. Speaker, I continue to oppose this legislation. Goals 2000, which I call bureaucracy 2000, was a bad bill when it went into conference, and it is still a bad bill.

Faced with a clear choice between bureaucratic control and parental freedom, the American people choose parental freedom, hands down. But this bill insists on giving a big thumbs up to bureaucratic control.

Instead of giving parents more accountability over what goes on in their children's classrooms, it gives more power to a new National Education Standards and Improvement Council, a new National Skills Standards Board, a new National Education Goals Panel, and, of course, the old Federal Education Department in Washington. All of which means more power for the National Education Association and less discretion for America's parents.

And true to the NEA agenda, the bill still mandates gender-sensitive and multicultural textbooks; still contains language carefully crafted to lead to the race-norming of educational and employment tests; and still pours money into school-based health clinics.

But most troubling of all is the bill's mandates on the States—mandated content standards, mandated performance standards, mandated opportunity-to-learn standards. The folks that are calling this bottom-up reform must be standing on their heads.

Mr. Speaker, a while back, Al Shanker, head of the American Federation of Teachers labor union, got caught in a moment of unintended candor.

He said, "When school children start paying [union] dues, that's when I'll start representing the interests of school children."

Today, Mr. Shanker must be popping his champagne cork.

Goals 2000 is a great bill for the teachers unions, but it's a bad deal for parents and children.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1804 and to congratulate my subcommittee and the full committee chairman for the heavy lifting that this conference report represents.

As many of my colleagues may know, this was a very difficult agreement to reach. I believe that it was worth all the effort that produced it. This conference report represents real change. With the passage and implementation of this proposal, for the first time in decades, education reform on the national level will be pulling in the same direction as the efforts underway in States and local communities across this country.

This proposal encourages States to develop improved curricula tied to competitive standards. This is an invaluable organizing principle that will give all schools, all teachers and all students a common set of flexible goals. By endorsing this systemic approach to education reform we are stating our belief that all children can meet high expectations and develop the knowledge, skills, and habits of mind that we once expected only of our top students. This is a message of profound optimism for our Nation.

We can achieve all of this and continue to preserve the rich diversity of educational decisionmaking on the local level. Meaningful education reform has been, and always will be, locally driven. This legislation does nothing to inhibit that; in fact the entire proposal assumes that unless reform is based on the needs of individual communities it will never thrive. That is to say: it aligns these national goals of State and locally developed curriculum professional development efforts, and the tools needed to achieve them on a voluntary basis.

Mr. Speaker, I urge my colleagues to vote for this legislation. By providing incentives to State and local educational agencies to adopt content standards in the core academic disciplines we will be driving reform in the area where it is needed most—upgrading curriculum. To change the way students learn and teachers teach—we can not do less.

Mr. Speaker, I urge the adoption of the conference report.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I rise simply to say this: A comment was made a few minutes ago that if this body adopted my motion to recommit, it would unduly delay this bill for quite some time. I think the truth is to the contrary. The language that is in my motion to instruct is very clear and straightforward. It has been adopted over-

whelmingly by this body twice in recent weeks, and also by the Senate. It could be worked into this conference report very easily and very quickly, probably with a few simple phone calls, and I do not think it would delay it at all.

Also to the contrary, I am told if this language is not placed in the bill this time, that there will be a serious effort made to hold this bill up in the other body. So the way to speed this bill to final passage is by adopting my motion to instruct.

What this is all about, Mr. Speaker, and everyone knows, is that those who want to do something real about putting prayer back in our public schools will vote for my motion to recommit and give students the right to have student-initiated, voluntary, non-denominational, constitutionally protected prayer. Those who want to keep the status quo will vote against my motion to instruct.

The best argument for this was made by our own Attorney General, Janet Reno, last week when she told the Hearst newspapers this:

School prayer advocacy, especially in inner cities, is a symptom of people trying to figure every way they can to reinforce people's ability to work together, to live together in families, to have a sense of purpose, a sense of self respect, a sense of regard for others, and how we get along with each other.

What a great argument in favor of this motion to recommit.

Mr. Speaker, I might add this. William Raspberry, the great syndicated columnist, said in a recent column:

It is not just possible that anti-religious bias masquerading as religious neutrality has cost us far more than we have been willing to admit.

Mr. Speaker, I urge passage of my motion to recommit.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Speaker, I rise in strong, strong support of this legislation and this conference report. In fact, I cannot even begin to say how strongly I support this legislation. To my mind, the enactment of this legislation may well prove to be the most important act of the Congress in this decade.

Everywhere I go and every issue I see and every challenge I confront, I see the compelling need for this Goals 2000 legislation: Crime, drugs, disease, unemployment, racial hatred, intolerance of all kinds, the unwillingness, the reluctance, of so many to accept responsibility for their own lives and their own actions, much less for the faith of our democracy.

These challenges, these concerns, these problems, have many causes. But in each of them, I see a single common cause. That common cause is ignorance. Ignorance. Ignorance is the enemy. Education is the answer.

Mr. Speaker, the pathway toward quality education for every American is to be found in the goals established in this legislation. These are broad bipartisan goals. They are voluntary goals. They will not be imposed upon our people, but our people will embrace them, because they understand these are goals that we do share.

That is why President Bush was for them. That is why President Clinton and all the governors at that time endorsed them. That is why we have endorsed them. We need now to make them a reality, and make them a reality today, for these goals will begin to give each child in America the chance for the broad foundation of a liberal arts education that will enable them to be citizens, achievers, Americans in the truest, finest sense of the word.

Mr. Speaker, I recall the words of Thomas Jefferson, who understood the importance of education for America. Mr. Jefferson said:

A nation that expects to be both ignorant and free, expects what never was and never will be.

Mr. Speaker, if Mr. Jefferson were with us today, he would vote for Goals 2000.

□ 1550

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER], a member of the committee.

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the conference report and seek unanimous consent to revise and extend my remarks.

This conference report, which will cost taxpayers over \$645 million in fiscal year 1994 alone, will do little, if anything, to enact true education reform.

Tragically, we allowed yet another education reauthorization bill to pass us by without seizing the opportunity to enact real education reform. True education reform must be driven locally by teachers, administrators, parents, and community leaders and participants. To seize even more of their responsibility, and place it on an already top heavy Federal bureaucracy, is to further reduce the chance that real education reform will ever take place. Yet that is exactly what Goals 2000 does.

By agreeing to this conference report, this body does our children and grandchildren a serious disservice. Goals 2000 retains the highly controversial Opportunity To Learn [OTL] Standards that focus on the conditions of teaching and learning—not the results. These standards wrongfully emphasize superficial conditions, ignoring the content of instruction and whether or not the children are actually learning.

Not only are the OTL standards going to misdirect the energies of edu-

cators on nonessentials, States will be required to develop OTL standards, but implementation will be voluntary. States will be forced to spend time and money developing the standards, only to have them sit on a shelf or in a drawer, never to be used. I can not understand how this possibly will improve education for our children.

In addition to the objectionable Opportunity To Learn Standards, Goals 2000 creates a new bureaucratic, federally-controlled 19-member National Education Standards and Improvement Council [NESIC] to certify and periodically review the national and State content standards, performance, and Opportunity To Learn [OTL] Standards. This panel, composed of members nominated by the President, the Secretary of Education and congressional leaders, would sit, in an oversight role, over the States and localities, further eroding their role in education. Furthermore, the opportunity to enact school choice, an idea whose time has come, was passed by. Too many of my colleagues ignored the chance to provide transferable vouchers for parents to pay for their child's education at the public, private, or parochial school of their choice.

I am also very disappointed that the conference committee included only a watered-down version of the Senate-passed Helms amendment that would have denied funds to any school district with a policy of prohibiting voluntary student-initiated constitutionally protected prayer in schools. The conferees did this in spite of the fact that the House passed a motion to instruct conferees to accept the language as passed by the Senate.

The conference report on Goals 2000 also includes the conference agreement to reauthorize the Office of Educational Research and Improvement. As the ranking member of the Subcommittee on Select Education and Civil Rights, I supported H.R. 856, the Education Research, Development, Dissemination and Improvement Act of 1994, when it was voted on by the House of Representatives. And I fully support the conference agreement reached between the House and Senate.

I believe that the conference agreement makes important clarifications about the collaborative relationship between the Assistant Secretary for Educational Research and Improvement and the National Board on Research Policy and Priorities. The agreement also maintains the authority of regional laboratories to set their own locally-generated research policies, and creates a clear framework for establishing up to two additional regional labs in the future.

I want to make it very clear that while I plan to vote against the entire Goals 2000 conference report, I support the OERI portion of the conference agreement.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I wish I could say that the most important part of the Goals 2000 legislation for me was the heart of the legislation, the voluntary national education standards. As a law professor still at Georgetown, I feel deeply about what students need to know and the skills they need to have.

But in my town and in many others today, among the skills students most need are violence survivor skills. There are no books yet, Mr. Speaker, on how to get out of school alive or how to dodge a bullet.

Title 7, the safe schools provision, is an important step toward seeing that such books become unnecessary. If we do not enact this legislation this very day, however, safe schools will expire by April 1, before we get back from the district work period.

When I was a student at Dunbar High School here in Washington, fists were all that were available. Today guns have saturated society. Those guns are used to settle juvenile quarrels. There were gun shots through the window of my high school alma mater last month. Vice President GORE went with me and heard students describe how bullets can keep one from concentrating on books.

The next time the Vice President and I go to Dunbar, I hope we will hear about the scholarships that Dunbar students get from M.I.T. and from Howard. This bill will help us meet that goal, but only if Members vote for the conference report so that we can save safe schools before it expires April 1.

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

I would like to try one more time, hopefully there are Members at least on my side of the aisle back in their office listening, and I would hope that there are a lot of people out in the public who may be watching this so that I can allay the fears they may have and the misrepresentations of what is in this bill.

I would like to point out seven or eight of those particular things so that we truly understand what the legislation does or does not do.

First of all, it promotes Bottom-Up reform, not top down, not Federal Government down to local government, local to top. It requires each State improvement plan to include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local education agencies and schools and includes a list of optional strategies for State consideration.

Second, unfunded mandate prohibition. It includes a general prohibition on Federal mandates with respect to

the direction or control of the State, local education agency or school's curriculum, program of instruction or allocation of State and local resources under this Act. It does not allow, does not allow the Federal Government to mandate a State or locality to incur costs not paid for under this Act.

It includes a provision reaffirming State and local responsibility for control of education. It requires the local plan to promote the flexibility of local schools in developing plans which address the particular needs of their schools and communities.

This may be one of the most important parts of this legislation. For years I have been trying to promote the idea that if we give local governments an opportunity to use their own creativity and ingenuity, they can combine some of these programs without worrying about whether they commingled some funds, because our auditors have always checked to see every penny where they thought the Congress wanted it to go. Rather than whether there was any quality taking place in the programs we had designed.

Finally, after all these years, there is flexibility in there so that local and State governments can be creative when dealing with the Federal legislation.

Furthermore, it permits LEA's to use no more than 25 percent of their subgrant in the first year for the development of their local improvement plan for LEA activities approved by the State Education Association which are related to carrying out the State or local plan. It permits the use of these funds to establish innovative new public schools.

Beyond what was mentioned, choice, it also allows for new creative schools. As I indicated, waivers, it allows the secretary to waive any statutory or regulatory requirement of chapter 1, chapter 2, the Eisenhower Mathematics and Science Education Act, the Emergency Immigration Education Act, the Drug Free Schools and Communities Act, Even Start, and the Carl D. Perkins Vocational and Applied Technology Act. They can apply for waivers so that they can be creative on the local level.

□ 1600

It permits LEA's not receiving funds, not receiving funds under this act, but which are undertaking reform, to apply for these waivers, which will certainly help them.

It amends the General Education Provisions Act [GEPA] regarding students' right to privacy. This is an amendment to the so-called Hatch Act, and it involves parental rights.

These are eight areas that I have heard over and over again that are just opposite of what is in this legislation. I point that out to make sure that when we discuss the legislation, at

least we are discussing what is actually in the legislation, not what someone may think is in the legislation.

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

Mr. FORD of Michigan. Mr. Speaker, I would ask how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

Mr. FORD of Michigan. I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to first salute the chairman and members of the committee on both sides who have worked hard to put this program together. I want to urge Members to vote against the motion to recommit, and I want to urge Members to vote for this report.

This legislation has had a long and difficult path to this point. It is a piece of legislation that was developed by both parties, and by the Governors and Members of the executive branch and the legislature. I think it is a very important program. It sets goals for our States, and then allocates money to help the State boards of education reach for the goals. I believe it is very important that we finalize or realize this piece of legislation.

There are many still in the country who believe that we should not set standards or goals. I think they are wrong. I think by passing this and putting it into place, we will finally make that point. We will resolve that conflict, which is what we are here to do, to resolve conflicts and to move the country forward.

Mr. Speaker, I understand some would want the motion to recommit so that the language on school prayer could be put into this conference. I urge Members to understand that whatever their views on school prayer that we passed in yesterday's action on the floor in H.R. 6, an approach to the school prayer question, that bill, when it is realized and finished, will apply to the schools of the country and the Federal Government's relationship with those schools with regard to school prayer.

There is not a need to reiterate that policy in this bill, whatever the Members' views on it were. This bill can go forward, that bill will go forward, and that bill will deal with the school prayer question. There is not a need today to put that language into this conference.

All Members will do if they vote for the motion to recommit is to slow down and frustrate the realization of this very important legislation. It will mean that about \$100 million of Federal money will not go forward between

now and the next fiscal year to realize the goals of this legislation.

I urge Members to vote against the motion to recommit, to vote for this conference report, and to realize a bipartisan effort that has gone on for years to set standards and to set goals for our young people in our schools. This is a major achievement of the Republican party and the Democratic party, of the Governors of this country, of the executive branch, and now of the legislature of the United States.

I salute my friends who have worked on it on both sides. I urge Members to vote against the motion to recommit and to vote for the conference report, so we will finally have standards for the young people of the United States.

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

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

The gentleman from Michigan [Mr. FORD] has the right to close.

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

I just want to take this time to thank the majority for the cooperative effort we have had over the years trying to put this legislation together. It is much easier when we have the White House to drive a bargain with the majority than it is when you do not have the White House, but I think we have done very well, and it is because of the cooperation from the majority side.

I also want to thank the staff, the staffs on both sides. With H.R. 6, with this legislation, and with every other piece that we have had, I am talking to these people in their offices Saturday nights, and Sunday nights. I do not even know if they know the people at their homes anymore, because I do not know if they ever go home.

I want to thank them, because it has been months that they have been on H.R. 6, it has been months and years they have been on this piece of legislation. I want to thank them for their efforts.

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

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume, to simply thank all of the members of the Committee on Education and Labor who worked to accomplish this bill.

This is an interesting experience for me. We started out with this bill as a Republican President's initiative and we passed it for him, not once but twice. Then a Democratic President who was a Governor, and negotiated the bill in the first place with the Republican President, came back with the same bill, and the lineup changed a little bit, but when the gentleman from Pennsylvania [Mr. GOODLING] says it is easier to bargain on this when you

have the White House behind you, he has always had the White House behind him on this. I have only had the White House very recently behind me on this.

I compliment the White House in both instances for the hard work they have put in in trying to get this passed. The American people are beginning to wonder if we are ever going to get anything done about this Goals 2000, because they have been reading about it for years.

As the gentleman from Wisconsin pointed out, some people took us and the President seriously when this first came on the scene and got started. Then we said, "You get out there, and we will be along with a can of gasoline for you so you can drive the rest of the way." We never got there.

If we do not get this bill passed today, this conference report, the gasoline we were going to give them for 1994 is not going to get to them. Then we can come back and argue about what we will do starting in 1995. That is too late. This is way overdue now. We cannot try the patience of the local and State school people out there any more than we have.

Mr. EMERSON. Mr. Speaker, I rise today in strong support of the motion to recommit the conference report on Goals 2000 with instructions. We've been through this before folks. I think it is sad that opponents of voluntary school prayer have to use a backdoor maneuver in conference to strip our language that has overwhelmingly passed both the House and Senate in recent weeks and substitute the Williams language. The Williams language preserves the status quo—we would continue to allow schools to violate the Constitution. Nothing would change. This language failed when attempted during debate on H.R. 6 just this week. Our motion to instruct conferees on Goals 2000 legislation passed by voice vote a few weeks ago and the identical language passed the Senate by a convincing vote of 77-22 last month.

Just a few days ago my colleague SAM JOHNSON of Texas offered an amendment on behalf of Mr. DUNCAN and myself to H.R. 6 containing this same language that passed overwhelmingly 355-64. Mr. WILLIAMS had the opportunity to offer his language and call for a vote. His amendment failed. What is the problem here? Is the message not crystal clear? There is strong support for voluntary prayer in our public schools in Congress and in America. I urge you to support our motion to recommit this bill with instructions to reincorporate the Duncan language in place of the watered-down, meaningless Williams language.

Mr. BLILEY. Mr. Speaker, I would like to take this opportunity to discuss the compromise agreement that constitutes title XII of H.R. 1804, the Goals 2000: Educate America Act.

Title XII of H.R. 1804 as approved by the other body contained provisions which would have prohibited smoking in each indoor facility in which "children's services" were provided, except that smoking would be allowed in those portions of the facility in which "children's services" are not normally provided and which

are "ventilated separately" from those portions of the facility in which "children's services" are normally provided.

The version of H.R. 1804 approved by this body contained no comparable provisions.

In title XII of the version of H.R. 1804 approved by the other body, "children's services" were defined to include health, education and "other direct services" that are routinely provided to children and which are funded, directly or indirectly, in whole or in part, by Federal funds; including in-kind assistance.

The definition of "children's services" in the conference agreement is narrower. The conference agreement defines "children's services" as the provision on a routine or regular basis of health, day care, education, or library services that are funded, after the date of enactment, directly by the Federal Government, or through State and local governments, by Federal grant, loan, loan guarantee, or contract programs which are administered either by the Secretary of the Department of Health and Human Services or the Secretary of the Department of Education—except for services for which the sole source of Federal funding is title XVIII or title XIX of the Social Security Act—or which are administered by the Secretary of the Department of Agriculture for clinics, as defined by Federal regulations, but no food establishments, established under the Women, Infants and Children Program administered under the Child Nutrition Act of 1966.

The conference agreement also defines "children's services" to include the provision of routine or regular health, day care, education, or library services in indoor facilities which are constructed, operated, or maintained with Federal funds provided after the effective date of title XII under the Department of Health and Human Services, the Department of Education, and the Department of Agriculture programs described in the preceding paragraph.

The conference agreement prohibits smoking within any indoor facility which is owned or leased or contracted for and utilized by the service provider for the routine and regular provision of the following children's services: kindergarten, elementary or secondary education, or library services.

The conference agreement prohibits smoking in any portion of an indoor facility which is owned or leased or contracted for and utilized by the service provider for the routine and regular provision of the following children's services: health care, day care, or early childhood development [Head Start] programs. Included in the portion of the facility subject to the smoking prohibition are those areas of the facility used for the provision of health care, day care or Head Start services that are routinely and regularly used by employees of the service provider. Such areas might include employees' lounges and offices directly related to the administration of the children's service being provided which are adjacent to the portion of the facility in which children's services are provided so that children might be exposed on a routine and regular basis to environmental tobacco smoke. The smoking prohibition would not apply to portions of the facility that are not used for the routine and regular provision of health care, day care or Head Start children's services or that are available to employees of the children's service provider, as described above.

The conference agreement exempts the following two categories from the smoking prohibition that applies to portions of facilities in which health care, day care, and Head Start children's services are provided: One, any portion of such a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and two, any private residence.

The conference agreement also compels Federal agencies to prohibit smoking within any indoor facility, or portion of the facility, which is operated by the agency, either directly or by contract, to provide children's services. Specifically, Federal agencies located in the United States in which routine and regular kindergarten, elementary or secondary education, or library children's services are provided must prohibit smoking in the entire facility in which the children's service is provided. For Federal agencies located outside the United States, smoking must be prohibited only in the portion of the facility operated by the agency, directly or by contract, to provide routine or regular kindergarten, elementary or secondary education, or library services. The conference agreement distinguishes between indoor facilities operated by Federal agencies inside the United States and those outside the United States to address the concern that in facilities operated by Federal agencies outside the United States it is more likely to find kindergarten, elementary or secondary, or library children's services provided in a building that is used for other purposes.

For health care or day care or Head Start children's services that are provided in facilities operated, either directly or by contract, by any Federal agency, the conference agreement requires the Federal agency to prohibit smoking in the portion of the facility in which the children's services are provided. This prohibition would not apply to the following two categories: One, any portion of such a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and two, any private residence.

The prohibitions on smoking established by the conference report will be enforced by the Secretary of the Department of Health and Human Services. The conference report does not require the Secretary of the Department of Health and Human Services to issue regulations for any part of this provision; indeed, it is the intention of the conferees that the provisions of this agreement be self-implementing. The Secretary of the Department of Health and Human Services is directed by the conference agreement to publish notice of these prohibitions in the Federal Register and to provide as much notice of these requirements as possible.

While I have strong reservations with other portions of this conference agreement, I believe the agreement contained in title XII is a significant compromise agreement. It extends dramatically the prohibition on smoking to a wide range of children's services. However, it does not require smoking prohibitions in portions of buildings which are not used for the provision of health care, day care or Head Start children's services. This preserves for the Occupational Safety and Health Administration the difficult but important determination concerning what standards are necessary and

appropriate to ensure good indoor air quality in workplaces.

Thank you, Mr. Speaker.

Mr. DURBIN. Mr. Speaker, I rise in support of the Goals 2000 conference report [H.R. 1804]. I would like to call attention to a small but very important provision of the conference report that would protect children from secondhand smoke while they are participating in federally funded children's programs.

Last year, I introduced legislation [H.R. 710] along with Mr. HANSEN and Mr. MAZZOLI in the House, and Senator LAUTENBERG in the other body, to ensure that children in federally funded children's programs will not be exposed to secondhand smoke. This legislation, which is known as the PRO-KIDS Act [Preventing Our Kids from Inhaling Deadly Smoke], has more than 70 cosponsors. It has been endorsed by more than 20 groups whose names I will provide at the end of my statement.

The conference report on H.R. 1804 includes a provision that builds on our work in H.R. 710. The conference report provides effective protection from secondhand smoke to children who receive federally funded children's services.

Specifically, the Goals 2000 conference report bans smoking in buildings used to provide kindergarten, elementary, or secondary education, or library services to children. In addition, it protects children receiving other federally funded children's services by banning smoking in those portions of buildings that are used to provide federally funded health care, day care, or early childhood development services to children. This prohibition also applies to areas of the building that are used by employees to provide these services. Among the programs in which children will enjoy this protection from secondhand smoke are the WIC Nutrition Program for women, infants and children; Head Start; day care programs; health care programs; and programs providing education or library services.

This legislation is important to the health of our Nation's children. Secondhand smoke is responsible for approximately 3,000 lung cancer deaths annually in U.S. nonsmokers. Of more immediate concern to children, exposure to secondhand smoke causes 150,000 to 300,000 lower respiratory tract infections such as bronchitis and pneumonia in young children each year, causes additional episodes of asthma and increased severity of asthma symptoms in 200,000 to 1 million children who already have asthma, and may be a risk factor for 8,000 to 26,000 new cases of asthma annually in children who would not otherwise become asthmatic.

My office recently heard from a woman who has been unable to secure a smokefree learning environment for her 11-year-old child, who has asthma. He has suffered asthma attacks at school due to exposure to secondhand smoke in school buildings. This legislation will give that child and others like him the protection they need, so they can concentrate on their learning and other activities rather than worrying about whether participation in federally funded programs may be hazardous to their health.

I applaud the conferees on H.R. 1804 for decisively addressing this issue.

A list of the organizations that have endorsed the PRO-KIDS Act follows:

American Cancer Society;
American Heart Association;
American Lung Association (united as the Coalition on Smoking OR Health);
American Academy of Otolaryngology—Head and Neck Surgery, Inc.;
American Academy of Pediatrics;
American Association for Respiratory Care;
American College of Chest Physicians;
American College of Occupational and Environmental Medicine;
American Medical Association;
American Nurses Association;
Americans for Nonsmokers Rights;
ASH (Action on Smoking and Health);
Association on Maternal and Child Health Programs;
Association of State and Territorial Health Officials;
Asthma and Allergy Foundation of America;
Coalition for Consumer Health & Safety;
Consumer Federation of America;
Environmental Defense Fund;
National Association of Medical Directors of Respiratory Care;
National Coalition for Cancer Research;
National Education Association; and
Sierra Club.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the conference report on H.R. 1804, the Educate America Act. We can no longer afford to stand around and talk about what is wrong with education in America. It is time to start providing States with the tools to tackle education reform.

The Educate America Act establishes national goals, learning standards, teacher training programs, parent participation programs, and business and industry input which are pathways to success for America's schools.

Most importantly this act gives schools a coordinated resource for reform. The Educate America Act creates a number of organizations like the National Education Standards and Improvement Council, the National Goals Panel, and the National Skills Standards Board which facilitate dialog among education leaders across the country about what works and why.

Under this structure, we will have a forum to communicate about national standards so that a student who graduates from high school in Zuni, NM, learns the same basic skills as a graduate from California, New York, or Mississippi.

This act will serve our Nation's long-term interests by creating better educated generations that are prepared to compete with their peers around the world. I am ready to support the conference agreement on H.R. 1804 and urge my colleagues to do the same.

Mr. WHEAT. Mr. Speaker, I rise to add my support to the Goals 2000 legislation, and to commend all of my colleagues who worked so diligently on this bill—in particular Chairman FORD and Chairman KILDEE and ranking member GOODLING.

I would like to thank them and others for working together with me in support of title IV, a provision to provide Federal funds to expand parental support and involvement in our country.

This title will go a long way to further advance goal No. 1—ensuring that all children enter school ready to learn.

In particular, title IV would authorize funds for an innovative and highly successful pro-

gram that was developed in my State of Missouri about a decade ago and that I have been working to support on a Federal level for a number of years.

Senator CHRISTOPHER BOND has been a leading advocate for the Parents as Teachers Program in the other body.

Mr. Speaker, the provisions in title IV build on an amendment that I offered when this Chamber took up the Goals 2000 legislation last October.

That amendment, and this conference report, specifies that parental support programs should begin not when a child is enrolled in school, but at the time of a child's birth.

And to further that aim, this legislation for the first time specifically authorizes the use of Federal funds to establish, expand, or operate Parents as Teachers Programs.

Parents as Teachers Programs are voluntary early childhood development and parent education programs that are associated with the Parents as Teachers National Center, Inc., in St. Louis MO. The program is strictly voluntary and serves parents of infants and toddlers between birth and the age of 3 and their child.

The Parents as Teachers Program stated as a pilot project in my district, but has since mushroomed into a program with a truly national scope. Today, Parents as Teachers is in 43 States and three nations.

The PAT Program provides parents with prenatal information before a child is born and then continues until that child reaches the age of 3.

It features individualized home visits by trained and certified child specialists, development and health screenings for children, and group visits, among parents where they share their experiences and offer solutions to any difficulties they may be encountering.

The success of Parents as Teachers lies in its common sense approach which is rooted in the basics and which have been proven to work.

The program teaches and encourages parents to read to their children; it helps with an infant's sleeping problems; it offers advice on games to play with a toddler to promote language development and build curiosity in young minds.

Through free health screenings, the program helps identify a child's hearing and vision problems early—before they become stumbling blocks to learning.

The program does not take a cookie cutter approach. Its strength lies in its simplicity and in the individualized attention it provides to each family.

Study after study validates the success of the program. Children enrolled in Parents as Teachers have consistently been shown to read better, understand more, listen more attentively, and score higher on intellectual aptitude tests.

The Goals 2000 legislation, and the Parents as Teachers Program, recognizes that we can help children enter school ready to learn if we begin at the beginning.

Education Secretary Richard Riley knows this well. In a recent speech outlining the state of American Education, Secretary Riley spoke of a "new ideal in American education grounded in the practical and hard earned lessons of the past 10 years."

"We have leaned," the Secretary said, "that children who come to school healthy—who have gotten their shots, participated in early childhood programs, and have had their parents read with them—are children who are engaged and ready to learn. They are connected to learning."

"Above all," Secretary Riley went on to say, "we recognize again the very old virtue that parents are the first and most important teachers."

Attorney General Janet Reno has also made a plea for us to focus on the critical ages of zero to 3. She echoes the words of child development specialists in pointing out that this is the period when a child first learns the concept of reward and punishment.

"What good are all the school violence programs," the Attorney General has asked, "if the child didn't learn the concept of punishment when he or she was zero to 3?"

Mr. Speaker, title IV of the Goals 2000 bill puts families first and will help give our children one of the best possible starts in life.

It is an important way for us to strengthen families and to help our children, all of our children, enter school not just ready—but eager—to learn.

Ms. WOOLSEY. Mr. Speaker, I rise in support of the rule for the conference report on Goals 2000: Educate America Act, and against the motion to recommit.

If the House does not pass the conference report today, local schools will lose funds that have already been appropriated for Goals 2000 and the Safe Schools Act.

The Goals 2000 conference started with two very different bills, and everyone involved in both bodies and both parties worked very hard to arrive at the conference report before the House today.

Goals 2000 will provide a national framework to support State and local school reform efforts. And, as an important part of that framework, Goals 2000 will ensure that more kids can benefit from education reform by helping schools plan and implement coordinated services.

With funds authorized in Goals 2000, schools that want to bring health and social services on or near the school site will be able to learn from already existing, successful, coordinated service programs, like the one in the Roseland School District in Santa Rosa, and the one in Lynwood Elementary School in Novato and by replicating these successes, meet their own students' needs.

I urge my colleagues to support the Goals 2000 conference report. A "yes" vote on this conference report is a vote that our children enter the classroom ready to learn.

Mr. FRANKS of Connecticut. Mr. Speaker, I plan to vote for the conference report on Goals 2000. Although this bill is not perfect, I recognize that the successful passage of education legislation requires a degree of compromise on both sides of the aisle. I support Goals 2000 because it codifies eight national education goals, a concept first proposed by former-President George Bush in 1989. This bill also provides \$400 million in financial support to States and local school systems that choose to improve education for their students using the framework of this legislation. This money will be used exclusively for improving

the education of all students, not just special or needy groups.

This bill provides a greater degree of flexibility to State and local governments than has been seen in past Federal education legislation. Under this bill, the Secretary of Education can waive statutory or regulatory requirements for the major elementary and secondary Federal education programs. This bill also allows school systems to use Goals 2000 funds for specialized public school choice programs such as magnet schools and chapter schools.

I am disappointed to see that Congress will not allow Goals 2000 funds to support general school choice plans. The competition that school choice can bring to elementary and secondary education would create another incentive for troubled public schools or troubled public school systems to initiate valid reforms. While I am pleased to see that one of the national education goals encourages greater parental involvement and participation in the education of their children, I should point out that school choice also provides a basic way for parents to be more involved in the education of their children.

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. DUNCAN
Mr. DUNCAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DUNCAN. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DUNCAN moves to recommit to the conference on the disagreeing votes of the two Houses on the bill H.R. 1804 and instructs the managers on the part of the House to include in their conference report the provision committed to the conference as section numbered 405, of the Senate amendment, concerning school prayer.

Mr. DUNCAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 195, nays 232, not voting 6, as follows:

[Roll No. 85]

YEAS—195

Allard	Grandy	Parker
Applegate	Greenwood	Paxon
Archer	Gunderson	Payne (VA)
Army	Hall (TX)	Peterson (MN)
Bachus (AL)	Hancock	Petri
Baker (CA)	Hansen	Pombo
Baker (LA)	Hastert	Portman
Ballenger	Hayes	Poshard
Barrett (NE)	Hefley	Pryce (OH)
Bartlett	Hergert	Quillen
Barton	Hobson	Quinn
Bateman	Hoekstra	Ramstad
Bentley	Hoke	Ravenel
Bereuter	Horn	Regula
Bevill	Houghton	Roberts
Billrakis	Huffington	Rogers
Bliley	Hunter	Rohrabacher
Blute	Hutchinson	Ros-Lehtinen
Boehner	Hutto	Roth
Bonilla	Hyde	Roukema
Browder	Inglis	Rowland
Bunning	Inhofe	Royce
Burton	Istook	Santorum
Buyer	Jacobs	Sarpalius
Callahan	Johnson, Sam	Saxton
Calvert	Kasich	Schaefer
Camp	Kim	Schiff
Canady	King	Sensenbrenner
Castle	Kingston	Shaw
Clinger	Klug	Shays
Coble	Knollenberg	Shuster
Collins (GA)	Kolbe	Skeen
Combest	Kyl	Skelton
Cox	Lancaster	Smith (MI)
Crane	Lazio	Smith (NJ)
Crapo	Levy	Smith (OR)
Cunningham	Lewis (CA)	Smith (TX)
Deal	Lewis (FL)	Snowe
DeLay	Lightfoot	Solomon
Diaz-Balart	Linder	Spence
Dickey	Lipinski	Stearns
Doolittle	Livingston	Stenholm
Dornan	Lloyd	Stump
Dreier	Machtley	Sundquist
Duncan	Manzullo	Talent
Dunn	McCandless	Tanner
Ehlers	McCollum	Tauzin
Emerson	McCrery	Taylor (MS)
Everett	McDade	Taylor (NC)
Ewing	McHugh	Thomas (CA)
Fawell	McInnis	Thomas (WY)
Fields (TX)	McKeon	Torkildsen
Fish	McMillan	Trafficant
Fowler	McNulty	Upton
Franks (CT)	Mica	Valentine
Franks (NJ)	Michel	Vucanovich
Galleghy	Miller (FL)	Walker
Gekas	Molinari	Walsh
Geren	Montgomery	Weldon
Gillmor	Moorhead	Wilson
Gingrich	Myers	Wolf
Goodlatte	Nussle	Young (AK)
Goodling	Orton	Young (FL)
Goss	Oxley	Zeliff
Grams	Packard	Zimmer

NAYS—232

Abercrombie	Beilenson	Brown (FL)
Ackerman	Berman	Brown (OH)
Andrews (ME)	Bilbray	Bryant
Andrews (NJ)	Bishop	Byrne
Andrews (TX)	Blackwell	Cantwell
Bacchus (FL)	Boehert	Cardin
Baessler	Bonior	Carr
Barca	Borski	Chapman
Barcia	Boucher	Clay
Barlow	Brewster	Clayton
Barrett (WI)	Brooks	Clement
Becerra	Brown (CA)	Clyburn

Coleman Johnson (CT) Peterson (FL)
 Collins (IL) Johnson (GA) Pickett
 Collins (MI) Johnson (SD) Pomeroy
 Condit Johnson, E. B. Porter
 Conyers Johnston Price (NC)
 Cooper Kanjorski Rahall
 Coppersmith Kaptur Rangel
 Costello Kennedy Reed
 Coyne Kennelly Reynolds
 Cramer Kildee Richardson
 Danner Kleczka Roemer
 Darden Klein Rose
 de la Garza Klink Rostenkowski
 DeFazio Kopetski Roybal-Allard
 DeLauro Kreidler Rush
 Dellums LaFalce Sabo
 Derrick Lambert Sanders
 Deutsch Lantos Sangmeister
 Dicks LaRocco Sawyer
 Dingell Laughlin Schenk
 Dixon Leach Schroeder
 Dooley Lehman Schumer
 Durbin Levin Scott
 Edwards (CA) Lewis (GA) Serrano
 Edwards (TX) Long Sharp
 Engel Lowey Shepherd
 English Maloney Sisisky
 Eshoo Mann Skaggs
 Evans Manton Slattery
 Farr Margolles- Slaughter
 Fazio Mezvinsky Smith (IA)
 Fields (LA) Markey Spratt
 Filner Martinez Stark
 Fingerhut Matsui Stokes
 Flake McCloskey Strickland
 Foglietta McCurdy Studds
 Ford (MI) McDermott Stupak
 Ford (TN) McHale Swett
 Frank (MA) McKinney Swift
 Frost Meehan Synar
 Furse Meek Tejeda
 Gejdenson Menendez Thompson
 Gephardt Meyers Thornton
 Gibbons Mfume Thurman
 Gilchrist Miller (CA) Torres
 Gilman Mineta Torricelli
 Glickman Minge Towner
 Gonzalez Mink Tucker
 Gordon Moakley Unsoeld
 Green Mollohan Velazquez
 Gutierrez Moran Vento
 Hall (OH) Morella Visclosky
 Hamburg Murphy Volkmer
 Hamilton Murtha Washington
 Harman Nadler Waters
 Hastings Neal (MA) Watt
 Hefner Neal (NC) Waxman
 Hilliard Oberstar Wheat
 Hinchey Obey Whitten
 Hoagland Oliver Williams
 Hochbrueckner Ortiz Wise
 Holden Owens Woolsey
 Hoyer Pallone Wyden
 Hughes Pastor Wynn
 Insee Payne (NJ) Yates
 Jefferson Penny

NOT VOTING—6

Gallo Natcher Pickle
 Mazzoli Pelosi Ridge

□ 1629

Mr. HILLIARD changed his vote from "yea" to "nay."

Messrs. FAWELL, TORKILDSEN, HORN, BEVILL, and APPELGATE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. GUNDERSON. 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 306, nays 121, not voting 6, as follows:

[Roll No. 86]

YEAS—306

Abercrombie Ford (TN) McHale
 Ackerman Fowler McKeon
 Andrews (ME) Frank (MA) McKinney
 Andrews (NJ) Franks (CT) McMillan
 Andrews (TX) Frost
 Applegate Furse McNulty
 Bacchus (FL) Gallegly Meehan
 Baesler Gejdenson Menendez
 Barca Gephardt Meyers
 Barcia Gibbons Mfume
 Barlow Gilchrist Miller (CA)
 Barrett (NE) Gilmore Mineta
 Barrett (WI) Gilman Minge
 Bateman Glickman Mink
 Becerra Gonzalez Moakley
 Beilenson Goodling Mollinari
 Bentley Gordon Mollohan
 Bereuter Grandy Montgomery
 Berman Green Moran
 Bevill Greenwood Morella
 Bilbray Gunderson Murphy
 Billirakis Gutierrez Murtha
 Bishop Hall (OH) Nadler
 Blackwell Hall (TX) Neal (MA)
 Blute Hamburg Neal (NC)
 Boehlert Hamilton Nussle
 Bonior Harman Oberstar
 Borski Hastings Obey
 Boucher Hayes Oliver
 Brewster Hefner Ortiz
 Brooks Hilliard Orton
 Browder Hoyer Owens
 Brown (CA) Hoagland Pallone
 Brown (FL) Hobson Parker
 Brown (OH) Hochbrueckner Pastor
 Bryant Holden Payne (NJ)
 Byrne Horn Payne (VA)
 Camp Houghton Pelosi
 Cantwell Hoyer Peterson (FL)
 Cardin Huffington Peterson (MN)
 Carr Hughes Petri
 Castle Insee Pickett
 Chapman Jacobs Pomeroy
 Clay Jefferson Poshard
 Clayton Johnson (CT) Price (NC)
 Clement Johnson (GA) Quinn
 Clinger Johnson (SD) Rahall
 Clyburn Johnson, E. B. Ramstad
 Coleman Johnston Rangel
 Collins (IL) Kanjorski Reed
 Collins (MI) Kaptur Regula
 Condit Kennelly Reynolds
 Conyers Kildee Richardson
 Cooper Kleczka Roemer
 Coppersmith Klein Rogers
 Costello Klink Ros-Lehtinen
 Coyne Klug Rose
 Cramer Kolbe Rostenkowski
 Danner Kopetski Rowland
 Darden Kreidler Roybal-Allard
 de la Garza LaFalce Rush
 Deal Lambert Sabo
 DeFazio Lancaster Sanders
 DeLauro Lantos Sangmeister
 Dellums LaRocco Santorum
 Derrick Laughlin Sarpalius
 Dicks Lazio Sawyer
 Diaz-Balart Lehman Saxton
 Dingell Levin Schenk
 Dixon Lewis (GA) Schiff
 Dooley Lipinski Schroeder
 Durbin Lloyd Schumer
 Edwards (CA) Long Serrano
 Edwards (TX) Lowey Sharp
 Engel Machtley Shaw
 English Maloney Shays
 Eshoo Mann Shepherd
 Evans Manton Sisisky
 Farr Margolles- Skaggs
 Fawell Mezvinsky Skelton
 Fazio Markey Slaughter
 Fields (LA) Martinez Slattery
 Filner Matsui Smith (IA)
 Fish McCloskey Smith (MI)
 Flake McCurdy Snowe
 Foglietta McDade Spratt
 Ford (MI) McDermott Stark

Stokes Torres Watt
 Strickland Torricelli Waxman
 Studds Towns Weldon
 Stupak Trafficant Wheat
 Swett Tucker Whitten
 Swift Unsoeld Williams
 Synar Upton Wilson
 Tanner Valentine Wise
 Tauzin Velazquez Woolsey
 Tejada Vento Wyden
 Thomas (CA) Visclosky Wynn
 Thompson Volkmer Yates
 Thornton Walsh Young (FL)
 Thurman Washington
 Torkildsen Waters

NAYS—121

Allard Gingrich Myers
 Archer Goodlatte Oxley
 Army Goss Packard
 Bachus (AL) Grams Paxon
 Baker (CA) Hancock Penny
 Baker (LA) Hansen Pombo
 Ballenger Hastert Porter
 Bartlett Hefley Portman
 Barton Herger Pryce (OH)
 Billey Hoeckstra Quillen
 Boehner Hoke Ravenel
 Bonilla Hunter Roberts
 Bunning Hutchinson Rohrabacher
 Burton Hutto Roth
 Buyer Hyde Roukema
 Callahan Inglis Royce
 Calvert Inhofe Schaefer
 Canady Istook Sensenbrenner
 Coble Johnson, Sam Shuster
 Collins (GA) Kasich Skeen
 Combust Kim Smith (NJ)
 Cox King Smith (OR)
 Crane Kingston Smith (TX)
 Crapo Knollenberg Solomon
 Cunningham Kyl Spence
 DeLay Levy Stearns
 Dickey Lewis (CA) Stenholm
 Doolittle Lewis (FL) Stump
 Dornan Lightfoot Sundquist
 Dreier Linder Talent
 Duncan Livingston Taylor (MS)
 Dunn Manzullo Taylor (NC)
 Ehlers McCandless Thomas (WY)
 Emerson McCollum Vucanovich
 Everett McCrery Walker
 Ewing McHugh Wolf
 Fields (TX) McInnis Young (AK)
 Fingerhut Mica Zeliff
 Franks (NJ) Michel Zimmer
 Gekas Miller (FL)
 Geren Moorhead

NOT VOTING—6

Gallo Mazzoli Pickle
 Kennedy Natcher Ridge

□ 1638

Mr. SUNDQUIST changed his vote from "yea" to "nay."

Messrs. SAXTON, SARPALIUS, HALL of Texas, and BEREUTER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report on H.R. 1804 which was just considered and agreed to.

The SPEAKER pro tempore (Mr. McNulty). Is there objection to the request of the gentleman from Michigan? There was no objection.

CORRECTING ERROR IN ENROLLMENT OF H.R. 1804, GOALS 2000: EDUCATE AMERICA ACT

Mr. FORD of Michigan. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 230) to correct an error in the enrollment of the bill H.R. 1804, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the consideration of the concurrent resolution?

Mr. GOODLING. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the chairman of the committee, the gentleman from Michigan [Mr. FORD], so that he may indicate what the resolution is all about.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

□ 1640

Mr. FORD of Michigan. Mr. Speaker, this concurrent resolution is cleared with the minority. It is offered at the request of the conferees from the Committee on Energy and Commerce and would correct section 1043(c)(1) of the conference report just agreed to by adding four words which are inadvertently omitted from the printing of the report.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 230

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to provide the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 1043(c)(1), after "within any indoor facility" insert "in the United States".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ACTING CHAIRMAN TO EXERCISE POWERS AND DUTIES OF CHAIRMAN OF COMMITTEE ON APPROPRIATIONS

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus I offer a privileged resolution (H. Res. 396) concerning the exercise of the powers and duties of the chairman of the Committee on Appropriations and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 396

Concerning the exercise of the powers and duties of the chairman of the Committee on Appropriations

Resolved, That the powers and duties conferred upon the chairman of the Committee on Appropriations by the rules of the House shall be exercised by Representative Obey of Wisconsin, as acting chairman until otherwise ordered by the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO MAKE IN ORDER CONSIDERATION OF S. 349, LOBBYING DISCLOSURE ACT OF 1993

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that it be in order on the legislative day of Thursday, March 24, 1994, for the Speaker to entertain a motion to suspend the rules and pass the Senate bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as amended, to insist on the House amendment thereto, and to request a conference with the Senate thereon.

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

Mr. VOLKMER. Mr. Speaker, reserving the right to object, I would ask the gentleman to briefly describe the bill. I have no objection, but what is this bill in regard to?

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

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, this is the legislation which recodifies the laws which govern the activities of lobbyists and their abilities to buy meals, pay for entertainment and give gifts to Members of Congress.

Mr. VOLKMER. The gentleman's request is to take it up tomorrow under suspension of the rules; is that correct?

Mr. BRYANT. That is correct.

Mr. VOLKMER. Mr. Speaker, I withdraw my reservation of objection.

Mr. DELAY. Mr. Speaker, reserving the right to object, I do not know what the gentleman is asking.

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

Mr. DELAY. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, I say to the gentleman, I have asked unani-

mous consent to take up tomorrow S. 349, which is the legislation which recodifies the statutes that govern the activities of lobbyists and includes certain prohibitions on the abilities of lobbyists to provide meals, entertainment and travel for Members of Congress.

Mr. DELAY. Mr. Speaker, under my reservation of objection I ask the gentleman if this bill has gone to full committee.

Mr. BRYANT. Mr. Speaker, this bill passed unanimously out of the subcommittee in November under a well publicized announcement of support, unanimously supported by both Democrats and Republicans, the ranking member on the subcommittee and the chairman.

Mr. DELAY. But it has not gone to full committee.

Mr. Speaker, for that reason I object. The SPEAKER pro tempore. Objection is heard.

CONFERENCE REPORT ON H.R. 3345, FEDERAL WORKFORCE RESTRUCTURING ACT OF 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 388 provides for the consideration of the conference report on H.R. 3345, the Federal Workforce Restructuring Act of 1993. Under the rules of the House, conference reports are privileged and are considered in the House under the 1-hour rule with no amendments in order. The rule waives all points of order against the conference report and against its consideration. The rule further provides that when the conference report is called up for consideration, it shall be considered as read.

Mr. Speaker, it is absolutely critical that this conference report be approved

now and this legislation enacted if we are to implement an orderly and responsible reduction in the Federal work force. Every day that this bill is delayed the availability of funds to pay for the buyouts is diminished. The money to pay for voluntary separations must come from existing fiscal year 1994 agency funds, and with the fiscal year nearly one-half over, many agencies will be financially limited in the number of early separations they can offer. They will be forced instead to resort to massive layoffs—layoffs which ironically are far more costly than the voluntary separation plan outlined in this bill.

The cost in dollars is only part of the problem of forced across-the-board reductions in force. The human toll is equally as devastating. Federal employees continue to bear the brunt of our frustration and anger over the Federal deficit. We all talk about how important jobs are to the people of this Nation and to our economy and how we must protect jobs above all else. That is unless they are Federal jobs. Somehow we treat these people differently—as if they serve no useful purpose in our Nation's work force and deserve to lose their jobs. Well I know how hard these people work and how much they value their employment with the Government.

Reductions in force are an ineffective and heartless method for reducing the Federal work force. We need to implement this bill now if we are to be responsible both to our constituents in controlling Federal spending and to our loyal and hardworking Federal employees.

It is time to stop the political maneuvering that has taken place on this bill and address the issue at hand. I urge Members to vote for this rule and for the conference report.

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

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

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has described, this rule waives all points of order against the consideration of the conference report to accompany H.R. 3345, the Federal Work Force Restructuring Act, and against the conference report itself.

I want to comment on a specific waiver in this rule. The conferees added a provision to this bill authorizing separation payments to certain contractor employees who were displaced as a result of the termination of the advanced solid rocket motor program. This provision was not included in either the House-passed bill or the Senate-passed bill, and therefore a scope waiver was necessary for this conference report. Members should have the opportunity to debate and vote on this provision, and this rule precludes that opportunity. The Rules

Committee almost routinely grants blanket waivers for conference reports, and usually there is very little objection to these waivers. As I've said many times, we need to stop this trend of granting blanket waivers. It's the wrong way to do business and it impedes the deliberative process here in Congress.

Mr. Speaker, I'd also like to comment on another trend that seems to be developing. About a week ago, the House voted 231 to 150 to instruct its conferees on this bill to agree to a specific Senate amendment. These instructions were disregarded, and the Senate amendment is not in this conference report. The motion to instruct conferees is becoming a nonbinding procedure. The votes are meaningless, and I think we need to work to ensure that the will of the House is upheld by House conferees.

I hope in the future we can work together to live by the rules we have set for ourselves. But for now, let us proceed with the consideration of this rule and the conference report.

Mr. Speaker, I say to my colleagues, "Let's don't use it as a football to be kicked around any longer."

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. SEN-SEN-BRENNER].

Mr. SEN-SEN-BRENNER. Mr. Speaker, I rise in opposition to this resolution. The resolution contains a blanket waiver of points of order against the conference report and thus protects language contained in the report relative to bailing out some workers in Mississippi whose jobs were terminated as a result of this Congress terminating the advanced solid rocket motor by an overwhelming vote last year. If this resolution is voted down and there is no blanket waiver of points of order, a point of order would lie against the language that provides for a million dollar bailout of up to \$5,000 apiece for full-time employees of three specified corporations who were working on the advanced solid rocket motor in Mississippi prior to this Congress' terminating it.

□ 1650

To be consistent, anyone who voted for termination of the ASRM last year should vote against this rule because this pumps more money into Mississippi at the expense of the rest of NASA. Under the NASA appropriations bill that was enacted into law last year, there is a fixed set of funds for termination costs for the ASRM. Any termination costs left over will go into the budget for the space shuttle.

The space shuttle budget this year which has been submitted by the President has been cut drastically, and we are now right at the edge of the margin of safety for operation of the shuttle during the next fiscal year. I would like to see money be used for shuttle

safety rather than be used to bail out employees in Yellow Creek, MS.

Furthermore, there are going to be a lot of programs that this Congress terminates during the next few years. There will be programs in NASA, there will be programs in the Defense Department, and there will be programs that are funded by discretionary domestic spending. If we set the precedent by improving the \$5,000-a-head bailout on this program relative to the ASRM, every other group of employees who have been terminated because of an action of Congress in reducing or terminating a program will be right back here asking for their \$5,000 in addition to the unemployment compensation that they have accrued.

This provision did not pass the House and did not pass the Senate. It was inserted at the conference at the insistence of the Senate. It is one of the things that we are justifiably criticized for doing in Congress, and it is one of the arguments that those who are in support of a Presidential line item veto use.

Mr. Speaker, if this is so important, it ought to go through the regular legislative process. In order to force it to go through the regular legislative process, I would urge a vote on the rule so the Committee on Rules can come out with a rule that does not protect the buyout language from a point of order.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would only point out to the previous speaker that the particular provision that he is objecting to was inserted at the request of two Senators from his side of the aisle, not from our side.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a distinguished member of the Committee on Rules and a very valuable Member of the House.

Mr. GOSS. Mr. Speaker, while I understand the necessity in completing H.R. 3345, legislation to implement the reduction in the Federal workforce of 252,000 positions—I must rise to lament the fact that we once again have a conference report that includes extraneous provisions. Generally, when the House and the other body pass differing versions of the same bill, a conference is established to, in the words of the distinguished chairman of the Post Office and Civil Service Committee, compromise. But shouldn't we feel safe in the assumption that the areas of compromise discussed in this context would be limited to the areas of disagreement within the bill at hand? You might think so—but you'd be wrong. More often than not, conference committees meet behind closed doors, often late at night. These committees sometimes insert all sorts of things into their work product that most members don't find out about until after the votes are counted and the bill

is passed. A particularly egregious example of this end-run of the normal legislative process that occurred in my brief tenure had to do with the infamous boat user fee. We killed it in subcommittee, we killed it in full committee, we killed it on the floor, but that thing had more lives to live—and what do you know, it showed up in the fine print of a conference report that Members never had time to read. It was a bad law—and we ultimately repealed it—but the point was, it should never have been permitted to pass in the first place. Mr. Speaker, the Rules Committee is often asked to waive all points of order against conference reports—giving a blank check that allows any and all extraneous provisions in these documents to pass through without incident. This is the case with this conference report, which includes material, agreed to as a compromise, that goes beyond the scope of either version of the original buy-out bill. This process is known by the most optimistic among us as the art of compromise. Others might call it deal making. I call it sleight of hand and most Americans call it ripoff and are saying “stop it, Congress, stop these rip offs.” I agree with most Americans and cannot support this rule.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, let me follow up on what my colleagues have said, the gentleman from Florida [Mr. GOSS] and the gentleman from Wisconsin [Mr. SENSENBRENNER], about a provision in this bill the three of us find very objectionable.

Mr. Speaker, last year a number of us worked very hard to terminate the Advanced Solid Rocket Motor Project and eventually we won a vote in this House and, in fact, defeated a conference report when we discovered, much to our dismay, that, during the conference, the Senate and the House appropriators had again miraculously saved that project.

Mr. Speaker, in the bill we have before us, again there is a provision to give each full-time employee that lost their job at the ASRM plant a payment of \$5,000, and that is 175 workers who would receive a total of just a little bit less than \$900,000.

Now, keep in mind that these employees are not Federal employees. They never were Government workers. They were hired by contractors and should not be receiving direct payments from the Federal Government.

This is really a classic example of almost triple dipping. First of all, the provision prohibits offset of severance payments by contractors. In addition, these employees who are about to receive \$5,000 payments from the Federal Government despite the fact they were never Federal employees will soon be eligible for unemployment compensa-

tion, and again they are going to receive a \$5,000 check from the Federal Government itself.

Some of the supporters of this payoff will claim that the provision will not affect the budget because it uses funds that are presently appropriated, but with a \$4.6 trillion debt, it seems very clear to the three of us that any savings that should be returned to the Treasury should be returned to the Treasury and we should not be in the business of subsidizing private defense contractors.

The second claim is that this economic dislocation may be similar to programs under the Trade Adjustment and Assistance Program or even the Defense Conversion Programs, but those payments, I would like to remind my colleagues, are made to an entire industry due to an industrywide financial crisis. This is a specific set aside for a small group of people employed at one place by private employers.

So let me make the point again, Mr. Speaker, to urge my colleagues to defeat this rule. I understand very clearly the implication of the gentleman from Texas [Mr. FROST] that this was not a move originally taken by the House. In fact, it originally was not even put up for a vote in the Senate. It was added by two of our Republican colleagues in the other body. That still does not change the fact that it is wrong.

Mr. Speaker, I urge the defeat of this rule.

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

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. McNULTY). The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 170, not voting 10, as follows:

[Roll No. 87]

YEAS—253

Abercrombie	Barlow	Borski
Ackerman	Barrett (WI)	Boucher
Andrews (ME)	Becerra	Brewster
Andrews (NJ)	Bellenson	Brooks
Andrews (TX)	Berman	Browder
Applegate	Bevill	Brown (CA)
Bacchus (FL)	Bilbray	Brown (FL)
Baesler	Bishop	Brown (OH)
Barca	Blackwell	Bryant
Barcia	Bonior	Byrne

Cantwell	Johnson (SD)	Rahall
Cardin	Johnson, E. B.	Rangel
Carr	Johnston	Ravenel
Chapman	Kanjorski	Reed
Clay	Kaptur	Reynolds
Clayton	Kennedy	Richardson
Clement	Kennelly	Roemer
Clyburn	Kildee	Rose
Coleman	Klein	Rostenkowski
Collins (IL)	Klink	Rowland
Collins (MI)	Kopetski	Roybal-Allard
Condit	Kreidler	Rush
Conyers	Lambert	Sabo
Cooper	Lancaster	Sanders
Costello	Lantos	Sangmeister
Coyne	LaRocco	Sarpalius
Cramer	Laughlin	Sawyer
Danner	Lehman	Schenk
Darden	Levin	Schroeder
de la Garza	Lewis (GA)	Schumer
Deal	Lipinski	Scott
DeFazio	Lloyd	Serrano
DeLauro	Long	Sharp
Dellums	Lowey	Shepherd
Derrick	Maloney	Sisisky
Deutsch	Mann	Skaggs
Dicks	Manton	Skelton
Dingell	Margolies-	Slattery
Dixon	Mezvinsky	Slaughter
Dooley	Markey	Smith (IA)
Durbin	Martinez	Spratt
Edwards (CA)	Matsui	Stark
Edwards (TX)	McCloskey	Stenholm
Engel	McCurdy	Stokes
English	McDermott	Strickland
Eshoo	McHale	Studds
Evans	McKinney	Stupak
Farr	McNulty	Sweet
Fazio	Meehan	Swift
Fields (LA)	Meek	Synar
Filner	Menendez	Tanner
Fingerhut	Mfume	Tauzin
Foglietta	Miller (CA)	Taylor (MS)
Ford (MI)	Mineta	Tejeda
Ford (TN)	Minge	Thompson
Frank (MA)	Mink	Thornton
Frost	Moakley	Thurman
Furse	Mollohan	Torres
Gephard	Montgomery	Torricelli
Gedjenson	Moran	Towns
Gephardt	Morella	Traficant
Geren	Murphy	Tucker
Gibbons	Murtha	Unsoeld
Gilman	Nadler	Valentine
Glickman	Neal (MA)	Velazquez
Gonzalez	Neal (NC)	Vento
Gordon	Oberstar	Visclosky
Green	Obey	Volkmer
Gutierrez	Oliver	Walsh
Hall (OH)	Ortiz	Washington
Hall (TX)	Orton	Waters
Hamburg	Owens	Watt
Hamilton	Pallone	Waxman
Harman	Parker	Wheat
Hastings	Pastor	Whitten
Hefner	Payne (NJ)	Williams
Hilliard	Payne (VA)	Wilson
Hinchee	Pelosi	Wise
Hoagland	Penny	Wolf
Hochbrueckner	Peterson (FL)	Woolsey
Holden	Peterson (MN)	Wyden
Hoyer	Pickett	Wynn
Hughes	Pomeroy	Yates
Hutto	Poshard	Young (AK)
Inslie	Price (NC)	
Johnson (GA)		

NAYS—170

Allard	Bonilla	DeLay
Archer	Bunning	Diaz-Balart
Army	Burton	Dickey
Bachus (AL)	Buyer	Doolittle
Baker (CA)	Callahan	Dornan
Baker (LA)	Calvert	Dreier
Ballenger	Camp	Duncan
Barrett (NE)	Canady	Dunn
Bartlett	Castle	Ehlers
Barton	Clinger	Emerson
Bateman	Coble	Everett
Bentley	Collins (GA)	Ewing
Bereuter	Combest	Fawell
Billirakis	Coppersmith	Fields (TX)
Billey	Cox	Fish
Blute	Crane	Fowler
Boehliert	Crapo	Franks (CT)
Boehner	Cunningham	Franks (NJ)

Gallegly	Kyl	Roberts
Gekas	Lazio	Rogers
Gilchrest	Leach	Rohrabacher
Gillmor	Levy	Ros-Lehtinen
Gingrich	Lewis (CA)	Roth
Goodlatte	Lewis (FL)	Roukema
Goodling	Lightfoot	Royce
Goss	Linder	Santorum
Grams	Livingston	Saxton
Grandy	Machtley	Schaefer
Greenwood	Manzullo	Schiff
Gunderson	McCandless	Sensenbrenner
Hancock	McColum	Shaw
Hansen	McCrery	Shays
Hastert	McDade	Shuster
Herfey	McHugh	Skeen
Hergert	McInnis	Smith (MI)
Hobson	McKeon	Smith (NJ)
Hoekstra	McMillan	Smith (OR)
Hoke	Meyers	Smith (TX)
Horn	Mica	Snowe
Houghton	Michel	Solomon
Huffington	Miller (FL)	Spence
Hunter	Molinar	Stearns
Hutchinson	Moorhead	Stump
Hyde	Myers	Sundquist
Inglis	Nussle	Talent
Inhofe	Oxley	Taylor (NC)
Istook	Packard	Thomas (CA)
Jacobs	Paxon	Thomas (WY)
Johnson (CT)	Petri	Torkildsen
Johnson, Sam	Pombo	Upton
Kasich	Porter	Vucanovich
Kim	Portman	Walker
King	Pryce (OH)	Weldon
Kingston	Quillen	Young (FL)
Klug	Quinn	Zeliff
Knollenberg	Ramstad	Zimmer
Kolbe	Regula	

NOT VOTING—10

Flake	Klecza	Pickle
Gallo	LaFalce	Ridge
Hayes	Mazzoli	
Jefferson	Natcher	

□ 1722

Mr. HYDE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CLAY. Mr. Speaker, pursuant to the provisions of House Resolution 388, I call up the conference report on the bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 388, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, March 16, 1994, at page 5039.)

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

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

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

Mr. Speaker, I rise in support of the conference report accompanying H.R. 3345, the Federal Workforce Restructuring Act of 1994. The conference report reduces overall Federal employment by 252,000 positions and author-

izes Federal agencies to offer separation incentives to their employees of up to \$25,000 in order to accomplish this reduction. The direct spending concern of the Senate has been fully addressed. Over the 5-year period beginning in 1994, the entire direct spending costs associated with the separation incentive payments are offset. The conference report also guarantees that the costs to an agency of encouraging voluntary separations are comparable to the costs an agency otherwise would incur if it accomplished the same reductions through involuntary separations.

The conference report includes provisions identical to the Penny-Burton-Solomon amendment adopted by the House. In addition, the conference report requires agencies to reduce their personnel on a one-for-one basis for every buyout offer that is accepted.

It also requires those who accept a buyout and return to Government service within a 5-year period to pay back the full incentive payment.

The conferees adopted provisions authorizing NASA to offer separation payments to contractor employees who were displaced as a result of the termination of the advanced solid rocket motor program. It also imposes reporting requirements on the executive branch regarding the operation of the Federal employee voluntary separation incentive program.

At the end of this debate, a motion to recommit will be offered by the minority. This motion will include instructions dedicating the savings achieved by the Federal employee work force reductions mandated under this legislation. Two weeks ago, the House passed the budget resolution, House Concurrent Resolution 218. That resolution assumes the full savings achieved by the personnel reductions mandated by H.R. 3345. The budget resolution being considered by the Senate also assumes those savings.

The effect of the instructions accompanying the motion to recommit, therefore, is to double count the savings achieved by the work force reductions and to preclude funding programs at the levels assumed in the budget resolution passed by the House. These instructions will result in locking up more than \$9 billion in outlays that are not needed to fund the crime program.

Mr. Speaker, it is vital that the Congress grant buyout authority to Federal agencies very quickly. If this legislation is not enacted soon, agencies will not be able to use the authority in fiscal year 1994. As a result, thousands of Federal employees will be fired later this year. Adoption of the conference report enables agencies to encourage voluntary separations and diminishes reliance upon involuntary ones. The policy underlying H.R. 3345 is socially responsible and fiscally sound.

I urge the defeat of the motion to recommit and the adoption of the conference report.

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

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today with somewhat mixed feelings and emotions. I hope I can express myself, where I stand. This is the third time that this same issue has come before this body. The other two times I have supported it, without any hesitation. However, the procedure that will probably be adopted today makes it very difficult for me to support the legislation.

Let us look at the intent. All of us would agree that we must reduce the cost of government. The Federal Government is very expensive. For years we have wanted to reduce the number of employees, which is one of the most effective ways of reducing the cost of government.

Payroll is one of the big items in the operation of a large establishment such as ours. We all recognize reducing the people will help reduce that cost of government. We have all wanted to do it fairly, equitably, without any undue burden on families, on the loyal workers that have supported the programs of our Federal Government. This was a means to do that, to save the American taxpayers in a compassionate way towards our employees.

Now we have moved it around to where we are not saving anything. We are just merely trading dollars. We are going to release some Federal employees, 252,000, sometime in the next 5½ years. Hopefully it will save \$22 billion, and a chance to save \$22 billion to reduce the national debt by \$22 billion.

What are we going to do, probably today, once again? Instruct the conferees not to save the money, but to spend it on a program that has not even passed, a program that we do not even have at this point.

I do not think any of us would disagree that we have to do something about crime. Mr. Speaker, I think all of us probably would support, hopefully support, a crime bill, but some of the discussion we had today on the rule for the crime bill, I am not sure it is that popular, at least what is advancing presently.

I am not sure we are going to have any savings. We will not have any savings. We are going to apply it to a bill. Setting up a trust account does not save dollars.

Mr. Speaker, I am hesitant today to say I am going to support this legislation. I hope I can. I hope this House will not do what they did before. We went to conference. I felt bound, even though I did not vote for directing that \$22 billion be spent on another program, which we all will support, without its standing independent. I will

support the crime bill, but what does it stand for? Like any other appropriation bill that we will appropriate it as money when that is passed, we will appropriate it as money to fund the crime programs.

What will happen is this. I expect and hope we will pass the crime bill. Then the Committee on Appropriations will appropriate it as money to take care of that. Then we have this \$22 billion trust account over here that might be used for crime, in excess of what we would authorize in the authorization bill for a crime bill.

We will spend that, and we will spend double. If we do not spend it on crime, it is always sitting there.

□ 1730

Look at the highway trust fund account. We have dipped in it for other programs that really do not relate to highways. Other trust accounts can be touched. So this is not the way to carry out the intent of what this bill is all about, to save the taxpayers.

So reluctantly today I want to see what happens on the motion to recommit. And I admit, the procedure being used today is one that has been used not too often around here. I am not disagreeing with the procedure that the leader's designee will offer the motion to recommit. It has not been used too many times around here, but I understand the rules of the House and there is no way I can object to it. But it is a procedure that should not be used very often, only most reluctantly when there is something wrong with the legislation.

There is nothing wrong with this legislation, nothing wrong with saving money. This is why I am having difficulty today to support legislation that is needed badly.

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

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding the time, and I thank him for all of his hard work on this.

Let us get right down to brass tacks. We are about to break for a spring break. Agencies are about to have to start laying people off through some Neanderthal way that will not give them good control and good management control unless we pass this bill.

We are like the board of directors for the entire Federal Government, and unfortunately, we have gotten too much in the habit of playing little games, kicking those people like you kick a soccer ball, and if we do not get this bill out of here we will be doing that one more time.

Everybody has testified that the buyouts are the way to go. This way we can target who we want and we do not have to go through RIF's which are

last hired, first fired, or do not have to go through freezes or any of the other things that do not give control. This gives control. It was good enough for DOD, it was good enough for the CIA, and it has been good enough for the private sector. It has been shown to do exactly the same thing, only surgically and well done.

So I think as a board of directors if we do not do this, or if we vote to recommit and play more games with this, let everybody know what they are doing. They are saying to Federal employees that we do not care a whole lot about them, we do not care how they are treated, and we really do not even care how efficiently managers can plan and operate when they are being ordered to cut over 250,000 people.

Nobody would want to cut that high a percentage and not have any control over how they do it and how they target it.

So I think the time has come that we move on this bill. It seems like it is up here every other day. Everybody has patty-caked it, everybody has played with it, everybody has had a wonderful time with it. And if we do not pass it today, then I think everybody is going to be culpable for having really, really one more time enforced bad management habits. And that is exactly what the people do not want. They want good management habits like the private sector has.

If that is what Members have been saying at home, then vote yes, and vote no on the motion to recommit.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA] a very hard-working member of the committee.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, in this Chamber we have heard over and over again that famous Yogi Berra who just got into the Baseball Hall of Fame. He has been quoted as saying it is *deja vu* all over again. Well, it is indeed *deja vu* all over again. This bill that we are discussing this evening, H.R. 3345, has been around for 6 months.

How many times has this Chamber taken and reduced the cost of 252,000 employees, over and over again, and yet never given the agencies the mechanism that they need in order to do it in a compassionate, productive, efficient way? Finally we have another chance to do it. We have another chance to approve these buyouts.

Please know that one of the agencies, the Office of Personnel Management, has already sent out RIF notices, reduction in force notices effective on May 1. Other agencies are going to have to follow suit. Time is running out.

We need to, if we care about competitiveness globally, if we care about the

moral of our Federal work force on whom we depend to take care of our constituents, then we should at least show some care, we should show that we have a plan to save money, to promote productivity by passing this bill.

According to the Congressional Budget Office figure, we will actually save \$34 billion with this bill by 1999. That is even more than we anticipated. But if we miss this opportunity, which is our last opportunity to promote the buyouts, \$25,000 for those who are eligible, severance pay would be far more expensive. It will be a lost opportunity if we do miss this last opportunity.

Frankly, it also gives agencies an opportunity to decide where they can reduce their force and still be productive, not the last hired, first fired which we have heard time and time again, accurately, will be women and minorities. And we will continue to have others within the agencies where we could do a kind of shift.

So I urge my colleagues to support this bill. Buyouts now.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

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

Mr. Speaker, I think it has been said so well by nearly everyone: Today is the day this just simply has to be done. The buyouts are overdue. We worked on it too long. Unless we do so as we break for the Easter recess, there is no exaggeration to say that there will be chaos and anarchy in the Federal Government, because as those who have followed this know, if there are RIF's without buyouts, we will have the very highest-paid or nearly highest-paid top managers, many of them taking positions at lower levels, with their salaries going on, and other employees, more equipped for those jobs, are victimized and forced out. That is truly chaos. There is no other word for it, and we cannot allow that to happen.

I would also say if Members are for defense, it is very important, and I am for defense, that they vote for the buyout provisions today and against the motion to recommit, because as we all know, there will be a \$5 billion disparity or more as to the discretionary caps, and much of that would come down on defense. So I would say to my defense-oriented colleagues, if they have concerns in that area, the only vote is yes for this provision and against the motion to recommit.

With that, again I thank the gentleman for yielding the time.

□ 1740

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I rise to offer a motion to recommit H.R. 3345 to the conference committee with in-

structions to agree to the provisions committed to conference in the Senate amendment, the Gramm amendment, which stipulated that the savings from "the Federal Workforce Restructuring Act" be placed in the violent crime reduction trust fund, and that the budget caps be reduced by a similar amount.

Mr. Speaker, as you know, the House conferees on the Federal Workforce Restructuring Act have ignored the instructions of the House—that the savings generated from the Federal workforce reductions, anticipated at \$22 billion over 5 years, be applied toward a violent crime trust fund. This motion was approved by this House by an overwhelming, 90-2, to pass on the savings from this buyout bill to fund what will eventually be Congress'—and the peoples'—anticrime bill.

And let me tell you—the people support this effort to fund a crime bill. They would much rather have these funds go toward an anticrime trust fund than have an uncommitted \$22 billion which could be spent on any program, regardless of its merit.

Let me also say that I have heard arguments against this effort to provide up-front funding for the crime bill because we don't have a crime bill yet. This is political hyperbole, my friends. If we are serious about addressing our Nation's most pressing and most talked about issue—crime—and serious about actually paying for solutions to fight violent crime, then this motion must be approved—as the House did on March 11. We have the backing of majorities in both the House and Senate, as well as the President of the United States. I directly quote from a letter from Vice President GORE to Senator JOHN GLENN: I quote:

As you know, the President strongly supports prompt congressional action on anticrime legislation and the use of savings from reductions in the Federal bureaucracy to fund violent crime fighting activities.

I am a strong supporter of this buyout legislation, it is the right policy to reduce the size of the Federal Government, save money and treat Federal employees fairly. It is a shame, however, that the conferees have decided to blatantly disregard the will of both Houses by leaving the much-touted anticrime package unfunded and Federal employees in limbo. To my constituents, this is not responsible legislating and not a sound way to conduct this Nation's business.

The business of the House and Senate should be the will of this Nation's citizens. If we do not instruct the conferees to place the savings from this buyout legislation in the anticrime trust fund, we will be going against the will of the American people.

If we do pass this motion to recommit with instructions, we will fund the crime bill and enable the buyouts to commence as soon as possible. Federal workers, the taxpayers and potential

victims of violent crime will thank you.

Once again, I urge you to vote for the will of the people and vote yes on the motion to recommit with instructions.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the conference report on H.R. 3345, the Federal Workforce Restructuring Act of 1994. I congratulate Chairman BILL CLAY of the Post Office and Civil Service Committee and Congressman STENY HOYER for their diligent work.

This legislation accomplishes two very important goals in the continuing effort to reinvent government at the Federal level. First, this conference report contains the amendment I offered during House consideration codifying a systematic and managed reduction of over 252,000 positions in the Federal work force. In addition, this legislation authorizes Federal agencies to offer employees buyouts as an incentive to leave the work force. Without buyouts, reductions-in-force—RIF's—will take place across the Government in such large numbers to render many agencies incapable of effectively and efficiently performing their statutory responsibilities. Furthermore, widespread RIF's in the Federal work force will result, in most instances, in the loss of junior employees. Ironically, these junior Federal employees are frequently those Federal workers most actively engaged in the innovative work necessary to reinvent government. Furthermore, RIF's are more costly to the taxpayer than an orderly buyout process, according to the General Accounting Office.

Mr. Speaker, this legislation is needed to provide an orderly reduction in the Federal work force. It will also provide significant budgetary savings and deficit reduction. Without further delay this bill should be passed and sent to the President for his signature. I urge passage of H.R. 3345.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, I rise just briefly this evening to talk about this issue and particularly the motion to recommit that is about to be made by the gentleman from Delaware.

Mr. Speaker, I respect greatly the gentleman from Indiana and what he said earlier about his concerns over the trust fund and the question of setting aside moneys in this bill from the savings for the purposes of the crime effort. I know how he felt about this before. So my remarks are not directed towards him.

But for those who voted, as many of us did, with the gentleman from Dela-

ware a few days ago on the motion to instruct conferees on this issue, I would remind my colleagues on both sides of the aisle that it was done with forethought, it was done with an intent to make sure that we have the moneys that we need to have, these over \$20 billion, and the American public, I think, expects of us to provide to fight this war against violent crime, to provide enough resources to the States to build the prisons necessary to house these very serious violent felons, to lock them up, to throw away the key and keep them there for a long period of time and do the other things that are necessary to put deterrence back into our criminal justice system and get control over what has become a very, very big bleeding problem for our country.

So I would urge you not to change your vote tonight. Those who voted on the motion to instruct conferees the other day on this bill should vote with the gentleman from Delaware [Mr. CASTLE] in a few minutes on his motion to recommit. Be consistent. Stick with the program. It is the right thing to do. We need to set aside the money in this bill. It is a technical problem, and it is very important.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I love this body, but sometimes I wonder about its collective intelligence, especially when we have come on the floor now three times on this bill, and especially since we are talking about money that has already been committed for the purposes that the gentleman from Delaware [Mr. CASTLE] desires.

My friends, we have got layoffs coming any minute now, and I am not sure everybody understands what that means. Let me illustrate. It means GS-14's doing the work of GS-7's while being paid at GS-14 rates.

Federal employees are beginning to wonder whether this is a buyout or a sellout. We have been playing with the lives of dedicated career employees completely unnecessarily. As a result, attrition has slowed to a crawl, and thus we have hurt ourselves on achieving deficit reduction as well.

And for what? The one bill, Mr. Speaker, where the money is safe is the crime bill. We have already sequestered it in the budget resolution last week, and in effect there have been trial votes already that tell us that Members want this money committed and are going to do so. How many different ways do we have to do it, and how many times do we have to commit the same \$22 billion to the same crime bill?

If you vote for the motion to recommit, you are voting to cut \$1.5 billion from defense, from veterans, from transportation, from the FBI, from everything we agreed that you wanted

the money to go to last week when you voted for the budget resolution.

Vote against the motion to recommit. Show some intelligence on the bill for a change.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

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

Mr. Speaker, I would like to first express my compliments to the chairman for the hard work that he has put in in crafting this compromise conference report and also my colleague, the gentleman from Maryland [Mr. HOYER]. I want to thank him for his hard work.

Mr. Speaker, I am here today to support the conference committee.

We know several things. We know we want to cut 252,000 positions from the Federal work force. We know we need to do it in the most efficient way, and we need to do it in the most cost-efficient way.

What does that mean? It means we need to use the mechanisms of buyouts. Buyouts are efficient. Why? Because they enable us to precisely determine which employees we want to encourage to leave. Buyouts are cost efficient. Why? Because they are cheaper than layoffs. In the end, we pay more when we lay off people than when we buy out people.

Let me tell you about a constituent of mine, Louise Ryman, of Silver Spring. She worked for the National Institutes of Health for 34 years, first part time, then full time. She is divorced, been divorced 10 years. She has got to keep working, because she does not have a big nest egg.

But let me read from her letter. She says, "Without buyouts, there will be RIF's, and since I am eligible, I would go, if I got the buyout."

□ 1750

"But without the buyout, I will be forced to work a few more years. That will keep someone else out of my slot. I am healthy and active, but I would rather retire and see younger people keep their jobs." I admire Ms. Ryman. She has the right idea. Without buyouts, we will see young people, women, minorities recently hired be forced to leave the Federal workforce while mid-managers who are eligible to retire will do as my colleague from the District of Columbia just mentioned, they will work, they will receive GS-14 pay while working GS-9 jobs. I do not think that is what the taxpayers want us to do with their money. They want us to spend it wisely and efficiently, and that means buyouts.

Now, just with respect to the question of the motion to recommit, we need to look at this very carefully. The motion to recommit represents the death of buyouts. We have had this bill up here a long time. We have reached the point where, if we do not authorize

the buyout legislation, we will lose the cost savings. Some people may think that is wise public policy; I certainly do not.

I urge rejection of the motion to recommit, and support for the conference report.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the chairman for yielding this time to me.

Mr. Chairman, it is time to stop playing politics with people's lives. We should have passed this bill months ago. Federal employees deserve better than the treatment they are getting by the Congress which passes the laws that they carry out day in and day out. They deserve better from us.

It is well past the time to do the right thing, to offer retirement incentives. Let us vote against the recommitment, let us get this bill passed, and let us act in a decent and honorable fashion toward Federal employees who have an opportunity to retire and who in fact have served us decently and honorably and professionally throughout their lives.

I urge my colleagues to vote "no" on the recommitment.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mrs. BYRNE].

Mrs. BYRNE. I thank the chairman for yielding this time to me.

Mr. Speaker, let me put this as plainly as I can: A motion to recommit wastes Federal taxpayers' dollars. It is a waste of good taxpayer dollars, and you may wish to put the money savings elsewhere, but I am sure that no one wants to waste taxpayers' money. It has been pointed out by the gentleman from Maryland and the gentlewoman from the District of Columbia that we will be paying people to do work that they are tremendously overqualified for; Grade 14s will be doing Grade 7 work.

But more than that, we are going to be paying, under a RIF, for appeals processes and a whole bunch of other things that come into Federal employees' rights which wastes money.

Again, a motion to recommit is a waste of the taxpayer dollars. For those people who are truly serious about using the tax dollars that we are given wisely, I urge you to vote against the motion to recommit and vote in favor of this conference report.

Mr. CLAY. Mr. Speaker, I have one additional speaker.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had some questions about the procedure here when we had the motion the other day to instruct conferees, just what that amounted to, since the conferees did not follow those instructions. We did try to introduce and suggest that the

House had taken overwhelmingly, substantially, a motion to recommit, even though I did not support that motion to recommit. But it was obvious from both the other body and the majority on our side that the wishes were not there to go along with applying this savings to another spending program. So, the attempt was made, but not successfully.

The motion here to try to work out some compromise, I did then offer to strike section 6 of the Senate amendment which provided for this procedure, which would amount to reducing or striking the money out for the trust fund in the first place, but it would also reduce the discretionary funding limits set forth in the Budget Act of 1974, thereby reducing our debt in that period of time by \$22 billion, somebody said \$34 billion, whatever it might be. It would be applied to reducing the debt.

That was shot down, I use the words shot down, it was never introduced in the House and it was not. It was not introduced in the Senate.

But at the same time we did accept an amendment offered by the other body in which we would go to contract employees that would provide for payoff for contract employees. So the conferees were somewhat inconsistent as to what we did allow. But what I attempted to do was simply do what I thought was the intent of the legislation, to apply the savings—as I think every red-blooded American taxpayer who will be paying their taxes on April 15—everyone wants to reduce spending. I thought this was the appropriate way to show the taxpayers that we were concerned about how their tax dollars were spent. But the votes were not there.

I say today that if we are ever going to balance the budget, if we are ever going to reduce spending, how can we honestly say we are concerned about it when we say, yes, there is a chance to save \$22 billion, but, no, we are going to spend it on another Federal program?

It just seems to me that we are inconsistent. I understand what some are saying about the crime bill, we are all concerned about reducing crime. I think that the crime bill should be appropriated out of the budget just like everything else. But here is a chance to reduce the budget by at least \$22 billion, and for some reason we are not willing to do it.

So I am reluctant, I will not support the motion today to recommit, for many reasons. I may not support the bill even though the thrust of it, the concept, what originally was intended 6 months ago when it was first introduced, I certainly do still support. We do need to reduce Federal employees, we need to reduce our payroll, and we need to do it fairly. This bill at one time did that. But we are straying

away from it now, and I think it is a tragedy we are doing this to the taxpayers as well as to the Federal employees who will be riffed.

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

Mr. CLAY. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the distinguished chairman of the Committee on Post Office and Civil Service for yielding this time to me.

Mr. Speaker, no one has worked more diligently on this bill or more effectively than the gentleman from Missouri, the distinguished chairman, Mr. CLAY.

Mr. Speaker, I appreciate, on behalf of the Federal employees whom I represent, and those all over this country, the efforts that the gentleman from Missouri has made to try to do the reduction which this House voted on and the other body voted on on a number of occasions, in the most humane but also the best managerial method available to us.

I also want to thank my good friend, JOHN MYERS, the gentleman from Indiana. He and I have the opportunity to serve on the Committee on Appropriations together. We do not serve in a partisan sense for most of the time; we serve as people trying to solve the problems of this country in a common-sense, responsible fashion. The gentleman from Indiana [Mr. MYERS] does that.

This legislation, I suggest to you and to the American public, has almost unanimous consent on this floor. You would not know that, however, when you follow the procedural ins and outs of this bill.

One of the reasons that Americans are so frustrated with the Congress of the United States is demonstrated in this bill. We have made a policy judgment as a Congress and as an executive that we should reduce by 252,000 employees the complement of Federal employees which serve the people of this country.

Having made that decision, we have, as managers, looked at how we accomplish that objective and we did so in a nonpartisan way. As a matter of fact, one of the principal amendments in this bill is the Solomon-Burton amendment, which the gentleman from Indiana [Mr. MYERS] supported as well, and that amendment is to insure that we were honest in saying to the American public we are really reducing; not reducing one here and adding one here. In addition, we have had this bill on this floor twice.

□ 1800

This bill in essentially this form passed 391 to 17 the first time. It then passed, in effect, unanimously because it passed on voice vote with nobody asking for a vote. This bill reflects that

consensus. However there is a tangential extraneous issue, and that issue is the trust fund created in the Senate on the crime bill. Why? Because it seeks to dedicate the sums to be saved, less now, I suggest to my colleagues, than they otherwise would have been had we acted over a month ago when the House first passed this legislation and had the Senate passed it. Save one Member of that body who held hostage this legislation, Mr. Speaker, we would be in a much better position, and that issue is the issue of the crime trust fund.

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

Mr. HOYER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I rise in support of the conference report on H.R. 3345 and to offer my views on proposals to use the savings from Federal personnel reductions to finance a violent crime control trust fund.

As a conferee on H.R. 3345, I opposed the Senate's proposal to adopt a crime trust fund as part of legislation designed to facilitate the orderly reduction of the Federal work force over the next several years. Today, I continue to believe that the issue of such a trust fund should be addressed in the context of comprehensive crime legislation, and not in this buyout bill.

As my colleagues are aware, the Senate has included a trust fund in its omnibus crime bill. With consideration of H.R. 4092 set to resume later today, I am confident the House will pass a comprehensive crime package before we adjourn for the district work period.

Mr. Speaker, I believe that a carefully crafted trust fund represents the most viable means of financing the thoughtful and innovative crime control and prevention initiatives included in H.R. 4092. I therefore intend to support the adoption of a trust fund in conference and fully expect that such a fund will be included in the conference report on the crime bill when we go to conference.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary, for his statement. I think it was a critically important statement that this issue, the chairman says, will be considered, and he fully expects this issue, a carefully crafted trust fund, to come out of that conference, and will clearly be passed by this House as it will be passed by the Senate.

I would ask, therefore, at this time, Mr. Speaker, let us move forward on this bill as the conference has reported it out, and let us reject the motion of the gentleman from Delaware so that we can accomplish this issue, save the money that this bill will result in, and then have the Senate and the House in conference on the crime bill determine how to craft the expenditures of those sums in a crime trust fund.

My colleagues, it is time, yea it is far past time, to act on this legislation.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me.

I have listened to the arguments which we have here. Quite frankly sometimes I have an extreme difficulty with the logic of what I hear in terms of what is really going on here. First, we hear this went to conference on a 92 vote from the Senate and on an overwhelming vote from the House of Representatives to have this money set aside for a trust fund, and it comes out of conference, despite all those instructions, without that money in it. Then we hear on the floor today, it is represented to us, that this will save money. And then we have the distinguished chairman of the Committee on the Judiciary get up and say that the crime bill will be funded. So, the money will be spent anyhow.

What is really likely to happen here, Mr. Speaker, is that we are going to have a situation in which the \$22 billion will be saved tonight and will be spent on other programs at some time in some way fitting to a budget at some point in the future, and the crime bill will be funded on top of everyone else. Everyone in this building, everyone in this Congress, knows that we are going to pass a crime bill and we are going to fund a crime bill. We have the 22 or so billion dollars here right now. This is the time and the place to go forward with it so we cannot spend it any other way. We should support the motion to recommit to make sure that that money is frozen for the most important program Congress is going to face this year.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me, and I just want to clarify to the House where we are with regard to this vote on the crime trust fund.

I say to my colleagues, this is your vote on the crime trust fund period. We have just received preliminary word down from the Rules Committee, and the Rules Committee is not going to make in order the Gingrich amendment to have the crime trust fund in the crime bill. So anybody who suggests that somehow you can vote "no" here because you are going to get another chance to vote for a crime trust fund as part of the crime bill, that is nonsense. The Rules Committee is not going to make that in order based on the information out of the Rules Committee, and so the only place you have a chance to actually fund the crime bill is here, and understand that this is a key economic issue as well as a crime

issue because time and time again what we see in the House is that whenever the majority wants to make certain that they can go ahead and spend over whatever budget numbers there are that they have passed, what they do is find a popular subject, leave that out of their budget presentation, and then come along later and say, "We have passed the bill; we have got to do a supplemental for it." That's where we are headed unless we set aside some money. The way to set aside the money is to have a crime trust fund to be sure money has been set aside to take care of the crime bill. We can fund it right here now. This is the place to do it. We will not get there if you await the crime bill. The crime bill is not going to give you an opportunity to vote on the crime trust fund because at least, as we understand the preliminary situation, the Rules Committee is not going to permit that amendment to come to the floor, and I thank the gentleman for yielding.

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

Mr. ACKERMAN. Mr. Speaker, I rise today in support of the Federal employee buyout provision.

The threat of RIF's is hanging over our heads. Government agencies are on the brink of issuing leave notices by the thousands. Some agencies have already started to RIF.

The need to enact this bill is imminent. Federal employee unions, Government agencies, and the administration have all expressed, in hearings before the Post Office and Civil Service Committee, that we cannot wait 1 day longer to implement the buyout option.

Let us send the final message in this time of great reform by passing this provision and let us show the American people that the reform starts here, with the Federal Government.

By allowing agencies to utilize the buyout option, we are alleviating a tremendous amount of pressure that currently exists in our Government agencies. We need to reduce the work force in a fair, humane manner. We will show our Federal employees who have loyally worked as civil servants that we are working on their behalf as well. They deserve this bill.

Mr. Speaker, I urge my colleagues to pass H.R. 3345, the Conference on the Federal Workforce Restructuring Act.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 3345, the Federal Workforce Restructuring Act.

The administration's goal is to reduce the size of the Federal work force by 100,000 in 1994—on the way to eliminating 252,000 positions over 5 years.

Currently, an estimated 40 percent of Government employees, including the Department of Defense, have the option to take a \$25,000 voluntary separation incentive. As most of us are aware, Defense managed to buy out 30,000 employees last year by offering payments of as much as \$25,000. This greatly reduced the number of employees to be fired. Most of the people offered buyouts were either eligible for regular retirement—at age 55 with 30 years of service, age 60 with 20 years or

age 62 with 5 years—or early retirement—at age 50 with 20 years of service or any age with 25 years. Many early retirees apparently felt that the buyout offset the pension reduction they took for leaving before age 55.

The administration had hoped that reducing the work force could be accomplished through attrition. However, the Federal Government has been experiencing a very low turnover rate. Thousands of retirement-age workers are waiting for buyouts, while an equal number of younger workers see the buyout as a job-saving plan. Unless this option is extended to the rest of the Federal work force, the administration might not be able to reach its employment reduction goals without massive layoffs. Those most likely to be hurt by such layoffs, or reductions in force, would be those most recently hired, including a large number of minorities and women. The Federal agencies are running out of time to implement this buyout plan in fiscal year 1994. Unless this bill passes soon, it will not be cost-effective—and, thereby thousands dedicated Federal employees will be left out in the cold.

Also, in the conference report, an authorization has been given for payment of \$5,000 to each of approximately 175 individuals who were full-time ASRM contractor employees. Since this dislocation pay will be funded from existing NASA appropriations, this section will have no budgetary impact.

I urge Members to vote for the conference report.

Mr. CLAY. Mr. Speaker, I ask the Members of the House to vote "no" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CASTLE. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CASTLE moves to recommit the bill, H.R. 3345, to the committee of conference, with instructions to the managers on the part of the House, to agree to the provisions committed to conference in the Senate amendment numbered 1, to the House amendment to the Senate amendment.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 166, nays 261, not voting 6, as follows:

[Roll No. 88]

YEAS—166

Allard	Goodling	Molinari
Archer	Goss	Moorhead
Armey	Grams	Nussle
Bachus (AL)	Grandy	Oxley
Baker (CA)	Greenwood	Packard
Baker (LA)	Gunderson	Paxon
Balenger	Hancock	Petri
Barrett (NE)	Hansen	Pombo
Bartlett	Hastert	Porter
Barton	Hefley	Portman
Bateman	Heger	Pryce (OH)
Bereuter	Hobson	Quillen
Bilirakis	Hoekstra	Quinn
Billey	Hoke	Ramstad
Blute	Horn	Ravenel
Boehert	Houghton	Regula
Boehner	Huffington	Roberts
Bunning	Hunter	Rogers
Burton	Hutchinson	Rohrabacher
Buyer	Hyde	Ros-Lehtinen
Callahan	Inglis	Roth
Calvert	Inhofe	Roukema
Camp	Istook	Royce
Canady	Johnson (CT)	Santorum
Castle	Johnson, Sam	Saxton
Clinger	Kasich	Shaefer
Coble	Kim	Schiff
Collins (GA)	King	Sensenbrenner
Combest	Kingston	Shaw
Cox	Klug	Shuster
Crane	Knollenberg	Skeen
Crapo	Kolbe	Smith (MI)
Cunningham	Kyl	Smith (NJ)
DeLay	Lancaster	Smith (OR)
Diaz-Balart	Lazio	Smith (TX)
Dickey	Leach	Snowe
Doolittle	Levy	Solomon
Dornan	Lewis (CA)	Spence
Dreier	Lewis (FL)	Stearns
Duncan	Lightfoot	Stump
Dunn	Linder	Sundquist
Emerson	Livingston	Talent
Everett	Machtley	Taylor (NC)
Ewing	Manzullo	Thomas (CA)
Fawell	McCandless	Thomas (WY)
Fields (TX)	McCollum	Torkildsen
Fish	McCrery	Upton
Fowler	McDade	Vucanovich
Franks (CT)	McHugh	Walker
Franks (NJ)	McInnis	Walsh
Galleghy	McKeon	Weldon
Gekas	McMillan	Young (FL)
Gilchrest	Meyers	Zeliff
Gillmor	Mica	Zimmer
Gingrich	Michel	
Goodlatte	Miller (FL)	

NAYS—261

Abercrombie	Carr	English
Ackerman	Chapman	Eshoo
Andrews (ME)	Clay	Evans
Andrews (NJ)	Clayton	Farr
Andrews (TX)	Clement	Fazio
Applegate	Clyburn	Fields (LA)
Bacchus (FL)	Coleman	Flner
Baesler	Collins (IL)	Fingerhut
Barca	Collins (MI)	Flake
Barcia	Condit	Foglietta
Barlow	Conyers	Ford (MI)
Barrett (WI)	Cooper	Ford (TN)
Becerra	Coppersmith	Frank (MA)
Bellenson	Costello	Frost
Bentley	Coyne	Furse
Berman	Cramer	Gejdenson
Bevill	Danner	Gephardt
Bilbray	Darden	Geren
Bishop	de la Garza	Gibbons
Blackwell	Deal	Gilman
Bonilla	DeFazio	Glickman
Bonior	DeLauro	Gonzalez
Borski	Dellums	Gordon
Boucher	Derrick	Green
Brewster	Deutsch	Gutierrez
Brooks	Dicks	Hall (OH)
Browder	Dingell	Hall (TX)
Brown (CA)	Dixon	Hamburg
Brown (FL)	Dooley	Hamilton
Brown (OH)	Durbin	Harman
Bryant	Edwards (CA)	Hastings
Byrne	Edwards (TX)	Hayes
Cantwell	Ehlers	Hefner
Cardin	Engel	Hilliard

Hinchey	Miller (CA)	Sorrano
Hoagland	Mineta	Sharp
Hochbrueckner	Minge	Shays
Holden	Mink	Shepherd
Hoyer	Moakley	Sisisky
Hughes	Mollohan	Skaggs
Hutto	Montgomery	Skelton
Inslee	Moran	Slattery
Jacobs	Morella	Slaughter
Jefferson	Murphy	Smith (IA)
Johnson (GA)	Murtha	Spratt
Johnson (SD)	Myers	Stark
Johnson, E. B.	Nadler	Stenholm
Johnston	Neal (MA)	Stokes
Kanjorski	Neal (NC)	Strickland
Kaptur	Oberstar	Studds
Kennedy	Obey	Stupak
Kennelly	Olver	Swett
Kildee	Ortiz	Swift
Klecza	Orton	Synar
Klein	Owens	Tanner
Klink	Pallone	Tauzin
Kopetski	Parker	Tauzin
Kreidler	Pastor	Taylor (MS)
LaFalce	Payne (NJ)	Tejeda
Lambert	Payne (VA)	Thompson
Lantos	Pelosi	Thornton
LaRocco	Penny	Thurman
Laughlin	Peterson (FL)	Torres
Lehman	Peterson (MN)	Torricelli
Levin	Pickett	Towns
Lewis (GA)	Pomeroy	Traficant
Lipinski	Poshard	Tucker
Lloyd	Price (NC)	Unsoeld
Long	Rahall	Valentine
Lowey	Rangel	Velázquez
Maloney	Reed	Vento
Mann	Reynolds	Visclosky
Manton	Richardson	Volkmer
Margolies-	Roemer	Waters
Mezvinsky	Rose	Watt
Markey	Rostenkowski	Waxman
Martinez	Rowland	Wheat
Matsui	Roybal-Allard	Whitten
McCloskey	Rush	Williams
McCurdy	Sabo	Wilson
McDermott	Sanders	Wise
McHale	Sangmeister	Wolf
McKinney	Sarpalius	Woolsey
McNulty	Sawyer	Wyden
Meehan	Schenk	Wynn
Meek	Schroeder	Yates
Menendez	Schumer	Young (AK)
Mfume	Scott	

NOT VOTING—6

Gallo	Natcher	Ridge
Mazzoli	Pickle	Washington

□ 1857

Mr. YOUNG of Alaska and Mr. BROWDER changed their vote from "yea" to "nay."

Mr. SAM JOHNSON of Texas changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid in the table.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I was unable to be present for business in the House of Representatives. I was therefore not present for votes occurring. Had I been present, I would have voted:

"Yes" on Roll No. 83

"Yes" on Roll No. 84

"No" on Roll No. 85

"Yes" on Roll No. 86

"Yes" on Roll No. 87

"No" on roll No. 88

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for the balance of this evening and tomorrow or as he sees it unfold before we recess.

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

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, there will not be further votes this evening.

There will be an attempt to file the rule tomorrow on the crime bill, and that rule will then be an attempt to take it up on Friday. We will take up H.R. 6 tomorrow on the floor and try to bring it to completion.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished majority leader, the other issue that comes out of the Committee on the Judiciary on how that will be orchestrated tomorrow relative to the lobbying measure.

Mr. GEPHARDT. Yes. There would be an attempt for a unanimous consent and then a rule which would allow it to be brought up on suspension.

□ 1900

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

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I do not want any Member to be confused about the next 2 days. It is our hope that the draft of the rule we saw tonight on the crime bill will be rewritten before it is filed and the Committee on Rules will meet again. I want all of my colleagues to understand this in advance that the second day a rule so restrictive that, in the words of the President in Boston, it says, "No, no, no, no," to amendment after amendment after amendment, if that rule is filed in its current form, from that moment on we will do everything we could in this House procedurally to insure that the country understands which amendments are not being offered, why they are not being offered, and raise that question.

I hope that tonight the Committee on Rules will decide to meet again—it

has not filed that rule—and by tomorrow we will have a rule more accommodating to a wide range of Members who deserve the right to offer serious amendments on the crime bill.

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

PERMISSION TO FILE PRIVILEGED REPORT MAKING IN ORDER A MOTION TO CONSIDER S. 349, LOBBYING DISCLOSURE ACT OF 1993, UNDER SUSPENSION OF THE RULES

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on making in order a motion to suspend the rules and pass the Senate bill S. 349 to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from South Carolina?

Mr. WALKER. Mr. Speaker, reserving the right to object, I did not hear the request of the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, let me repeat the request.

Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on making in order a motion to suspend the rules and pass the bill, S. 349.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I would inquire, which bill is that?

Mr. DERRICK. Mr. Speaker, it is the lobbying reform legislation.

Mr. WALKER. I thank the gentleman, and, Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

ANNOUNCEMENT OF MEETING OF COMMITTEE ON RULES

Mr. DERRICK. Mr. Speaker, if I could I wish to make an announcement, I ask that all members of the Committee on Rules report now to the Rules Committee room. We need the presence of the members there right now.

FOX IN THE HEN HOUSE

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

Mr. GOSS. Mr. Speaker, it looks like the fox is back in the hen house one more time. Here we go again, another

Clinton White House official in trouble over ethical problems. I read in the Washington Times this morning an answer to a question I asked here a week or two ago, why are we having stalling on these passes at the White House for security clearances? National security is a matter of some concern to us, especially with all the terrorism we see going around today.

I discover we have a gentleman who has been reprimanded once by the way he handled the Travelgate situation, Mr. Kennedy, a member of the Rose law firm apparently, who has been put in charge of the passes. Maybe that explains why we have got a backlog.

Quoting from the paper, it says "Mr. Kennedy's failure to routinely pass the reports on to Secret Service for review resulted in a long backlog of employees awaiting clearance for a permanent pass, according to congressional and administration officials."

It goes on to say, "Of about 1,000 FBI background checks of White House personnel, more than 500 revealed derogatory information that would have prevented the people from obtaining security clearances at the FBI, Defense Department, or CIA, said an administration source." And these people are making decisions.

Mr. Speaker, I include the following material at the end of my remarks.

[From the Washington Times, March 23, 1994]
PASSES STALLED BY WHITE HOUSE AIDE
 (By Rowan Scarborough)

White House Associate Counsel William H. Kennedy III's decision to hold back hundreds of completed FBI background reports was the chief reason many White House employees did not have permanent access passes months after assuming their jobs.

Mr. Kennedy's failure to routinely pass the reports on to the Secret Service for review resulted in a long backlog of employees awaiting clearance for a permanent pass, according to congressional and administration officials.

The pass backlog started last year after the Secret Service expressed reservations about approving permanent badges for two aides for security reasons based on their FBI reports, according to the officials.

Only Mr. Kennedy—criticized for his role in the Travelgate affair and reportedly close to resigning—and first lady Hillary Rodham Clinton remain of the four partners of Little Rock's Rose Law Firm who came to Washington with President Clinton.

The others were Associate Attorney General Webster L. Hubbell, who announced his resignation last week to deal with charges that he overbilled clients at the Rose firm, and Deputy White House Counsel Vincent W. Foster Jr., who died last July of an apparent self-inflicted gunshot wound.

The Wall Street Journal reported yesterday that Mr. Kennedy may have tried to hide a tax problem from FBI agents investigating his background. The newspaper said Mr. Kennedy paid \$1,300 in delinquent Social Security taxes under his wife's maiden name and through a Little Rock accounting firm.

White House Communications Director Mark Gearan said yesterday that Mr. Kennedy told him he was not trying to conceal anything and that his wife "wanted to keep her [maiden] name alive."

Mr. Kennedy, who is in the process of a divorce, was reprimanded by the White House last year for "inappropriate" contacts with the FBI after the abrupt firing of White House travel office employees.

Of about 1,000 FBI background checks of White House personnel, more than 500 revealed derogatory information that would have prevented the people from obtaining security clearances at the FBI, Defense Department or CIA, said an administration source, who asked not to be named.

The FBI found cases of past drug use and drug convictions, years of unpaid taxes, unpaid debts and financial irregularities—discrepancies that can be grounds for Secret Service questions.

In recent days, as press reports disclosed the backlog, the White House has moved to issue large batches of building passes, apparently to people whose background reports were complete but had not yet been submitted to the Secret Service.

White House spokeswoman Ginny Terzano yesterday disputed that hundreds of background reports had been held up because the FBI uncovered discrepancies.

"Your sources are just totally wrong. Your numbers and your characterization are wrong," Ms. Terzano said.

White House Press Secretary Dee Dee Myers said two weeks ago that the backlog was the result of negligent employees failing to fill out initial questionnaires needed to start the FBI clearance procedure. On the job for more than 14 months, Miss Myers herself had not completed any of the background forms and is using a temporary pass.

Ms. Terzano said on Monday that Miss Myers since has filled out the necessary forms. She said all employees are now in compliance with White House guidelines that call for submitting the paperwork within their first 30 days on the job.

"Only a handful" of applicable employees, like Miss Myers, had not filled out the forms in time to meet the deadline, Ms. Terzano said. "What you ought to be writing about is that we're in compliance," she added.

Congressional and administration sources said tardiness is only part of the problem. The sources said much of the backlog is due to FBI reports coming back with derogatory information that caused Mr. Kennedy to delay submitting them to the Secret Service.

Mr. Kennedy did not return a telephone call for comment yesterday.

The large number of White House aides without permanent passes is "radically different" from previous administrations, which in most cases gave employees no more than 60 days to get a permanent pass, one administration source said. While called a "permanent" pass, the access is good for five years.

"Secret Service is royally mad at Kennedy because this is not the way the system is supposed to be run," the administration source said.

Mr. Kennedy, who oversees the issuing of passes, himself did not complete the FBI check to get a permanent pass until early December, after being at the White House nearly a year.

Rep. Frank Wolf, Virginia Republican, who charges the White House has stonewalled Congress in providing information regarding the passes, said yesterday he will ask the General Accounting Office to investigate.

"The reports of hundreds of White House employees . . . not having permanent passes for over a year into the administration is alarming," said Mr. Wolf, a member of the House Appropriations subcommittee on

Treasury, postal services and general government. "Why weren't timely procedures followed? Why did those in charge continually misrepresent the situation?"

It normally takes about two months for an employee to undergo the background check and obtain a permanent pass. Permanent passes are issued on the authority of the counsel's office, with input from the Secret Service and the White House Office of Security.

Other senior White House aides, in addition to Miss Myers and Mr. Kennedy, also failed to gain a permanent pass months after assuming duties.

White House Chief of Staff Thomas "Mack" McLarty, who wrote the guidelines for employees to follow, did not get a permanent pass until earlier this month, after newspapers, including The Washington Times, first disclosed the backlog.

Patsy Thomasson, who directs the White House Office of Administration, got a permanent pass this month after she was the subject of a Wall Street Journal editorial.

The administration source said the news stories infuriated Mr. Clinton, who spoke to Mr. Kennedy about the delays last week.

Incoming White House Counsel Lloyd Cutler, who has pledged to clear up the backlog, said last week that aides had been ordered to expedite the process. He detailed Christopher Cerf, general counsel in the office of administration, to complete the task.

Mr. Cutler, in a March 18 letter to Mr. Wolf, said top aides such as Miss Myers can still review top-secret material despite not having a final building pass.

LYING AND PHONINESS IN THE FIEFDOM OF ARKANSAS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DORNAN. Mr. Speaker, may I have the attention, please, of my good friend, the gentleman from Ohio [JIM TRAFICANT]. I am perfectly willing to concede that they will sell a lot of dirt in Arkansas. We learned through Tonya Harding the incredible marketability of all this tabloid stuff. You're a good man, JIM. I love you.

However, are you aware that six news organizations, including the Associated Press, have joined with the American Association of Physicians and Surgeons in an amicus brief because they have new evidence of Whitewater-type shenanigans in the Health Care Task Force?

I love you, JIM.

That's right, Mr. Speaker, today, the American Association of Physicians and Surgeons filed a brief in DC's District Court, further expanding on their lawsuit against Hillary Clinton and the Health Care Task Force. The brief contains new revelations that show rose-colored, Clintonian ethics were not confined to Little Rock or real estate deals in the Ozarks, but also ruled the White House's Health Care Task Force.

It alleges that the President and First Lady violated conflict-of-interest laws; alleges various high administration officials with extensive double-dipping, including new allegations that hundreds-of-thousands of dollars were fun-

neled to Jocelyn Elders; and reveals the previously undisclosed names of task force members allegedly involved in influence-peddling and conflicts-of-interest.

We cannot allow coverups and lies from the administration or coverups from anybody in this House. How can we sit back while the Clinton administration pushes the Office of the Presidency into the flood drainage system of the District of Columbia? The people's House is losing what credibility it has left by continuing to cover up the swarm of criminal charges and by ignoring the ethical dissipation of the White House. It's cultural meltdown.

I call for an immediate congressional investigation beginning after the April break into all of the allegations of task force wrongdoing.

My Democrat colleagues, when will you act? You are riding in whitewaters and the rocks aren't looming, you're already amongst them.

Mr. Speaker, here is the press release of the AAPS.

Date: March 23, 1994.

Time: 10:15 am.

Location: Grassy Triangle, East Front U.S. Capitol.

NEW EVIDENCE OF WHITEWATER-TYPE TACTICS IN PRESIDENT'S HEALTH CARE TASK FORCE: WHITE HOUSE STONEWALLING AND INFORMATION WITHHOLDING SHIELDS CONFLICT OF INTEREST

New briefs will be filed in the lawsuit against Hillary Clinton and the President's Health Care Task Force with evidence of illegal activities and subsequent White House cover-up and stalling will be subject to a news conference with the Executive Director of the Association of American Physicians and Surgeons (AAPS), as well as new revelations of the Clinton's financial holdings in health care stocks.

Dr. Janet Orient, who testified before the Task Force last year, will also discuss evidence of a pattern of conflict of interest and influence-peddling by previously unidentified task force members representing the very commercial entities who stand to make enormous financial gains with implementation of the proposed managed-care plan.

AAPS will present evidence of misrepresentation of Task Force membership and possible misrepresentation of facts by White House staff.

BACKGROUND

One year ago, the AAPS successfully filed suit to force the Task Force to open their meetings to the public to comply with the Government in Sunshine Act, and to disclose its records.

The Associated Press and five other news media and professional journalism organizations have filed an amicus brief in support of the AAPS lawsuit.

On March 19, 1993, the District Court in Washington D.C. handed down an injunction requiring the Task Force to comply with the Federal Advisory Committee Act (FACA). The Act was designed to protect the public from the unregulated use of advisory committees where special interest groups may use their membership on such bodies to promote their private concerns.

But that ruling was overturned when former White House Counsel Bernard Nussbaum argued the Act did not apply to the Task Force, as he and Ira Magaziner claimed that all members were full time government employees.

Instead of complying with the law by producing the records and publishing timely

meeting notices in the Federal Register, Nussbaum then launched an aggressive defense of the secret war room, while Vince Foster signed public notices for the Federal Register only after the meetings took place.

After several months, AAPS went back into court when it became apparent the Administration had no intention of producing the documents which would shed light on the closed-door deliberations of the Task Force.

On November 9, 1993, District Court Judge Royce Lambert ordered the White House to produce records of the Task Force documenting its membership, consultants, time and attendance records, travel vouchers, financial disclosure forms and conflict of interest declarations.

In a sharply worded opinion, Judge Lambeth condemned the Administration's stonewalling as "improper" and "evasive," by producing "dribbles and drabs of information at its convenience." Judge Lambeth also cited the White House for providing incomplete and inadequate responses for discovery of admissible evidence.

The White House then produced several boxes of documentation, but only after getting a protective order, withholding them from the public. To this day, Ira Magaziner has refused to respond to the request for his disposition.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCNULTY). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, [Mr. MICHEL], is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I request permission to insert at this point in the RECORD the votes on health care reform which took place in the Committee on Ways and Means on March 21 and 22, 1994.

The following recorded votes were taken on March 21, 1994, in the Subcommittee on Health of the Committee on Ways and Means during consideration of Chairman Stark's substitute proposal for H.R. 3600, the Health Security Act of 1994:

An amendment of Mrs. Johnson (CT) striking (1) the requirement that the HHS Secretary develop a national workforce plan under which 53 percent of residents be trained in primary care specialties, develop a method of accrediting residency positions, limit the number of residency positions in accordance to the national workforce plan; and striking (2) the section that limits reimbursement to academic medical centers only for residents in positions accredited by the Secretary in accordance with the national workforce plan. The amendment was defeated 6-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay" by proxy.
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."

Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea" by proxy.

An amendment by Mr. Thomas (CA) to guarantee adequate year-by-year financing of benefits to low income individuals. The expansion of subsidies could be accelerated or delayed (but never reduced) depending on whether the savings in federal health expenditures were available. The Director of OMB must certify each year whether proposed savings in federal expenditures are adequate to fund or accelerate the subsidy schedule. If the savings are inadequate, the Director notifies Congress of the short falls and recommends reductions in benefits or other federal programs savings to meet the shortfall. Congress can either take action or allow the phase-in to be limited to the percentage increase that can be afforded. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrew (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea" by proxy.

An amendment by Mr. Thomas (CA) that limits malpractice non-economic damage awards to not more than \$350,000 per case. The amendment was adopted 6-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "yea."
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea" by proxy.

An amendment by Mr. McCrery striking the establishment of global budgets for private sector health spending and the establishment of maximum payment rates for services if private sector spending exceeds annual targets. The amendment would replace the cost containment mechanism with a limit on the employer deduction and the employer exclusion of health care plan premiums to the average cost of benefit plans offered in the geographic area. The amendment was defeated 6-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. McCrery striking the provision that prohibits administrative or judicial review of any decision by the Secretary of HHS to control costs or regulate

rates in the private sector. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis, "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Thomas (CA) to delete the requirement that all non-low-cost services must be provided in a single centralized location in each MSA. The amendment failed 5-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, Not voting.
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Thomas (CA) to add outpatient drugs to clinical labs. X-ray and ultra sound services as services that all physician offices are permitted to provide under the exception for in-office ancillary services. The amendment passed 6-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, not voting.
Mr. Cardin, "nay."
Mr. Andrews (TX), "yea" by proxy.
Mr. McDermott, "yea."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

The following recorded votes were taken on March 22, 1994, in the Subcommittee on Health of the Committee on Ways and Means during consideration of Chairman Stark's substitute proposal for H.R. 3600, the Health Security Act of 1994:

A motion by Mr. Thomas (CA) appealing the ruling of the Chair that ruled out of order Mr. Thomas' amendment to strike Title XII, the revenue section. The motion was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Thomas (CA) striking the 0.8 percent payroll tax and financing the lost revenue by delaying the 100-200 per-

cent of poverty subsidies until they can be financed through spending cuts. The amendment failed 6-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "yea."
Mr. Andrews (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis, "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Andrews (TX) to raise the tobacco tax \$50 per pack more than Chairman's increase of \$75. The money would fund subsidies through the tax code for small business (to be completed at full committee) and new public health spending for Academic Health Centers, a lead abatement program, essential community provider programs, teen pregnancy and smoking cessation programs and education and retraining programs for farmers. The amendment was adopted 6-5.

DEMOCRATS

Mr. Stark, "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "yea."

REPUBLICANS

Mr. Thomas (CA), "nay."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "nay" by proxy.
Mr. McCrery, "nay."

An amendment in the nature of a substitute was offered by Mrs. Johnson (CT), H.R. 3080, the Affordable Health Care NOW Act of 1993 sponsored by Representative Michel. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay" by proxy.
Mr. Cardin, "nay" by proxy.
Mr. Andrews (TX), "nay" by proxy.
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment in the nature of a substitute offered by Mr. McCrery, Health Savings and Security Act of 1994. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "nay" by proxy.
Mr. McDermott, "nay."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

FEDERAL RESERVE SYSTEM ACCOUNTABILITY ACT OF 1993

ORDER OF THE SPEAKER. Under a previous order of the House, the gentleman from

Texas, [Mr. GONZALEZ], is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, In the old days, doctors used to "bleed" patients in order to bring them back to health. Unfortunately, more than a few patients have failed to respond to this therapy. This is a disturbing analogy with the Federal Reserve's current prescription for economic health—a policy of raising interest rates in order to slow down an already dragging economic recovery. Rather than resuscitating the patient, the doctors at the Fed are knocking the patient unconscious.

I have previously spoken about the Federal Reserve's faulty measures of inflation and its obsession with achieving zero inflation, something that could backfire and cause massive unemployment. Today I want to focus on the weakness of the U.S. recovery. There is a serious inconsistency between the conditions nearly everyone in the labor market encounters and the aggregate statistics compiled by the Government which show overall economic activity picking up from 1991 when growth was negative. In many parts of the country, as many of my colleagues have found in their districts, people are talking about how hard it is to find a good job. Many of the jobs that are available do not pay well.

Well, my colleagues, I will show you that what you hear from your constituents in your home districts supports the evidence that the U.S. economy is far from a complete recovery.

I have a graph depicting the ratio of help wanted advertising to unemployment. What this graph shows is that the number of help wanted ad in the country's newspapers per officially unemployed person, fell dramatically in 1989, 1 year before the official recession. It did not hit bottom until 1992, over 1½ years after the official end of the recession of 1990-91.

The quality of jobs has also deteriorated. *The Economist* reported in its March 19, 1994 edition [p. 27.]:

College graduates typically enter the labor force around \$10,000 in debt, from loans taken out to pay soaring tuition bills. The job market they enter is one in which 22 percent of employed Americans are either part-time or temporary workers, the highest proportion ever; indeed, employment with temp agencies accounted for 15 percent of the new jobs created last year and 26 percent the year before.

As trained and experienced people are laid off all over the country they not only find fewer ads seeking employees, but the quality of the jobs being offered has seriously fallen.

This kind of evidence comes on top of another serious economic problem. Hourly earnings, adjusted for inflation, for 80 percent of the U.S. work force—the nonsupervisory workers—have been falling since 1973. Today workers' earnings after adjustment for inflation are

where they were in 1965. This variable is called "real hourly earnings." Along with the decline in real hourly earnings has come a decline in real weekly earnings.

What this means is that most of the Nation's workers buy less and less with the money they earn. Today they can only buy about the same as they could in 1965.

So, as they drink toasts to the great recovery of 1994 over at the money temple and make plans to stifle it before it gets going too strongly, I ask them to visit Main Street, USA and find out what is really going on. On Main Street they will hear from the Nation's workers that this is not a vigorous recovery. This is not time to stifle what little recovery we have.

My colleagues, in this time of national economic stress and a Federal Reserve policy of raising interest rates, it is vital that we have a full record of the positions taken by each individual Federal Reserve official. We need complete and timely release of the records of Federal Reserve meetings where these officials determine much of our economic future. I ask you to support my bill, H.R. 28, the Federal Reserve System Accountability Act of 1993. We cannot let the Federal Reserve operate in a cult of secrecy where its official do not have to disclose to the public their individual decisions at their meetings, which have a profound impact on all of our lives.

□ 1910

VELDA MEYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, one of the great stories and, I think, an unwritten story in the United States of America has to do with volunteerism. We often talk about volunteerism, but yet it really is an entity in itself. As we in Congress and in State legislatures all around the country try to grapple with the problems of society today, we try to take care of the neighborhoods, and families, and crime, and health care, and all these things. We often overlook the fact that there is a strong, and many times invisible, army that is out there that is the margin between success and failure in our society. Organizations such as the Boy Scouts, the Girl Scouts, different church groups, neighborhood associations, hospital groups and so forth have done so much work to continue the great legacy of America, and tonight in that regard I want to talk about one of the best volunteers that I know, a lady named Velda Meyer from Isle of Hope, GA, a lady I am proud to call a neighbor and a friend, a citizen and a great American. Velda lives around the cor-

ner from me, but her sphere of influence is not isolated to our neighborhood by any means, but I do want to tell a story about a couple of the things that she does.

I say to my colleagues, "If you are up early in Isle of Hope and you are driving down Grimble Point Road, you can see a beautiful median and a little garden that Mrs. Meyer along with a handful of her friends that she recruits every year; they take care of that whole median, no taxpayer expense. They are out there. They are pruning and planting flowers, cleaning up litter from the weekend. They are doing so much, and there is no thank you for it. They don't even get credit most of the time."

Another thing that Velda Meyer did at her own initiative: For years she was the neighborhood Halloween witch, and at her house every Halloween she would put on a little miniature spook house, and there were spiders, and cobwebs, and plastic rats and bales of hay. Velda would put on some tinsel type green hair and dress as a witch, and all the little children of Isle of Hope and many other children from Savannah and the surrounding area would come and see her. It was a neighborhood tradition in many respects.

Mr. Speaker, Velda Meyer has done many, many other things, and a mutual friend, Mrs. Leila Bravo, has given me a whole list of items that she has done, and I want to read these into the RECORD, Mr. Speaker, and will do so at this time:

VELDA MEYER

Velda Meyer is a very special resident of the Isle of Hope community and the Chatham County area. She has devoted the last 50 years to a number of volunteer organizations as well as her community.

She began her work as a volunteer worker with the Red Cross at the East St. Louis Chapter in surgical dressings in 1941. She was certified as a nurse's aide at the East St. Louis Chapter, Belleville, Illinois in 1942. Velda worked at the East St. Louis Chapter as a nurse's aide in 1942, 1943 and 1945 for a total of 358½ hours and at the St. Louis Bi-State Chapter, Belleville, Illinois in 1958-59.

After moving to Savannah she began her volunteer work in September 1959 with the Red Cross. She has given a total of 10,139 hours from that date thru December 1993.

She was appointed chairperson of youth volunteers in Red Cross in 1961 and also served as chairperson of volunteers at Memorial Medical Center thru Red Cross 1964/65/66.

Velda has served as a volunteer at Memorial Medical Center for 24 years. She was voted Volunteer of the Year in 1988.

In her Isle of Hope community, she has been a devoted friend to all the residents of the island. Velda worked very hard for the Little Historical Park on the Bluff near the Marina.

The Parkersburg Garden Club has benefited since the early 70's from Velda's membership and dedicated service. For many years she has been responsible for the beautification of the plot on the road to Dutch Island. In 1981, the club honored her with life membership. Velda has represented the Parkersburg Garden Club in the Savannah area

garden club council on many of their projects.

Velda is a member of the Isle of Hope Community Club and the Historical Society.

For many years, Halloween was very special to several hundred children who visited Velda. She dressed as a witch, stirred her smoking kettle, and made Halloween come alive with eerie music, spidery decorations and candy. Also, for many years Isle of Hope residents celebrating their birthdays found colorful balloons on their mailboxes. Velda delivered them by bicycle very early in the mornings. Visits to the sick, food and get well wishes to the shut-ins, rides when your car is on the blink, Velda is always there to help.

Other areas where this dear lady's life has made a difference is: the Savannah Symphony Women's Guild and the Republican Women's Club. She has been a member of the guild since its inception. She has solicited items for the TV auctions, got up tables for the fashion shows, helped raise money for the annual fund event, and helped promote and sell tickets for the symphony.

She has served as chaplain and sunshine chairperson of the Republican Women's Club. She sells more tickets for the luncheon and fashion show which is the annual fund raising event. This not only benefits Republican candidates but also community projects.

Last but not least she is also active in her church, the Lutheran Church of the Ascension. There she is chairperson of the greeters, a position she has had for many years.

This lady is indeed one of Savannah's goodwill ambassadors.

Mr. Speaker, I will conclude with saying, "When you really look at the true difference between America and other countries, it's not just our form of government, but it's our people, and Alexis de Tocqueville said America is good because Americans are good. Velda Meyer is a true example of that. She is a lady who has given, given, given, and given, and altruistic American and a great America."

IN CELEBRATION OF GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask that all Members may have 5 legislative days to file their remarks in connection with this special order.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise today, here in the Hall of American democracy, to honor the spirit of freedom that lies at the heart of our political system. It is the idea of democratic government, brought forth by the ancient Greeks and which has swept the modern world.

It is fitting that we celebrate this magnificent concept of democratic government this week because this Fri-

day—March 25—marks the date that the people of Greek heritage and the Greek Orthodox faith, as well as freedom-loving individuals everywhere, celebrate the symbolic rebirth of democracy: Greek Independence Day.

March 25, 1994, is the 173d anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. It was on this historic day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings that soon turned into a revolution attracting wide international support.

The Greeks' long and arduous struggle against the Ottoman Empire is a perfect example of the ability of mankind to overcome all obstacles if the will to persevere is strong enough and the goal—in this case the dream of freedom—is bright enough.

America, the United States of America, is surely the truest expression of this dream today. It remains an imperfect dream, yes, but still the shining example that oppressed people throughout the world have looked to for generations; have gained strength from in their struggle to overcome their oppressors.

This dream of democracy—born so long ago in Greece—and its greatest tangible expression in our great democratic Republic, Mr. Speaker, forms the common bond between our two nations. Furthermore, it is a bond that has stretched throughout history, from ancient times to the present day.

In ancient mythology, fire was brought down from Mount Olympus and offered to the Greeks as a gift—a gift that transformed their lives. Similarly, the gift of democracy was offered to the world by the ancient Greeks and it, too, was a transforming gift: In fact, it continues to transform the world with stories of heroes and remarkable events.

The history of the Greek war for independence also is filled with heroes and heroism, remarkable events by many peoples in a common cause. It is partly the story of the Klephts, who descended upon the invaders from their mountain strongholds. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade; and it is the story of the Philhellenes, who took these tales of courage to Europe where their significance was not overlooked.

These stories woven together formed the fabric of a free and independent Greece, of Democracy returned to the cradle where it was born, and defended by the defiant cries of the Greek patriots: "Eleftheria I Thanatos"—Liberty or Death.

However, democracy—which places the hands of the common man on the wheel of destiny—brings with it dangers, as well. Freedom often brings with it old antagonisms, nationalist

disputes that must be reconciled—and the old truism that warfare is only an extension of diplomacy is no better demonstrated than in the Balkans.

Yugoslavia—cobbed together out of many competing ethnic factions and for years held together by the force of communism—has fragmented explosively. Fighting continues throughout the Balkan region—and one old dispute in particular threatens the cradle of democracy, Greece itself.

The Greek Government protested when, in 1945, Yugoslavia's Communist dictator, Tito, usurped the name "Macedonia" for a province carved out of southern Yugoslavia to diminish the power of Serbia. This served only to inflame competing interests in a region stretching well beyond the borders of Yugoslavia and unstable since the days of Alexander the Great.

While this Province now understandably seeks its freedom, the concept of Macedonia must in no way be restricted within the borders of this tiny land. To recognize this Province as an independent nation under the name "Macedonia" would, I fear, unleash antagonisms already bubbling at the boiling point.

Regrettably, however, the Clinton administration has granted full diplomatic recognition to the former Yugoslav Republic of Macedonia [Fyrom]. This action is cause for great concern, because the name "Macedonia" is historically tied to the northern Greek Province of Salonika, home to Alexander the Great. As a result, an extremely volatile atmosphere has been created along the northern border of Greece.

As recounted in the New York Times, constitutional language regarding a future union of the wider lands of ancient Macedonia—which reach into Bulgaria, Albania, and Greece—spark resentments and suspicion. Promises to protect the cultural, economic, and social rights of Macedonians in surrounding countries are equally ominous.

More blatant still are maps circulating in the region and bearing the seal of the Macedonian National Liberation Army; maps that depict the envisioned nation of Macedonia with borders reaching into eastern Albania, southwestern Bulgaria, and a full quarter of mainland Greece.

Frequent radio broadcasts from Yugoslavia's Macedonian Province call for the unification of Macedonia and for the freeing of millions of oppressed Macedonians in Greece.

The establishment of diplomatic relations with Fyrom would be a serious deterrent to the negotiation process and would impede efforts to promote a solid and cooperative relationship between those two countries. This action would also threaten the historic military and cultural relationship between the United States and Greece.

The establishment of diplomatic relations between the United States and

Fyrom would send precisely the wrong message at precisely the wrong time. The prospects for peace in the region will not be enhanced by this action; indeed, they might very well be compromised.

This is not a matter of semantics. This is a matter of national identity, international respect for traditional concepts of national sovereignty, and a recognition of the long and turbulent history of the Balkan region. Mere names are often used to support territorial claims and ethnic divisions which transcend the centuries.

Mr. Speaker, we must stand by our longtime ally and never forget that the ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. The dream of self-rule was made reality as our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a great debt to the Greeks.

In the American colonial period, during the formative years of what would be our great Republic, no feature was more prominent than the extent to which Greek and Roman sources were cited by the Framers of the Constitution. The very basis of our Constitution derives from Aristotle and was put into practice in ancient Rome, in 18th-century England and in the early State constitutions, before it was given its national embodiment by the Convention of 1787.

The overriding appreciation was for Aristotle's sense of balance, since the delegates viewed the tyrant and the mob as equally dangerous. Indeed, both James Madison and John Adams emphasized what Aristotle had written in *The Politics*, that "the more perfect the admixture of the political elements, the more lasting will be the state."

Through the recognition of the idea of a separation of powers, a system of checks and balances was instituted in American Government. Thus, as another of the ancient Greeks, Polybius, foresaw and wrote:

When one part, having grown out of proportion to the others, aims at supremacy and tends to become too dominant * * * none of the three is absolute. * * *

Our Founding Fathers were eager to relate the American experiment to the efforts of the ancient Greeks to establish a balance of powers. Such a relationship, it was hoped by the Framers, would allow America to escape the disintegration of Government that had proven inevitably fatal to other political systems throughout history.

It is the example of the ancient Greeks that we celebrate each March 25th, that and the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy and of this day lives on in the defense

of the principles for which so many of the free world's citizens have given their lives.

Mr. Speaker, today we celebrate together with Greece in order to reaffirm the democratic heritage that our two nations share so closely. These principles are not uniquely Greek or American, but they are our promise to the world—and they form a legacy that we cherish and have a responsibility to protect and defend.

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

Mr. GEKAS. Mr. Speaker, I think the gentleman from Florida [Mr. BILLIRAKIS] has outlined in his opening remarks what this special order which he regularly conducts is all about. When in March 1812 the Greeks, who had been subjugated by the Ottoman Empire for almost 500 years, began an uprising which led to full independence 9 years later with the help of luminaries like Lord Byron of England and worldwide sentiment expressed even in the halls of democracy to which the gentleman alluded, the same Chamber where James Monroe, and the President, and Henry Clay and others said spirited words in support of the Greek uprising, that celebration, March 25, is repeated as a celebration of freedom every year, and particularly to the Americans of Greek descent it becomes even triply significant.

First of all, Mr. Speaker, it is a national holiday in Greece. We know because that is the day of independence. But for all Americans of Greek descent who also happen to be of Greek Orthodox faith it is a rousing day on the religious calendar as well, and in another wondrous way the Americans of Greek descent look upon it as a recelebration of their own freedom as Americans. They really celebrate.

I remember in our younger days when we gathered at home after the church services and after poems and songs about the day of freedom, as it were, that we were able to correlate that expression of heartfelt thanks and gratitude that our parents, who were immigrant parents, from Greece felt that the idea that they were able to celebrate in a free land what they had learned in their background was so important to them as Greek citizens at one time was now doubly important because it was celebrated in the land that replicated the freedom begun by Greek democracy, the United States, and so we, as the gentleman and I, for instance, as I say to the gentleman from Florida, as Americans of Greek descent who also serve in the Congress of the United States, we who have served in the armed services of the United States and we who continue to blare out freedom every chance we get, really came by it honestly because we learned from our parents, and our teachers and our church leaders the significance of freedom in all its beauteous definitions.

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to congratulate the people of Greece and the Greek-American community of south Florida on the 173d anniversary of Greek independence.

Greece was the birthplace of Western civilization. It is from Greece, and Greece's inspiration of the Renaissance, that the culture we know as the West is derived. Our ideas of democracy, art, and philosophy were first formulated in the city-states of ancient Greece.

In modern times, Greece has been a frequent ally of the United States. In the Second World War, 9 percent of the population of Greece died fighting the Axis. The Truman doctrine, which declared the intention of the United States to resist Communist aggression, was prompted by a Soviet inspired war against Greek freedom. It was that decision which ultimately led to the collapse of the Soviet empire and the rebirth of liberty in much of Eastern Europe.

Again, allow me to congratulate the Greek-Americans of south Florida, and the rest of the country, on this happy day.

Ms. SNOWE. Mr. Speaker, as an original cosponsor of this year's House resolution commemorating Greek Independence Day, I am very pleased to join my colleagues in honoring this day. I particularly want to thank the distinguished gentleman from Florida [Mr. BILLIRAKIS] for his efforts in sponsoring the resolution.

This Friday marks the 173d anniversary of the start of the revolution which freed the Greek people from the Ottoman Empire. Greece remained under control of that Empire for almost 400 years—from the fall of Constantinople in 1453 until the declaration of Greek independence in 1821. For nearly four centuries the Greek people were deprived of all civil rights. Schools and churches were closed down, and Christian and Jewish boys were kidnaped and raised as Moslems to serve the sultan.

Contemporary American leaders, such as James Monroe and Daniel Webster, recognized that the ideals of the American Revolution, those of individual liberty, representative democracy, and personal dignity, were also the foundation for Greece's declaration of independence. Americans quickly identified with the struggle of those Greek patriots because they knew in their hearts that it was their struggle as well.

The United States and Greece are now old friends and trusted allies. Our two Nations and people are bound by interests, values, and a common political heritage. The democracy that both of our Nations cherish began in Greece 1,000 years ago. Today Greece is the only true democracy in the Balkans.

But, Mr. Speaker, for the first time since the 1940's, that Greek democracy, and indeed perhaps the very Greek independence that we are commemorating today, is being threatened by a force that is threatening to undermine nations around the world. That force is ultranationalism, and its source is Skopje.

Last month, the administration took the misguided step of extending diplomatic recognition to the regime that insists on calling itself the Former Yugoslav Republic of Macedonia. Shortly after that administration decision, I introduced a resolution expressing the sense of

Congress that the President should not have granted such diplomatic recognition and should reconsider that decision. Most of my colleagues here today have become strong supporters of my resolution.

The decision to recognize FYROM was an insult to our ally Greece, and it played into the hands of the ultranationalists in the parliament of Skopje. These ultranationalists openly advocate a greater Macedonia with its capital in Skopje. Since 1945 they have mounted a propaganda campaign against Greece claiming all of Macedonia for the so-called Macedonia people. But there is no such separate ethnic group.

Moreover, Skopje continues to reject Greece's justified request to remove from its constitution a reference to a 1944 proclamation calling for the unification of neighboring territories in Greece and Bulgaria with this false Macedonian Republic. The ultranationalists of Skopje have the same objectives as their forefathers—territorial access to the Aegean Sea through the Greek port of Salonika.

Mr. Speaker, the United States has not yet formally established full diplomatic relations with Skopje. We still have the opportunity to utilize the leverage afforded to us by the possible establishment of such relations to dissuade Skopje from pursuing policies and maintaining symbols which our close and vital ally, Greece, rightly perceives as threatening. I call on all of my colleagues to urge the President to withhold the establishment of full diplomatic relations with Skopje until all of Greece's legitimate concerns are satisfactorily addressed.

Mrs. MALONEY. Mr. Speaker, I proudly rise as an original cosponsor of the resolution which designates March 25, 1994 as "Greek Independence Day: a National Day of Celebration of Greek and American Democracy."

I am glad to join my colleagues in this special order and wish to thank my friend, Mr. Billirakis, for his efforts in support of the resolution.

I am privileged to represent Astoria, NY—one of the largest and most vibrant communities of Greek-Americans in the country. It is one of my greatest pleasures as a public official to be able to participate in the life of that community and to have many wonderful and vital Greek-American friends.

This year marks the 173d anniversary of the day when the Greek people won back their independence, after nearly 400 years of cruel domination by the Ottoman Empire. At that time, the Greek people were able to resume their rightful place as an exemplar of democratic ideals to the rest of the Western world.

Half a century earlier, America had won its own independence, inspired by the ancient Greek paradigm of democracy and individual liberties.

In that sense, as the American philosopher Will Durant observed, "Greece is the bright morning star of that Western civilization which is our nourishment and life."

It was my special privilege last summer to be able to visit this sacred birthplace of democracy. During my visit to Greece and Cyprus I was also able to tour the Greek Province of Macedonia.

Especially because of my visit to Macedonia—where I was able to observe firsthand

how very much Macedonia in Greek—I have been disturbed by the recent recognition by the United States Government of the Former Yugoslav Republic of Macedonia [FYROM].

The designation of the Skopje region as Macedonia was a tactic used by Marshall Tito in 1944 in his effort to seize territory from Greece and ultimately gain control of the port of Salonika.

At that time, America condemned Tito's use of the name as unjustified demagoguery and as a possible cloak for aggressive intentions against Greece.

Those same principles should hold true today, and before the United States establishes diplomatic relations with FYROM I would urge the President to ensure that the government in Skopje removes the Star of Vergina—an ancient Greek symbol—from its flag and changes irredentist sections of its constitution.

Mr. Speaker, I am proud to join in celebrating Greek independence and the indomitable, life-giving spirit of its people.

Mr. REED. Mr. Speaker, I rise today to join my good friends in the Greek-American community to celebrate and honor the 173d anniversary of Greek independence. On March 25, 1821, Greek patriots declared their independence from the Ottoman Empire.

The special relationship between our two Nations is based on our peoples' mutual love for liberty and respect for democratic rights. When Americans struggled against the British in the 1770's, they looked to the words of the ancient Greeks. As Thomas Jefferson once said, " * * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of the Gothic darkness." Years later, Greek revolutionary war heroes were inspired and driven in their quest for liberty by American independence.

I believe though, that our strongest link to Greece is the Greek-American community. There are an estimated 3 million Greek-Americans in this country today, men and women who have contributed immensely to the fabric of our Nation, and have played an especially prominent role in building my State of Rhode Island.

Mr. Speaker, today is a day when Greeks and Greek-Americans celebrate their heritage and their successful struggle for independence. I am pleased to have this opportunity to honor our long and fruitful relationship with Greece, and to reaffirm our commitment to expanding our friendship for generations to come.

In that spirit, let us join our Greek-American friends and our long-time allies in saluting the men and women who have fought to preserve the democratic ideals upon which both our great Nations were founded.

Mr. HOYER. Mr. Speaker, I rise today to recognize March 25 as Greek Independence Day. For the past 8 years both the House and Senate have passed, with overwhelming support, a resolution to celebrate American and Greek democracy.

In our own country's history, the Greek model served as an example for United States democracy. The Greek Constitution was based upon majority rule, equality, and opportunity for all people. As Thomas Jefferson once said, " * * * to the ancient Greeks, we

are all indebted for the light which led ourselves—American colonists—out of Gothic darkness."

Meanwhile, the United States has served as a role model for Greek independence. In the 1820's, as the Greeks fought for their independence, the American revolution became one of their ideals. They went on to translate the United States' Declaration of Independence and use it as their own declaration.

In modern times, Greece is one of only three nations in the world that has been allied with the United States in every major international conflict this century. Over 600,000 Greeks died fighting on the side of the Allies in World War II. Numerous Greek-Americans, such as Maryland Senator PAUL SARBANES, tennis player Pete Sampras, and President Clinton's senior adviser George Stephanopoulos, have distinguished themselves as an integral part of American society.

Mr. Speaker, clearly Greek and American culture, laws, literature, art, et cetera have many things in common. A celebration of Greek independence and American democracy are truly one in the same.

Mr. Speaker, I know the distinguished Members of this Chamber will join with me to celebrate Greek Independence Day and all of the Greek-Americans throughout our country.

Mr. MANTON. Mr. Speaker, I rise today in honor of Greek Independence Day, a national day to celebrate Greek and American democracy. I am proud to join my colleague Mr. BILIRAKIS as a cosponsor of House Joint Resolution 310, designating this special day as Greek Independence Day.

Mr. Speaker, March 25, 1994, marks the 173D anniversary of the beginning of the revolution which freed the Greek people from almost 400 years of oppressive rule under the Ottoman Empire. As Americans, we join the people of Greece in celebrating Greek Independence Day because of the important role the Nation of Greece has played in fostering freedom and democracy throughout the world. Thomas Jefferson once said "to the ancient Greeks * * * we are all indebted for the light which led ourselves—American colonists—out of Gothic darkness." I believe that not only the United States, but all the free nations in the world should pay a special tribute to the Greeks for founding the democratic tradition.

The Relationship between Greece and the United States is one based on mutual respect and admiration. The democratic principles used by our Founding Fathers to frame our Constitution were born in ancient Greece. In turn, our Founding Fathers and the American Revolution served as ideals for the Greek people when they began their fight for independence in the 1820's. When the young Nation of Greece needed its own declaration of independence, Greek intellectuals translated the United States declaration of independence into Greek and used it as their own.

Mr. Speaker, the relationship between the United States and Greece has only grown stronger in modern times. Greece is only one of three nations in the world that has allied with the United States in every major international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis powers in World War II. After World War II, the Greek soldiers returned to their

homefront to again defend their democratic foundation from the threat of Communist rebels. Fortunately, democracy prevailed and Greece emerged strong and victorious.

Mr. Speaker, in honor of Greek Independence Day, I celebrate the strong and lasting bond between the peoples of the United States and Greece. I urge my colleagues to join me on this special day in paying tribute to the wisdom of the ancient Greeks, the friendship of modern Greece, and the important contributions Greek-Americans have made in the United States.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community to celebrate the 173d anniversary of Greek independence.

In 1821, Greece declared independence after nearly 400 years of Ottoman rule. Like the Phoenix, freedom rose again in the birthplace of democracy. Having gained freedom, Greece became a consistent ally of the United States in the fight against fascism and Communist oppression.

It is no coincidence that the United States and Greece have been such close allies. For it is ancient Greece that provided our Founding Fathers the democratic ideals that guide our Nation. In turn, the United States provided hope and inspiration to Greece during its valiant struggle for freedom.

However, Greece has paid dearly in defense of freedom. Over 600,000 Greeks died fighting with the Allied Forces in World War II—nine percent of Greece's entire population. For this, we are eternally grateful. Today we must remain vigilant to protect these hard-earned freedoms, and make sure that Greece's borders remain as they are.

Greece has also sent many of its sons and daughters to the United States, enriching and strengthening the fabric of our society. From the arts to sports, medicine to religion, and right here in Congress, Greek-Americans have made major contributions.

My home State of Michigan has also been profoundly affected by the Greek community. Greektown in Detroit continues to remain a favorite attraction of visitors to the motor city. In the 10th District of Michigan, Greek churches provide a multitude of community services, and add to rich diversity of the metropolitan area.

Mr. Speaker, I am proud to join the Greek community in celebrating our common bonds of commitment to democracy and love of freedom on Greek Independence Day.

Mr. DEUTSCH. Mr. Speaker, March 25, 1994, marks the anniversary of the beginning of Greek independence. One hundred and seventy three years ago, the revolution which freed the Greeks from the Ottoman empire began. For the past 7 years, Congress has passed and the President has signed into law, resolutions commemorating March 25 as "Greek Independence Day—a National Celebration of Greek and American Democracy."

The celebration of Greek independence is especially significant to Americans because of the rich democratic traditions that both the United States and Greece share. In fact, Thomas Jefferson credits ancient Greece as America's role model for democracy: "to the ancient Greeks * * * we are all indebted for the light which led ourselves [American Colonists] out of Gothic darkness." In addition,

James Madison and Alexander Hamilton wrote, "Among the confederacies of antiquity the most considerable was that of the Grecian Republics * * * From the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American States."

As it was then, so remains the close kinship that exists between Americans and Greeks. Today, Greece continues to be one of the United States' most consistent allies in the world. She is among one of only three nations that was allied with the United States in every major international conflict during this century. Indeed, over 60,000 Greeks, 9 percent of Greece's total population at the time, died fighting on the side of the allies in World War II. For their struggle against the Communist rebels, they received effusive praise from both Presidents Truman and Eisenhower.

It is with great pleasure that I rise to commemorate Greek Independence Day. As Americans, we are proud of the many values that we share with Greek society and the debt we owe to the ancient Greeks for our system of government.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for having yielded to me.

□ 1930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Under a previous order of the House the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 60 minutes.

GREEK INDEPENDENCE DAY

Mr. TORKILDSEN. Mr. Speaker, I want to join my colleagues, first, in recognizing the important occasion of Greek Independence Day. After that, I will have another subject to talk on. I just wanted to note that much of what we celebrate in this country we get from the tradition of Greek democracy.

As a Member of Congress and as a representative of the north shore of Massachusetts, I feel I have two reasons this evening to note Greek Independence Day.

First, any Member of Congress ought to hold Greek civilization with great reverence. After all, it was Greece that gave birth to not just the word democracy, which means "rule of the people," but of the concept of democracy.

When we debate and vote in this room, for all Congress' flaws, we are partaking in a system that is a direct descendant of the government established by the Greeks more than 2,000 years ago. Freedom-loving people everywhere should remember that we are direct political descendants of the ancient Greeks.

Second, I feel a particular need to recognize Greek Independence Day because of the nature of my district. From Saint Vasilios Church on

Paleologos Street in Peabody to the beautiful Hellenic community center in Ipswich, Greek-Americans have made numerous contributions to life in Massachusetts.

For people who walk through the Capitol, they notice what is called the Old House Chamber or Statuary Hall, and they notice its resemblance to a Greek temple. That was not an accident. The people who founded our country and helped design the Capitol knew that they were borrowing much from Greek tradition, and they were not going to limit themselves to just the form of government, but they even emulated the buildings themselves.

Modern-day America also derives much from Americans of Greek descent. So as we celebrate our own freedoms, as we celebrate our own self-government, we owe a debt of gratitude to the Greek people for the traditions they have given us.

PROBLEMS IN THE WELFARE SYSTEM IN MASSACHUSETTS

Mr. TORKILDSEN. Mr. Speaker, today I plan to finish reading into the Congressional Record parts of an extensive series by the Eagle-Tribune, a Pulitzer Prize-winning newspaper that circulates in my district. The paper chronicles enormous problems in the welfare system in Massachusetts, including the fact that prisoners have been receiving welfare and SSI benefits; I believe the entire country needs to hear this story.

Because of the enormous problems our welfare system represents, I have taken the time to read key parts of the series during special orders. No one wins under the current system: not the parents who too-often become addicted to it, not the criminals and others who rip off the system with little fear of being caught, and certainly not the tax-payers who pay billions of dollars a year to fund it.

I have introduced legislation to enact one specific area of reform: the elimination of supplemental security income, or SSI benefits for prisoners. Currently, men and women doing time for serious misdemeanor offenses are collecting checks in prison.

This is nothing short of insanity and it should stop immediately.

The articles I would like to read tonight are brief but really underscore the point. The first one is entitled, "Four Lives of Crime Supported by Welfare."

BRUCE LAVIGNE—MOTHER URGED HIM TO CHANGE NAME ON CHECKS

A 21-month jail sentence for beating up his girlfriend did not stop Bruce J. Lavigne's monthly Supplemental Security Income disability checks.

On Aug. 27, 1992, Mr. Lavigne, 33 of 324 Walnut St., Lawrence, was found guilty in August 1992 of assault and battery on a household member, malicious destruction of property and operating to endanger.

Mr. Lavigne received a longer than usual sentence because he violated his parole for

an earlier conviction for assault and battery with a dangerous weapon.

When he was sent to jail, he was receiving \$581 a month in SSI from Social Security.

Jail officials confiscated an SSI check sent to him by his mother with a two-page letter last September.

"You should have somebody else's name on the check so you can have it cashed," the letter said. "You could arrange that with Social Security. Other people have done it."

The check was returned to the Social Security Administration.

Mr. Lavigne has a lengthy criminal record dating back to 1977, when he was first convicted of larceny. He was later convicted of larceny over \$250, malicious destruction of property, breaking and entering and operating under the influence.

When contacted at Middleton jail, Mr. Lavigne wrote back: "Please just leave me alone and let me straighten out my life. The past is history and cannot be changed. I made mistakes in which I'm paying dearly for."

The second story in this series:

THOMAS PHOUTOPOLOUS—SOCIAL SECURITY BENEFITS MAILED DIRECTLY TO JAIL

The federal Social Security Administration knew him as Thomas Phoutopolous, a 34-year-old Somerville man receiving a monthly SSI disability check for \$464.

Law enforcement officials also knew him by his alias Thomas Gerraughty. He is a career criminal with a rap sheet five pages long that dates to 1976. He has been an armed robber, burglar and escapee.

Administered by the Social Security Administration but paid in part by the state taxes, SSI is supposed to go to the poor, elderly and disabled.

SSI benefits are also supposed to be stopped if the recipient is sentenced to more than a month in jail. Social Security spokesman Kurt Czarnowski said.

It is not known how long Mr. Phoutopolous had been receiving SSI when he was sent away to jail for a year last May for possession of heroin and hypodermic needles and receiving stolen property.

It is known the sentence did not stop his benefits. In June, a U.S. Treasury check was mailed directly to Middleton, bearing Mr. Phoutopolous's name and the jail's address. Jail officials confiscated the check and returned it to the Social Security Administration.

When Mr. Phoutopolous met a reporter at the jail, he walked with a slight limp and carried a cane. His well-developed biceps were covered with tattoos.

He denied receiving SSI and quickly slammed the phone down in the visitors room after the subject was raised.

"You must have me confused with someone else," he said before getting up to leave.

"How do I know you're not a cop," he yelled as he left. "Talk to my lawyer."

The third life mentioned is Mr. John Ward.

JOHN G. WARD, JR.—WELFARE CONTINUED DESPITE PAROLE VIOLATION

John G. Ward Jr., 28, of Boxford, was sentenced in October 1990 to 2½ years in Concord state prison for robbing a woman.

When he was paroled, he started collecting \$339 a month in General Relief benefits, plus food stamps.

Until Gov. William F. Weld stopped the practice two years ago, ex-convicts were automatically entitled to welfare benefits for 60 days but the checks were supposed to stop if the recipient was jailed again.

In July 1991, Mr. Ward violated his parole by driving drunk on a suspended license. He was sentenced to 60 days in Middleton Jail.

His welfare did not stop. While in jail, Mr. Ward's General Relief checks were sent to an address in Boxford that Mr. Ward identified as the home of his son's godparents.

Someone who he refused to identify sent the checks to Mr. Ward at the jail. A deputy sheriff found one of the checks, confiscated it and the benefits stopped.

"I don't know how it got here," Mr. Ward said. "They probably sent it so I could sign it. That's all legit. If it wasn't I wouldn't say anything."

The fourth life,

JAMES FREEMAN—IN JAIL THREE DIFFERENT TIMES BUT WELFARE KEPT COMING

Even with a New Hampshire jail as his address, James Freeman was able to keep collecting welfare through the Lawrence welfare office.

At 26, Mr. Freeman, of Lawrence, has a record dating back to at least 1984 for a wide variety of petty crimes and more serious offenses.

He has done time for burglary, drug possession and assault and battery on a police officer, among other things. He is now awaiting trial for armed robbery.

He went on the General Relief welfare rolls in January 1991 for a disability and switched to Supplemental Security Income benefits a year later.

"I was in a big accident when I was 11 years old. I split my head open. I can't remember too well," he said when asked about his disability.

His welfare case was still active as of last September.

While on welfare, Mr. Freeman went to jail three different times and his checks kept coming. It is illegal to collect welfare behind bars.

In September 1991, Mr. Freeman was sent to Middleton jail for 30 days for drunken driving.

In April 1992, Mr. Freeman was sent away for four months to Rockingham County jail in Brentwood, N.H., for drug possession and several motor vehicle offenses.

Mr. Freeman said he was able to keep collecting welfare while in Brentwood by having his girlfriend cash his checks. Both Mr. Freeman and his girlfriend said she had permission from his social worker.

He returned to Middleton in July 1992 after he was arrested for robbing a man at knifepoint at a highway rest stop.

Mr. Freeman, still awaiting trial, said the man had propositioned him.

He said he is no longer collecting welfare behind bars.

The next article is entitled "On the Lam, On the Dole":

Three years ago, Elmer Sandoval's face was on posters in U.S. post offices across Massachusetts.

The illegal immigrant from Guatemala was wanted for kidnapping, assault and battery with a knife and a slew of other crimes.

State welfare officials knew how to find Mr. Sandoval.

While wanted by the Immigration and Naturalization Service, Mr. Sandoval, 42, of Lawrence, was collecting a monthly check for \$339 a month in General Relief, plus food stamps.

But welfare officials could not tell INS how to find Mr. Sandoval. An executive order signed by Gov. Michael S. Dukakis made it a crime for any state employees to help INS agents find illegal immigrants, even violent fugitives.

Charles Baker, who oversees welfare as Gov. William F. Weld's secretary of health and human services, said he was unaware of the executive order. It still stands.

Mr. Sandoval remains missing, though his welfare benefits were cut off when he failed to report for a routine review of his case in June 1990.

The Eagle-Tribune found several other cases of illegal immigrants enjoying the support and protection of the Department of Public Welfare while wanted for various crimes. Among them:

The final article I would like to read is just a synopsis of The 10 Most Common Types of Fraud:

1. UNREPORTED INCOME

A welfare recipient holds a job.—Investigators call this the most common form of welfare fraud. Most of these cases are uncovered through routine computer matches between the welfare department and the departments of revenue and unemployment. But many people avoid detection by taking their pay in cash or under the table.

2. STATE EMPLOYEE FRAUD

A welfare employee creates a series of fake recipients who collect benefits. The employee manages the cases and deposits all of the checks into a private checking account.—A former financial assistance worker in the Lowell welfare office was indicted for stealing \$46,000 in benefits from the state last year using a similar scam.

3. MAN IN THE HOME

A welfare recipient hides the fact that she lives with the father of her children while collecting monthly Aid to Families With Dependent Children, or AFDC, benefits. Often, the father works full-time so the family collects two incomes.—It is not against the law for a boyfriend to live with an AFDC recipient, as long as he is not the father of the children. Some critics believe this regulation causes families to split.

4. VENDOR FRAUD

A doctor or a dentist submits bills for office visits when a person never appears. Or a landlord falsifies records in order to receive payments for dead or non-existent tenants.—A doctor who ran a clinic in Lawrence was found guilty of submitting bills to Medicaid for phantom services. He got a one-year sentence in the Middleton jail.

5. MULTIPLE BENEFITS

A person walks into a welfare office with a bogus name and fake Social Security number. The next week, that same person applies for welfare in another office under a different Social Security number and new name. Two welfare checks arrive each month.—This scam is also used to collect welfare under different programs such as Supplemental Security Income, or SSI, and AFDC.

6. RESIDENCY

A couple lives in another state but use different Massachusetts addresses to collect welfare benefits.—Often, welfare cheats travel from town to town and set up fictitious addresses.

7. INELIGIBLE/NON-EXISTENT RECIPIENT

A woman reports extra children in order to boost her monthly welfare grant. But there are no children.

8. FOOD STAMPS

A recipient trades his vouchers for cash at a corner store for less than their market value. The store redeems the coupons at the bank for 100 percent of their value. Food stamps are also traded for drugs.

9. EMERGENCY ASSISTANCE SCAM

Landlords and recipients falsify documents to qualify the recipient for Emergency Assistance grants. A tenant who has been thrown out on the street or burned out of a home can collect four months in back rent and, until this year, up to six months in utility payments as well.—Welfare commissioner Joseph V. Gallant said a minority of recipients deliberately fall behind in their rent to collect EA payments.

10. STOLEN CHECKS

Most welfare recipients get checks twice a month through the mail. Checks are often reported stolen.—People who have had checks stolen in the mail may arrange to pick up their checks at the local welfare office.

Mr. Speaker, what you and anyone else listening have heard is a series of stories about problems in the welfare system.

Instead of giving families a short-term hand, the current system is sucking them into a long-term addiction. Literally generations of Americans have been debilitated by welfare and its morass of rules that discourage work and then stigmatize recipients.

Mr. Speaker, the time has come to revamp the welfare system from the ground up. We should recatch the compassionate vision that guided those who founded welfare.

By this I mean that we should exercise real compassion, aiming to help families through crises, encourage them to work and help them get back on their own feet. If we can do that, everyone will benefit.

Families will retain the dignity that comes from hard work and self-sufficiency. Government will become more efficient. And taxpayers will have the satisfaction of knowing their hard-earned dollars are being spent wisely.

Mr. Speaker, States around the country from neighboring Virginia to Wisconsin are tackling this problem head on. It is about time, and we should do the same.

□ 1940

THE CLINTON YEARS—PART 4

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, this would be my special order using a very broad, generic term, "The Clinton Years—Part 4." I will probably try and do one tomorrow night, and then we are out for almost 2 weeks for district work period, so people can take a breather and try and absorb all of the material that is absolutely exploding on the front pages of newspapers across the country.

On the day after St. Patrick's Day, out of deference to the surname Kennedy, I called for the resignation or firing of William H. Kennedy III, on the 18th of March from this microphone. I

notice today our Whip, Mr. GINGRICH of Georgia, has joined me in that call.

On the evening news tonight they said that the White House has limited his duties and taken away anything that has to do with security passes, because we know that hundreds of White House compound workers' security passes have been bottled up in Mr. Kennedy's White House office. What it turns out to be is that Mr. Nussbaum, who used to be his boss, Vincent Foster was in between them before he killed himself, he actually had pulled out of the security pass process, some security clearances, and buried them in his desk.

This involves some pretty well-known names. Dee Dee Myers should have had her security clearance, because as the White House spokesperson and the main person who interfaces with the world's news media, she should have a top secret clearance. She says it is just procrastination. She is a nice lady, so I will take that on its face.

However, Patty Thomasson, who was over here testifying to the Committee on Rules the other day, or excuse me, she was testifying to the Appropriations Subcommittee, and could not answer a lot of questions about what is going on over there. She said she dearly wanted to answer questions, but the special prosecutor, Mr. Fiske, was preventing her from doing that. She is the chief of White House administration. She does not have a security clearance.

The rumors are starting to fly that some of these people from the flower child generation cannot cut it, that they cannot get security clearances. Although Mr. Kennedy has had some of his duties taken away from him, William Kennedy III, no relation to the New England Kennedys, as I have said last night, and I have confirmed that and that is so, he is now partially crippled.

It says on the front page of many of the newspapers across the country, here is a headline, a Rowan Scarborough story in the Washington Times: "Passes stalled by White House Aide. While House Associate Counsel"—by the way, he is the last of the gang of four, kind of a rough term, because it conjures up Mrs. Mao Tse-tung, but the gang of four, as the press calls them, is Mrs. Hillary Rodham Clinton, Vince Foster, who took himself out at the barrel of a gun, Webb Hubbel, who was probably forced to resign by his 60 former colleagues at the Rose law firm, who are probably now going to take him before the Supreme Court's Committee on Ethics Violations as an Arkansas lawyer for over-billing, so Bill Kennedy is the last one from the Rose law institute to work in the White House. Now he has had his duties crippled.

It says, "Mr. Kennedy paid \$1,352 in delinquent social security taxes under

his wife's maiden name, Leslie Gail McCrae. He said, 'She likes to keep her maiden name,'" as Mrs. Rodham Clinton did during the first 2 years of Clinton's governorship in Arkansas, and now they are going through a divorce, which is tragic, but he says she wanted to keep her maiden name alive. I guess she will be going back to her maiden name. He filed all of these back social securities for nannies of the male Nannygate under her name.

The headline was, "House Planning for Whitewater Hearings." Surprise. I mentioned the 408 to 15 vote. I guess I did not understand it, because our fine Speaker warns that it does not necessarily ensure an inquiry. I guess the heat has to be turned up, and I am convinced there is going to be a hearing.

It even goes beyond the front pages. Here is Washington's liberal paper of record, "Clinton Aide Pays Back Taxes." That is Kennedy again. That is above the fold with a photograph, and it was Roger Altman accompanied by two unidentified men that their faces are blocked, "arrive at the U.S. Courthouse to testify before the grand jury." And in the same block there is a subtitle, "Altman-White House Discuss Recusal." I call for, on St. Paddy's Day itself, I called for Altman's resignation, and Gene Hanson, one of his deputies who sat in on at least three, or maybe four meetings, and said either nothing, making mistakes on the RECORD, and making him look like a liar. But I give him the benefit of the doubt that he did not know what he was saying. Anyway, people in the White House say she is going to take it in the eyes, so that was no big call for her resignation. And the other two I called for resignations were, of course, Patty Thomasson, and then one that no one is talking about, and that is the former captain of troopers in Little Rock, Clinton's closest confidante on all trooper activities, who on July 21 of last year was given double salary and moved from his trooper status over to FEMA, out of Denton, TX. And I am still waiting for the public records of whose payroll he was on when he flew up to the Oval Office to discuss, inside the Oval Office, what to do with the troopers. This was around the week before Christmas, and calls were made from the Oval Office, admitted at both ends to Troopers Ronny Anderson and Trooper Danny Ferguson. Ferguson was subsequently given a promotion from sergeant to lieutenant. I have called for him to come forward and am calling for Ronny Anderson to come forward. I know it is tough. I know he has five children, and three of them are triplets, but they have to come out and tell the truth because the Los Angeles Times has them on a tape recording, and particularly has Danny Ferguson on a tape recording saying he brought Paula Corbin Jones up to a hotel room in the Excelsior Hotel where she claims

in a signed affidavit, backed up by two signed affidavits by two of her friends about the type of things that Anita Hill did not have a shred of, but yet she became the poster woman of feminist groups in the United States, radical groups, moderates, and otherwise on no evidence but her word against a distinguished jurist. Now we have three signed affidavits, and the press is still spiking that story. Do not worry. It will all come out, because it is front page material in the European press and in the major Asian press, particularly the English Asian press like Singapore and Hong Kong.

Coming to the L.A. Times, you have a battle going on I think still between Jack Nelson, the Washington spokesman, born in Atlanta, cutting his journalistic teeth on the Atlanta Constitution in Georgia, called up in the Carter years to be the L.A. Times's man in Washington. He told me he was out of the loop on the whole trooper story, that part of it that was done with great investigative reporting, including phone records by the L.A. Times, and yet 5 days after Jack Nelson told me that, there he sits on Washington Week in Review, given a leading question that he was told about before the show, because one of the staffers told me this, asked about his role in all of this by the retiring Paul Duke—I guess he has retired now—and Jack Nelson of the L.A. Times went on to say that, "Oh, I was given the transcript before it went to print on the front page of the L.A. Times about all of the Troopergate story, and I made some changes."

Jack, Jack, you told me you were out of the loop and you did not touch it. Made changes. Well, we are going to have to decide from whence we should get our L.A. Times news, Jack Nelson, or from Doug France and Bill Rimple, because Bill Rimple has a front page story in today's L.A. Times on Whitewater financial details. So the story grows.

Now it is starting to spill back onto the style section. Here is the style section from today's Washington Post, "The Man Hillary Ushered Out." I mentioned his name last night, reading from the Wall Street Journal, Chris Emery, fired White House staffer. His title was usher, whatever that means, at the White House, "Chris Emery says he still doesn't know what hit him. But it hurts." By Martha Sherrill.

"A few Secret Service agents have called him, upset and sympathetic." This is why Hillary cannot stand the Secret Service. "The National Enquirer has checked in—to see if he is ready to blab—" probably for money, which I hope he does not take.

"And a British paper has offered money." Oh, here we go. His story will not be believed if he takes the money. Do not take the money, Chris, let us go for the truth.

"Four Members of Congress have gotten in touch—one Democrat who said she'd heard 'things were pretty bad over there,'" meaning the White House, and one Republican who was dying to have lunch, probably hoping Chris Emery had some dirt to dish.

"He doesn't. Only a puzzling account of how he was abruptly fired by Hillary Rodham Clinton 3 weeks ago—and how he says he still doesn't have a clue why.

"I'm very comfortable that I didn't do anything indiscreet," says Emery, 36, a White House usher for the past 8 years. "And I never made a pass at anybody." A lot of people in this town cannot say that. "Insulted anybody, made a racial joke, took money from the cash box or ever snooped around in their private affairs. But this is the kind of thing that's been waking me up in the middle of the night for 3 weeks."

Folks, this is no way to treat a government employee of 8 years of honorable service. And the story goes on. It says his face is tense, his haircut is smooth and fresh, and he is sitting in the living room of his home in Howard County, wearing blue pants, white T-shirt. They were a little dramatic, but they did it with feeling in the style section.

What I said here on the floor was only what I had heard or read, that he had talked to Barbara Bush once or twice on the phone to tell her how to set up her PC, her personal computer unit at home, and when Hillary found out that he had been discussing with Barbara Bush, she has since commented that he should not have done that, out the door he went.

Remember the article I mentioned last night, "The Name of Rose," by L.J. Davis, subtitled "An Arkansas Thriller"? Mr. Speaker, I think we are dealing with such important material now that I would like to put in the RECORD, if the cost is less than \$2,000, because my special order itself is going to cost more than that, and I will be reading about that in the papers, but I think this whole article, "The Name of Rose," referring to the Rose law firm should go into the RECORD. So I would submit that into the RECORD.

Mr. Speaker, here is why I think the taxpayers will want to go to the library next week and get the CONGRESSIONAL RECORD for March 23, and why they should beat a path to the newsstand if they are in a big city, and buy today's Wall Street Journal. Listen to this, Mr. Speaker, my colleagues who are watching in their offices, and all Americans who are following this by C-Span, and by satellite ships at sea, "Censored in Arkansas," Wall Street Journal, "Earlier in the week we commended L.J. Davis's New Republic cover story on Whitewater and on the culture of Arkansas. This story that will be in the RECORD when published

in the wee hours of this morning, "reflects a curious dichotomy in Whitewater press coverage. A lot of the news has been broken by publications willing to report what they learn, even at the risk that now and then some of its may be overtaken by other facts."

This is the face of a moving story, Mr. Speaker, the Washington Times, the New York tabloids. Please, a footnote here. When they say New York tabloids in this context, they do not mean the kooky world report that has flying saucers capturing the Clinton's and injecting them with wisdom or something, and they did not mean the star that Gennifer Flowers went to, or the National Enquirer that is worlds above the others because they can be sued and have been sued by people like Carol Burnett for huge out-of-court settlements. They do have to watch their research because they claim to be a part of the real world. What this means by New York tabloids, that is an old word in newspapers that mainly describes the size of the newspaper. Now in Hollywood, the Daily Variety is a tabloid size, while the Hollywood Reporter is newsletter size. Tabloids means in Chicago the Sun Times, and it means in New York the Daily News and the New York Post, papers that are easier to read on the subway without banging your knuckles into the next person's face.

So, backing up, the Washington Times, the New York tabloids, the American Spectator, the British press are publishing facts that you can't get in American newspapers. The mainstream American press has come in for much derision overseas.

Their newsmagazine, the Economist, which has the Time-Newsweek-U.S. News & World Report world to themselves likened Whitewater to the 1936 episode in which the American press was reporting, and the British press covering up, the romance of Madam Simpson, an American, leading to the abdication of Edward VIII. This was not quite fair, since the story came back to life in December. Trooper Gates started that.

The American press has mostly done a commendable job of plumbing the finances of Arkansas and the Clintons and kibbitzing every move in Washington's procedural chess game. For better or worse, however, the respectable press has shown little to no appetite for publishing anything about violence and sex. Stories on these subjects, of course, circulate constantly among reporters and in the cloakrooms, I might add, and shape the understanding of events within the press corps if not among its readers. That is the U.S. public.

Somehow we think the readers ought to know the following account from Mr. L.J. Davis, a contributing editor to Harper's magazine, inside liberal publication, since 1978.

He, Mr. Davis, was returning to his room at Little Rock's Legacy Hotel about 6:30 after an interview on the evening of February 13. That is last month, folks, 5 weeks ago, plus. The last thing he remembers is putting his key in the door, and the next thing he remembers is waking up face down on the floor with his arm twisted under his body and a big lump on his head above his left ear. His room door was shut and still locked. Nothing was missing except for four significant pages of his notebook that included a list of sources in Little Rock.

He did not file a police report, saying he wanted to get out of town and was not sure what had happened to him.

Now, cynics are already saying, oh, another phony story like the man who lived next door to Gennifer Flowers and was beaten up terribly in his apartment, had his spleen ruptured, underwent surgery, and the tapes that he said he had through the door of Clinton coming down the hall to meet with Flowers, and he was the next apartment to her, that was all confirmed by the news media, but they did not print it, they said, well, he might have made this all up.

But let me tell you something, when you get hit as hard as he was hit, he thought, I have since found out from friends of his, that he had had a heart attack or had a stroke or fell forward against the door. He was not sure what happened to him. And when he felt the lump on his head, he was frightened and he wanted out of town.

What did he do when he left town? He went to his doctor. Listen to this, "I thought I was walking on a trampoline for 3 days." That means constant motion sickness. "He told us, and then he consulted his physician. Mr. Davis says his doctor found his injury inconsistent with a fall," a fall from passing out, "and that he had been 'struck a massive blow above the left ear with a blunt object.' He suffered both a concussion and an amnesiac episode from the blow." With Mr. Davis'—and that is all in quotes—with Mr. Davis' permission, Dr. Richard Wagman has confirmed the doctor's diagnosis to us, the Wall Street Journal.

Along similar lines throughout the world, except in the United States, Sally Purdue is now a household name. She is a former Miss Arkansas from my time in the 1950's. She is 55 years of age, and is 8 years older than Mr. Clinton, and a TV reporter. She now works with Down's syndrome children in St. Louis. Sounds like a good lady who has turned her life around. She went on one talk show in September of 1992, and I added the month, Sally Jessy Raphael, to say she had had an affair with Bill Clinton in 1983.

The news media spiked, censored, all of this, because they had their game plan. They knew who they wanted to win the election. Mickey Kouse and the

same New Republic magazine said it. This was only briefly noted, although the Washington Post did report that Jack Paladino, hotshot San Francisco private investigator hired by the Clinton campaign to squelch "bimbo eruptions," so titled not by my pal Mary Matalin, now of TV fame on CNBC, but so titled by Betsy Wright, former co-McGovern precinct walker and organizer with young Bill Clinton in 1972 in east Texas, and now a freelance public relations person in town, and his chief of staff when he was Governor, said she was in charge of suppressing bimbo eruptions, and right there, legally as it should be in all of the campaign FEC, Federal Election campaign forms from the Clinton campaign are these huge thousands of dollars of fees to Jack Paladino.

Back to the Wall Street Journal: Like all other bimbo eruptions, this one, Sally Purdue, had been spiked, subjected to a universal U.S. news blackout, but the Sally Purdue story took a different turn. Last January, Ms. Purdue told Ambrose Evans-Pritchard of the Sunday Telegraph, million circulation, one of the biggest papers in London, all of England for that matter, given the trains, that she had been threatened with violence if she continued to talk. She named the name. I said that on radio months ago, named Ron Tucker. She said he claimed to represent the Democratic Party. She says Mr. Tucker first offered her a Federal job in exchange for silence, and then added, and this has been in magazines, "If I didn't take the offer, then they knew that I went jogging by myself, and he couldn't guarantee what would happen to my pretty legs." This story was spiked the very same month that Nancy Kerrigan's actual blow to her leg to keep her out of Olympic competition, to which Tonya Harding has pleaded guilty, I mean, bargain-pled for a lesser charge, because everybody knows now she was guilty of being in on this sports atrocity that became an international story every day at the Olympics, and other young athletes of every nation had to watch any of their moments in the Sun overshadowed by this bust in the knee, the very same month the media, all the big papers, were spiking this story about Sally Purdue.

Afterward, the Wall Street Journal continues, Ms. Purdue says she received threatening phone calls and threatening letters, one of which she made available to the Sunday Telegraph in London and they printed it. She says she found an unspent shotgun shell on the seat of her Jeep, and later the back window was shattered. She reported this to the FBI, which told the Sunday Telegraph there was an ongoing investigation. Hey, my former members of the media, here, Mr. Speaker, they ought to be going after that Pulitzer Prize.

The FBI is going to say, "We can neither confirm or deny," but they told the Sunday Telegraph in London there is an ongoing investigation.

Mr. Tucker's employee at the time, now get this, folks, John Newcomb, of Marion Mining added the confirmation that Mr. Tucker told him that he had been asked to get to this woman and get her to shut up. That was Sally Purdue's boss.

In an interview with the Wall Street Journal, us, this week, Mr. Ron Tucker, this is the guy allegedly who made the threats, said, "Sally Purdue is a flake stirring up a hornet's nest. I only met with her for 10 to 15 minutes once. I am not a political animal," and then degenerated into a series of threats and obscenities directed at the Wall Street Journal, and I guess everybody in general.

Editors and reporters have to grapple with a flood of stories, charges, and rumors of violence, even deaths in Arkansas.

Footnote, the head of security for Mr. Clinton's campaign before the Secret Service took over after the convention, he was murdered in Arkansas. I do not even know the date. It is not a story. It was not on the evening news.

He was chased by a car down a road in Little Rock, two bullets were fired at the back of the car, at least, and maybe others missed, and hit the car, and they then pulled up alongside of the car and fired four more and hit him as he careened off to the side of the road, dead or dying, and the car pursuing him obviously pulled over, and somebody got out and gave him the coup de grace. At least seven shots, maybe more, killing the head of security for Mr. Clinton during the campaign.

I mean, what is going on down there in Arkansas?

Continuing and finishing the Wall Street Journal thing, the State seems to be a congenitally violent place and full of colorful characters with stories to tell, axes to grind, and secrets of their own, and now the whole thing is going to be contaminated down there with tabloid money.

Now, let me take a pause here. We, the Wall Street Journal, believe Mr. Davis, and that is the first violent story, smashed in the head in his hotel room and his papers rifled and some stolen. The Wall Street Journal believes this.

The Telegraph story included a lot of corroboration, though, of course, no evidence that anyone ordered Mr. Tucker to say what Ms. Purdue charges he said. Yet, as the story develops, we are increasingly coming to the conclusion that the respectable press is spending too much time adjudicating what the reader has the right to know and too little time with the old spirit of, "Stop the presses, we have a breaking story."

Mr. Speaker, last night, I put in the CONGRESSIONAL RECORD at the end of my remarks the transcript of a special "60 Minutes" show that was only 13 minutes long. This was the show hosted by the youngest of the incomparable "60 Minutes" team, Steve Croft. It was suggested to them by a competitor, ABC, FOB, Friend of Bill, Rick Kaplan, who within weeks would be giving candidate Governor Clinton Colonel Holmes' letter that Colonel Holmes had kept in his possession for 23 years, the infamous letter that opens up, "Thank you for helping me avoid the draft," and goes on to say, "We," all of these idealists of the 1960's who were pro-Hanoi, "We have come to loathe the U.S. military," that letter.

Kaplan gave it to Clinton, and he had 3 days to prepare for a personal Nightline show. The Nightline show was on February 12, Lincoln's birthday, for us Republicans to grit our teeth. Mr. Speaker, this is not as long as the Rose story, but if it is less than \$2,000, I would like to ask permission to at this point, so I can comment on it tomorrow, put in the RECORD Ted Koppel's Nightline interview with candidate Clinton, February 12, 1992.

Mr. Speaker, here is the transcript, and this will be in your library pretty soon across America around our country. This is March 22, 1994, page H—for House—1885. For those of you not familiar with the CONGRESSIONAL RECORD, we alternate on days whether we start with the Senate proceedings or House proceedings. This particular record of yesterday's legislative transactions, 1-minute speeches, special orders, begins with the Senate. So it is House page 1885, sequential numbering going back to January, the beginning of the 2d session of the 103d Congress.

It begins with Steve Croft, host: "Are you prepared tonight to say that you have never had an extramarital affair?"

Governor Bill Clinton: "I am not prepared tonight to say that any married couple should ever discuss that with anyone but themselves and lawyers, like us, during divorce battles."

Croft: "I am Steve Croft, and this is a special abbreviated edition of 60 Minutes," 13 minutes long. "Tonight, Democratic presidential hopeful Governor Bill Clinton and his wife Hillary talk about their life, their marriage, and the allegations that have all but stalled his Presidential campaign."

Mr. Speaker, any American interested in this, this was one of the slickest jobs of covering a story up, thanks to national ABC's Rick Kaplan giving exclusive—recommending an exclusive to CBS's "60 Minutes" show, which, by the way, immediately followed the Superbowl show of January 26, 1992. Fifty million in the audience, maybe.

The reason I put this in the RECORD and want to discuss it tonight is that in rereading this 2 years and 2 months

later, it is a joke, it is a joke. Hillary only speaks three times. Here is her first utterance. It is two words: "Oh, sure." It was in response to this: They get into a discussion of Gennefer Flowers. Everything we now know about all of this period, none of this is true. Croft says, referring to Flowers, "Was she a friend, an acquaintance, did your wife know her?" He gestured to Hillary, and Clinton says, "Yes." Hillary says, "Oh, sure." Bill Clinton: "She was an acquaintance, I would say a friendly acquaintance." Those became infamous words, sort of like, "I did not inhale." So Hillary gives a noise, and then Clinton says, "When this rumor story got started in the middle of 1980 and she was contacted and told about it, she was so upset and she called back and said, 'How could I be listed on this'—that was infamous list of Larry Nichols—"I haven't seen you for more than 10 minutes in 10 years." She would call from time to time when she was upset or thought she was really in—being hurt by the rumors. And I would call her back—either she would call the office or I would call her back there at the office or I would call her back at the house. Hillary knew when I was calling her back. I think once she called her, when we were together, I think," lawyer talk, "so there is nothing out of the ordinary there."

Steve Croft says, "She is alleging and has described in some detail in the supermarket tabloid the Star what she calls a 12-affair with you." Clinton says, "It—that allegation is false."

Croft was not a good enough lawyer to come back and say, "Well, now are you saying the 12-year arrangement is now false?" Keep in mind that Gennefer Flowers has not only come back from a successful cabaret tour in Europe, where the song most in demand, and she belts it out pretty good, is "Stand by Your Man," but she has a book coming out, and she has 1 hour and 9 minutes of tape, I think she said, and she only released 8 at the stupidly conceived press conference at the ritzy Waldorf Astoria in New York after taking \$50,000 from this senior sister publication of National Enquirer.

Now, here is Hillary Clinton's only long statement on this show. Clinton says, "It—that allegation is false." Hillary: "When this woman first got caught up in these charges, Gennefer, I felt as I felt about all of these women"—all of what women?—"that, you know, that they have just been minding their own business." That sounds like Frankie Fontaine.

"And that got hit by media. I mean it was no fault of their own. They were caught in Clinton's past. This is no fault of all these women. We reached out to them, I expected her to say, I felt their pain. I met with two of them to assure them. They were friends of ours."

Who? Bobbie Jo Williams, Marilyn Jo Jenkins, Elizabeth Ward, Sally Perdue,

Gennefer Flowers? There is a list floating around in the newsroom, about 25 names. She says, "They were friends of ours. I felt terrible about what was happening to them. You know, Bill talked to these women, to this woman every time she called, distraught, Flowers." This is a few days after Flowers' press conference at the Waldorf Astoria. She was saying her life was going to be ruined. She was asking for Federal jobs and got one at more pay than the lieutenant governor, Guy Jim Tucker, who is now the Governor. And you know, he would get off the phone and he would, "tell me that she said sort of whacky things, which we thought were attributable to the fact that she was terrified." Clinton comes in, "It was only when money came out, when the tabloid went down there offering money to say that they had been involved with me that she changed her story. There is a recession on." No, there wasn't. It was over about a year. "Times are tough, and I think you can expect more and more of these stories as long as they are down there handing out money." These stories did not pop out on Senator BOB KERREY, former Senator Tsongas, they did not pop out on Jerry Brown, with his 800 number and wide turtleneck. They could have called in stories easy there. They did not pop out on old tough former House Member Tom Harkin, no, they were only popping out on him. Croft says, "I am assuming from your answer that you are categorically denying that you ever had an affair with Gennefer Flowers." "I have said that before, and so has she." You see, he brings her into the denial, Flowers. Croft: "You said your marriage had problems, you had difficulties. What do you mean by that, what does that mean? Is that some kind of a—help us break the code." Here Croft is trying to do his job. "I mean does that mean—"I don't mean"—that is not a good sentence, but it is the transcript that CBS sent me. He meant to say "me." "I don't mean"—Croft interrupts and says, "You were separated? Does that mean you had communication problems? Does that mean that you contemplated divorce? Does it mean adultery?" Clinton: "I think the American people, at least people that have been married for a long time, know what it means and know the whole range of things that that can mean." Croft says, "You have been saying all week that you have got to put this issue behind you." He was in a free fall in the primary in New Hampshire about this time, running a poor third, "Are you prepared tonight to say that you never had an extramarital affair?" "I am not prepared to say tonight that any married couple should ever discuss that with anybody but themselves. I am not prepared to say that about anybody. I think that's the issue"—"excuse me, but that is what you have been saying essentially

for the last"—"that is what I believe—look, Steve, you go back and look at what I said. You know I have acknowledged wrongdoing, and I have acknowledged causing pain in my marriage, I have said things to you tonight, to the American people from the beginning, that no politician ever has." Oh, no, Gary Hart came clean with a lot, and it drove him out of the race.

"I think most Americans watching this tonight, they will know what we are saying, they will get it, and they will feel that we have been more candid. And I think that what the press has to decide is are we going to engage in a game of gotcha," that is kind of what he is saying now. "You know, I can remember a time when it was said when a divorced person could not run for President." Now he is bringing Reagan into the pack here. "That time, thank goodness, is past. Nobody is prejudiced against anybody because he is divorced." Now he has roped in about a third of the Nation who are married. "Are we going to take the reverse position now that if people have problems in their marriage or things in their past which they do not want to discuss which are painful to them, that they can't run?"

Croft: You're trying to put this issue behind you, and the problem with the answer is not a denial, and people are sitting there, voters, and they are saying, "Look, it's really pretty simple. If he's never had an extramarital affair, why doesn't he say so?"

Well, that may be what they are saying, but you know what I think they are saying? I think they are saying, "Here is a guy who is leveling with us." You, you may not think that, that we should say more, that we should keep—that you should keep asking the questions, but I'm telling you. I think that what we—I'll come back to what I said. I've told the American people more than any other candidate for President. They are the result of what has been going on—result of what has been going on in my State and spending more time trying to play gotcha.

Now here comes Hillary: There is not a person watching this who would feel comfortable sitting on this couch detailing everything—they did not detail anything—that ever went on in the life of their marriages, and I think it's real dangerous for this country if we don't have a zone of privacy for everybody. I mean I think that is absolutely critical.

Croft: I, I, I couldn't agree with you more, and I think and I agree with you that everyone wants to put this behind you, and the reason it hasn't gone away is that your answer is not a denial; is it?

Clinton: But interesting. Let's assume it's not a denial, Croft says.

Of course it's not, Clinton says.

And then he goes into a long, complex sentence.

Croft comes back and says I don't like these questions any better than you do, but the question of marital infidelity is an issue with a sizable portion of the electorate according to the latest CBS News poll which was just taken. It will decide 14 percent of the registered voters in America.

Clinton: I know it's an issue, and, and, and, but what does that mean? That means that 86 percent of the American people either don't think it's relevant to Presidential performance—he was banking on that, and that is not what it means—or look at whether a person looking at all the faxes, the best person to serve. He said we have gone further than anybody.

Hillary says—we know of, and that's all we're going to say, and people can ask us a hundred different ways and a hundred different directions, and we're just going to leave the ultimate decision up to the American people.

Croft: I think most Americans would agree that it's admirable that you have—have stayed together, that you have worked your problems out, that you have seemed to reach some sort of an understanding and an arrangement.

Clinton: Wait a minute, wait a minute.

Croft: But—

Wait a minute. You're looking at two people who love each other. This is not an arrangement or an understanding. This is a marriage and a very difficult thing.

And then Hillary comes in with her famous line:

You know I'm not sitting here like some little woman standing by my man like Tammy Wynette. I'm standing here because I love him, respect him. I honor what he's been through and what we have been through together. You know, if that is not enough for people, then the heck with it. Don't vote for him.

Folks, without reading the last few lines, get your CONGRESSIONAL RECORD. Here is what happened:

The impression they left with the American people was that they were separated at one point, maybe thinking about divorce, happens in most marriages today, and that maybe there was during this separation period one indiscretion; at the outside, two. They patched it up, and they got back together.

According to the troopers that is about as far from the truth as anything could possibly be. Mr. Croft was had, "60 Minutes" was had with their 13-minute show, CBS was had, and tomorrow night I will discuss how Ted Koppel was had on that February 12 "Nightline" show.

Mr. Speaker, I know the Speaker pro tempore has to go to a function, a very important function, and I am going to cut short my special order tonight. I can hear groans from across America, Mr. Speaker, but I will tell you there

are a lot of people in your cloakroom who know that BOB DORNAN may come off in the well like a Tasmanian devil sometimes, a tiger, but I have talked to several people on your side, one of them, one of the best orders on the floor, told me he is gone, he is going down, referring to the President.

Another one told me, "I had to defend him last night on television. What am I going to do? We all know—don't know enough about this stuff to mount a credible defense."

Here is a story that I would like to ask permission, if it costs less than \$2,000 to put in the RECORD, and I think all of these will cost about \$500, if that.

"Money Audits the Clintons." That means "Money" magazine. Subtitle: "They may owe \$45,000 in back taxes and interest. Here's what you can learn from their mistakes." It is by Teresa Tritch and Mary L. Spouse. I place this in the RECORD at this point:

[From Money; April 1994]

MONEY AUDITS THE CLINTONS

(By Teresa Tritch and Mary L. Spouse)

Although virtually every one of Bill and Hillary Clinton's moves has been recorded, analyzed and debated, there is one facet of their lives that hasn't gotten the same level of scrutiny until now. Over a nine-week period that ended in early March, Money focused on that unglamorous and overlooked area—the Clintons' record as taxpayers. After studying each of their federal income tax returns for the years 1980 through 1992 (they hadn't yet filed for '93), we pieced together a portrait that many of Money's affluent readers might recognize: The Clintons tend to get tripped up by the tax complications that come with professional and financial success.

A close examination of the Clintons' tax returns, which they have made public, suggests that the First Couple committed three glaring mistakes: Though both are sophisticated lawyers, they didn't keep adequate records, they tended to overestimate certain deductions, and they relied far too much on their tax preparer to get everything right. In all, their questionable write-offs indicate that the Clintons may have underpaid their income taxes by \$16,358 over the 13-year period—which means their total liability today would be \$45,411 if you include interest the IRS charges for underpayment. Their questionable write-offs dealt with (1) their charitable contributions, (2) his business expenses as Arkansas governor, (3) her automobile depreciation and, most important, (4) their Whitewater real estate development deal, which went bad. Three working days before our deadline in March, Money sent 16 written questions based on our reporting to Bruce Lindsey, special assistant to the President. Though Lindsey had granted us an earlier interview, he declined to answer any of the 16 for publication despite repeated requests from the magazine's management . . . (see "How Hillary Manages the Clintons' Money," Money, July 1992), he maintained a colorful habit for at least seven years while Arkansas governor: He took time out every few months to hand-write a list of his small deductible charitable contributions ranging from his now storied skivvies to a brass key ring. The write-offs have gained wide press attention because many of them seem too high—\$100 for a sport coat, for example.

They may lack the records needed to back up their biggest Whitewater tax moves. Even if the Clintons can document all their Whitewater deductions with their canceled checks, that may not be enough to preserve the write-offs in an IRS audit. They would need Whitewater records too, to show that were entitled to the deductions. And those crucial documents are so far either missing or unavailable. In January, the White House's Lindsey told the Washington Post: "If anyone knew the entire corporate history would be paraded before the American public, they might have kept more documents and better records."

They sailed into Whitewater without proper tax advice. Every one of the five tax experts consulted by Money agrees on one issue: The Clintons either didn't seek, or didn't heed, the right tax advice from the moment they entered the complicated Whitewater deal back in 1978 and '79. "There is no evidence of the hand of a tax professional in any of it," says Jack Porter, national tax director at the accounting firm BDO Seidman in Washington, D.C. The Clintons relied on two certified public accountants in Little Rock to prepare their returns for the years in question—Gaines Norton from 1980 to '83 and Yoly Redden from '84 to '92; both declined to discuss their work with our reporters. (Money has some history with Redden: She took our tax preparers' test in 1989 and concluded that our hypothetical family owed only \$16,618. Our expert set the correct tax 41% higher at \$23,393).

Our audit, like official IRS inquiries, aims to challenge questionable return entries and estimate what taxes and interest might be owed. Also like the IRS, we are raising tax questions, not affixing legal blame. In an audit, you have the opportunity to defend your tax moves by simply showing, for example, that you made the payments you claimed as deductions and that you are entitled to the write-offs. Moreover, the 4,000-page U.S. tax code is often open to wide interpretation. Therefore, to be fair, we have noted the documents the Clintons would need to produce in an actual audit, and the arguments they might make to justify their tax stance. Our findings:

CHARITABLE DEDUCTIONS

The Clintons' claim—\$177,047.

Potential added tax—\$1,651.

From 1980 through '92, the Clintons wrote off charitable gifts totaling \$160,886 in cash contributions and \$16,161 worth of noncash donations. Often the gifts went to the Salvation Army, churches and educational charities. Given their incomes and prominence, the Clintons' generous level of giving is not in itself a cause for audit scrutiny.

Beginning with their 1983 return, however, the Clintons attached a list—usually handwritten—itemizing and valuing their noncash contributions. They noted things like \$30 for three shower curtains, \$5 for an electric razor, \$40 for running shoes. Many tax pros say such detail invites IRS scrutiny, even if you have filed a perfect return. Attaching a list is particularly dicey with noncash charitable donations, since there is often no way to prove an item's fair market value. In an audit, such disputes boil down to the taxpayer's word vs. the auditor's judgment. Guess what? The auditor usually prevails.

There is a valid question about whether the Clintons padded the value of the underwear and other stuff they donated from 1983 through '89. In our audit, Money relied on Goodwill Industries' and the Salvation Army's flexible guidelines, which are some-

times used by IRS auditors. We also gave the Clintons the benefit of the doubt. For example, for 1984 they claimed \$100 for a gray three-piece suit; we gave them the full \$100. Still, some items—particularly shoes, underwear and T-shirts—seem overvalued at times. For example, in 1988 the Clintons deducted \$15 for long underwear; we reduced it to \$2. In another instance, we allowed \$30 for a pair of brown shoes they valued at \$80.

We concluded that the Clintons may have overvalued their noncash contributions by a total of \$2,939 from 1983 through '89. The tax due: \$1,187. To rebut that assessment, they would have to offer convincing oral testimony. At best, they might get to split the difference between their estimate and the auditor's.

The Clintons also deducted a \$1,405 cash contribution in 1990 to "Vance Hall Sporting Goods," which doesn't sound like a charity. An IRS spokesman told Money that there are cases where a retailer makes an IRS-approved arrangement with a tax-exempt organization; if you write a check directly to such a store sponsoring a charitable event, you can claim a deduction. But unless the Clintons can prove that Vance Hall was qualified to accept tax-deductible donations, they would lose the deduction and owe additional tax of \$464, for a grand total of \$1,651.

One more thing: Amid all the cataloging of charitable minutiae, one sign of sloppiness cropped up in 1990. That year's return failed to note \$11,662 of the couple's contributions to 19 charities. Redden then filed an amended 1040, which brought the couple's charitable deductions that year to an eye-catching record high of \$36,875.

HIS EXPENSES

The Clintons' claim—\$29,190.
Potential added tax—\$5,765.

Bill Clinton's \$35,000 annual salary during most of his 10 years as Arkansas governor was the lowest in the 50 states. But he also got \$70,000 a year to cover expenses—a \$19,000 public relations fund for work-related costs and a \$51,000 mansion fund for meals, household items and official entertaining at the Governor's residence.

Let's start with the \$19,000. For most of his tenure, Clinton was reimbursed in full from this fund for all of his official expenses. And so, quite correctly, he never claimed any deduction on his tax return for expenses. For a 26-month period from January 1989 through February '91, however, the State of Arkansas decreed that the \$19,000 public relations fund should be included in Clinton's taxable income. (The same went for the six other Arkansas officials who got such funds.) So Clinton began deducting unreimbursed employee expenses, claiming write-offs totaling \$13,212 in 1989, \$12,912 in '90, and \$3,066 in '91.

In themselves, there's nothing suspicious about the write-offs. But they could nonetheless draw an auditor's attention for this reason: The unique nature of a politician's job—part public servant, part campaigner—makes it imperative to separate deductible business expenditures from nondeductible campaign costs. Bill Clinton's 1989 to '91 write-offs for printing (\$7,316, including \$4,812 for brochures), travel (\$3,696) and advertising (\$1,638) are particularly questionable. An auditor would ask whether they were actually nondeductible campaign expenses.

Bill Clinton might also have to explain the \$2,848 in "meal-seminar/forums" expenses he deducted on his '90 return. If the meals and gatherings happened at the Governor's mansion, they should have been paid by the mansion account. And under the tax law, you can't deduct expenses your employer would

have normally covered. "I don't think meals for visiting groups in the mansion are a deductible expense, since this [mansion] fund should be used to pay for them," says James Pledger, director of the Arkansas Department of Finance and Administration. To keep the deductions, Clinton would have to show that the meals did not take place at the mansion and that the amounts he claimed were "ordinary and necessary" business expenses.

Finally, his \$3,066 in 1991 employment-related deductions would raise a question. Clinton would have to demonstrate that this money was spent on deductible business expenses before March 1991. After that, the state law once again allowed him to be reimbursed as he submitted expense receipts. All in all, there's a lot in these expenses for an auditor to chew on.

CAR DEPRECIATION

The Clinton's claim—\$8,168.
Potential added tax—\$501.

In 1986, while Hillary Clinton worked as an attorney at the Rose Law Firm and was Arkansas' First Lady, she bought a \$12,615 Oldsmobile that she drove for business purposes 52% of the time. (You can claim accelerated depreciation for a car only if you use it for business more than 50% of the time.) The Clinton's accountant, Redden, correctly depreciated the business portion of the car over three years on their 1986, '87 and '88 returns, for a total allowable write-off of \$6,565. According to the tax law, further depreciation would be permitted only if Hillary Clinton increased her use of the car for business. And sure enough, in 1990, she drove it 60.52% of the time for business. But in calculating the four-year-old car's extra depreciation, Redden employed a formula that applied to newly acquired property placed in service after 1986. As a result, she overstated the deduction by \$1,518, causing the Clintons to underpay their taxes by \$501.

Unfortunately, even when a professional tax preparer causes the goof, a taxpayer must pay any tax shortfall the IRS discovers within three years. In addition, Redden herself could be hit with a preparer penalty of up to \$1,000.

WHITEWATER

The Clinton's claim—\$24,154.
Potential added tax—\$8,441.

Navigating Whitewater takes total concentration as the numbers whiz by. Since the Clintons have refused thus far to disclose their relevant 1978 and '79 tax returns, you must start midstream with the twisting, tortuous flow of the interest deductions they took in '80 and then again from '84 through '88.

The write-offs, totaling \$24,154, are for interest payments they claim to have made on three separate Whitewater loans:

The first was a \$20,000 down payment loan at 10% in 1978 from Union National Bank in Little Rock. The loan was taken out by Bill Clinton and James McDougal, the politically connected developer who, with his wife Susan, had just invited the Clintons to become their fifty-fifty partners in a then promising venture to develop the 230-acre Whitewater tract in Arkansas' popular Ozark Mountains.

The second loan was a \$182,611 mortgage at 10%, also in 1978, from Citizens Bank in Flippin, Ark., cosigned by the Clintons and McDougals. Together, the two loans covered the purchase price of the Whitewater site.

The third was a \$20,800 note at 11.5% in 1983 from Security Bank in Paragould, Ark. taken out by Bill Clinton. According to the

White House, he used that money to pay off a \$30,000 loan at a whopping 20% that Hillary Clinton had gotten from James McDougal's Bank of Kingston in Kingston, Ark. in 1980. She used the original loan to put a model home on a Whitewater lot.

An audit of interest deductions ought to be simple. In general, all taxpayers must prove is that they made payments they claimed as a deduction, that the expense was indeed interest for which they were liable, and that they paid the interest in the year they wrote off the deduction. But the complex Whitewater loans made the Clintons' subsequent tax write-offs anything but routine. Also, the Clintons' argument—that they couldn't have done anything wrong because they didn't make money on the disappointing deal and didn't even claim a capital loss in the end—is as irrelevant as it is self-serving. A taxpayer can lose everything and still file incorrectly, thereby incurring back taxes, interest and penalties. Our audit indicates the Clintons may face precisely those consequences in the following instances:

The first—and largest—of the Whitewater deductions on the returns Money examined is a \$9,000 interest payment to "James McDougal" in 1980. The \$9,000 entry is audit bait for two reasons: A business partner is rarely listed as a mortgage lender, and mortgage interest is almost never a round number. The White House has said the Clintons paid McDougal the \$9,000 to reimburse him for interest payments he made on their behalf in 1978 and '79. That might explain why the figure is rounded: Although the Clintons and McDougals were fifty-fifty partners, the law does not require that every payment be split equally. Because of the irregularities, however, an auditor would demand both a bank statement showing how much of the amount was interest, if any, plus a signed, dated receipt from McDougal acknowledging the interest repayment. Without this hard proof, an auditor could treat the \$9,000 as a nondeductible repayment of loan principal, not deductible interest.

If the Clintons' undisclosed 1978 and '79 returns surface, they may well spark more audit questions. For example, the White House claims the Clintons deducted \$10,000 in interest on Whitewater loans in 1978. But Time magazine recently reported that records it reviewed show the banks received at most \$5,752.

The second largest Whitewater deduction also appears on the Clintons' 1980 return—\$4,350 paid to Citizens Bank in Flippin, which provided the \$182,611 mortgage in 1978. But even that seemingly innocuous entry has a twist. In 1979 the Clintons and McDougals formed the Whitewater Development Corp. and contributed the 230-acre site to the newly formed company. This turn of events could prompt an auditor to ask for proof that the Clintons were the party entitled to the \$4,350 mortgage interest write-off.

The White House has insisted in published reports that the Whitewater corporation did not assume the loans. Rather, the explanation goes, when the land went to the corporation, the Clintons, in effect, got a note from the Whitewater company obligating it to the same terms as on the loans they took out to buy the property. In that case however, an auditor would expect the Clintons to have reported Whitewater's interest payments on their returns as income and then claim an offsetting deduction for the interest they paid. But they did not do that; they never reported any interest income from Whitewater.

What actually may have happened is that all three—the Clintons, the Whitewater com-

pany and the McDougals—made loan payments directly to the bank at various times. When Whitewater didn't have enough money to make the payments, "McDougal would call up the Clintons and say . . . 'Can you write the check?'" So Clinton would write a \$4,000 check, or whatever, so the bank wouldn't foreclose on the loan," Lindsey told Money in a January interview. Whoever made payments during the year took deductions at tax time.

Despite that unorthodox approach, some tax experts think the Clintons could keep the deduction in an audit. "You have a leg up in defending your interest deductions as long as you actually made the payment," says a former high-ranking IRS official who requested anonymity.

Yet other tax experts, including Lee Sheppard, a tax lawyer and contributing editor of the professional journal *Tax Notes*, take a tougher stance: She says that when the land used as collateral for the loan was transferred to Whitewater, the corporation assumed the loans de facto and thus was solely entitled to the interest deduction no matter who, if anyone, paid the interest.

If there were a legal challenge to their deduction, the Clintons could rebut it by citing to the IRS federal court cases won by taxpayers in similar circumstances. Even then, however, they would have to present more Whitewater documents than they have so far. The worst-case outcome: The Clintons' \$4,350 deduction would be denied.

The third set of Whitewater deductions, from 1984 through '88, relate to \$20,800 that Bill Clinton borrowed from the Security Bank in Paragould in '83. In 1984 and '85, the Whitewater company paid Security \$5,133 in loan interest and deducted it. A 1992 analysis commissioned by the Bill Clinton for President Committee and coordinated by James Lyons, a Denver tax attorney and family friend, revealed that the Clintons had also deducted the \$5,133. The Clintons explained that the bank erroneously sent them a \$5,133 interest statement, which they forwarded to their tax preparer, Redden. She then dutifully entered the deduction on their returns. To make good, the Clintons say they voluntarily paid the IRS some \$4,000 in back taxes and interest in 1992.

The Clintons' Whitewater headache doesn't end there, though. Any IRS auditor who asks Bill why he borrowed the \$20,800 would learn of Hillary's earlier \$30,000 loan—and the many tax questions that surround it. When she borrowed the \$30,000 from Kingston Bank in 1980 to build a model home on a Whitewater lot, the corporation transferred the three-acre lot to her; she then used the land, at the time worth about \$5,500 according to Whitewater real estate agent Chris Wade, as collateral. Records examined by Money show that she paid \$10 to record the deed; but it's unclear whether she paid a cent more than that.

The upshot: The Clintons may be on the hook for a taxable capital gain on the transfer of the \$5,500 lot in 1980. The Clinton's gain would equal the fair market value of the lot, minus their tax basis (that is, essentially, the amount they invested in Whitewater from their own pockets). In the absence of further documentation, an auditor would assume a very low basis figure, say the \$500 that the couple have said they contributed to the corporation when it was formed. Here's the math: The lot's \$5,500, minus the \$10 Hillary paid for the deed, minus her \$500 basis, equals a \$4,990 capital gain. The audit tally on this transaction alone: \$4,454, made up of tax (\$1,098) and interest (\$3,356). To beat

an IRS challenge, the Clintons would have to prove that they either paid much more for the lot, or that it was worth much less than \$5,500 or that their tax basis in Whitewater was far higher than \$500.

One more Whitewater matter: As we went to press, AP reported that in 1984 and '88 the Clintons deducted more than \$1,400 in Whitewater property taxes they had paid but may have been reimbursed for later on. Whatever the final outcome, the drip-drip of Whitewater revelations will likely continue for years to come.

And then, Mr. Speaker, finally so you can get to that event and I can go home and prepare to discuss tomorrow, and hopefully I will talk to Ted Koppel tomorrow, the show that was structured by an ABC producer named Rick Caplan who produces *World News Tonight*, gave that letter to Bill Clinton 3 days in advance, and Mandy Grunwald whose dad was 25 years ahead of *Time* magazine, she in that same *Style* section could not keep quiet a secret. She claimed authorship of the line:

"They're accusing me of sleeping with a woman I didn't,"—wrong—"and dodging a draft I didn't,"—wrong, dodged it three times.

Here is an article that will probably be a first in my life. Never have I put in an article from a homosexual magazine, and I would not put this one in with titles around the edges like:

"Roseanne's Lesbian Kiss";
"Canada's Politically Correct War";
"The Gay Oscars";
"The Gay Menendez Jurors."

Randy Shilts, 1951 to 1994, died at age 43 of AIDS who wrote the book, "The Band Played On." He tried to blame everything on Reagan and Bush. It would not fly, but I feel very sorry he died.

The cover story is a picture of the Surgeon General of the United States, the leading voice on health matters in the United States. It is titled, and this is the March 22 issue of the *Advocate*, a homosexual tabloid, tabloid size. It is titled, "Condom Queen."

"Surgeon General Joycelyn Elders," and I cannot read on the Xerox the subtitle, but there is a big picture with a button with a lightning bolt on it. I do not know what that means, but it says: "The Condom Queen Reigns. Surgeon General Joycelyn Elders speaks out where the President fears to tread," by Chris Bull. He is a prominent homosexual writer, and I want this in the *RECORD* because tonight I am calling for her resignation or firing.

I am joining the front page story of today's *Washington Times* where Cardinal Hickey—what did I do with that—here it is—Cardinal Hickey, never known as a conservative cardinal, the cardinal for the Archdiocese of Washington, DC; he says, "her advocacy of homosexual behavior, her support for homosexual adoptions is outrageous. The President must publicly disavow her positions," and this is quoting from a letter from the Archbishop of Washington to the President of the United States.

Furthermore Cardinal Hickey says, "I deeply regret her apparent intolerance of people whose religious faith and moral values collide with her own ill-considered views. The Surgeon General irresponsibly accuses religious leaders," and it goes on and on with some of the absurd statements that she has not denied in her exclusive interview with this outrageous homosexual tabloid.

So, Mr. Speaker, with that there is plenty of things to discuss tomorrow night, Mr. Speaker, and I would like to be courteous to you. The news is exploding. I do not know where to go next. So, we will be back tomorrow with some more fascinating stuff and an analysis of the February month in the campaign and the very cleverly structured "Nightline" show with Ted Koppel which put away the draft issue until I brought it back into the public consciousness from this microphone in September 1992.

The articles referred to are as follows:

[From the *Advocate*, March 22, 1994]

THE CONDOM QUEEN REIGNS

SURGEON GENERAL JOYCELYN ELDERS SPEAKS OUT WHERE THE PRESIDENT FEARS TO TREAD

(By Chris Bull)

In a memorable and often-quoted line uttered in 1989 while she served as the director of the Arkansas Department of Health under then-governor Bill Clinton, Joycelyn Elders, who is now Clinton's U.S. surgeon general, compared driver's education for young people to sex education in the schools. "We taught them what to do in the front seat of the car," she said. "Now it's time to teach them what to do in the backseat."

Elders made the remark as part of an aggressive campaign to lower the rate of teenage pregnancy in the state, which at the time had the second highest rate in the nation, after Mississippi. But Elders says that the now-famous quote should apply equally to gay youths who are at high risk for infection with HIV. The federal government, she insists, has a responsibility to teach young gay men "what to do in the backseat" to protect themselves from HIV, especially in the light of several recent studies indicating that a sizable number of young gay men have not been reached by AIDS education campaigns and are continuing to engage in unprotected sex.

"If there are young gay men out there who are not hearing the message, then we have to step in and figure out how to get to them," Elders says. "The federal government has a responsibility to all of our citizens, not just the heterosexual citizens. This country has to get over the judgmental way it makes decisions and make sure we are fair to all our citizens."

Statements like these have earned Elders a reputation as the most fearless and most outspoken member of the Clinton administration; so much so, in fact, that she appears to be on a collision course with her boss. Last December, for instance, Elders precipitated a political firestorm by saying that legalizing drugs would reduce crime and violence. Clinton quickly distanced himself from his surgeon general by insisting that drugs would "not be legalized on my watch."

Elders is able to maintain this stance without jeopardizing her relationship with Clin-

ton—who is known for his political caution—through a combination of personal popularity and political savvy. "Elders is widely perceived as sincere, well-meaning, and tough," says Christopher H. Foreman Jr., a research associate at the Brookings Institution, a Washington, D.C.-based policy-analysis group. "Those qualities will keep her in good stead in a time when so many politicians are seen as weak and insincere."

Although she rarely addressed gay and lesbian issues during her six-year stint as Arkansas's top health official, as U.S. surgeon general Elders now appears ready to risk the president's ire by speaking out on behalf of gay causes. For this interview Elders insisted that she wanted to address gay-related topics gingerly until she had thoroughly familiarized herself with them, but then she proceeded to unhesitatingly express her opinion on a wide range of gay-related causes. Elders endorsed gay and lesbian adoption, advocated suicide-prevention efforts aimed at gay and lesbian youths, termed the Boy Scouts of America's ban on gay scouts and scout leaders "unfair," denounced antigay campaigns by conservative religious groups, and said that Americans "need to be more open about sex."

Indeed, Elders is seemingly willing to address topics that have landed other Administration officials in hot water. Last October, for instance, after receiving flak from conservative groups, the White House's AIDS policy coordinator, Kristine Gebbie, was forced to back off her statement that sex is "an essentially important and pleasurable thing" that continues to be "repressed" by the country's "Victorian morality." Before the outcry over her remarks occurred, Gebbie had said she considered it part of her job to stand on the "White House lawn talking about sex with no lightning bolts falling on my head."

Elders does not appear to fear lightning bolts. What underlies antigay attitudes in this country, she says, is an irrational "fear of sexuality" in general. "Society wants to keep all sexuality in the closet," she says. "We have to be more open about sex, and we need to speak out to tell people that sex is good, sex is wonderful. It's a normal part and healthy part of our being, whether it is homosexual or heterosexual. There are certain times and places where sex is inappropriate, but just because it is inappropriate at certain times does not mean that it's bad. I think the religious right at times thinks that the only reason for sex is procreation. Well, I feel that God meant sex for more than procreation. Sex is about pleasure as well as about responsibility."

During a 1992 campaign stop, Clinton refused to criticize the Boy Scouts ban on the grounds that as a private organization it is entitled to set its own policies. But Elders says she opposes the ban "in principle" because of its negative effect on the mental health of gay youths, and she has promised to oppose it publicly. "If we have important organizations that we are all supporting, I certainly think that all our youth should be allowed to participate," she says. "Once again we are dealing with the ignorance of our society about what gay people are like and the effect of policies like this on them."

Elders says the fight for full equality for gays and lesbians depends at least in part upon the ability of most Americans to "learn that gay people are not just out there wanting to have sex with anybody who walks down the street and that gay people have real loving, lasting relationships and families."

As a result, Elders says gays and lesbians can play an important societal role by adopting children as well as by raising their own. "I feel that good parents are good parents—regardless of their sexual orientation," she says. "It's clear that the sexual orientation of parents has nothing to do with the sexual orientation or outlook of their children. Many children in this society are born unwanted, and I feel that if gay or lesbian couples feel that they want children enough to adopt, well, then they are probably just as capable of being good parents as heterosexual parents who choose to adopt. Gays and lesbians are not going to choose to adopt or have their own children unless they really want children. They are making a conscious choice. We have too many parents who did not choose nor did they want, to be parents."

Despite what seem to be enlightened convictions, this is the first time that Elders has been asked to address gay and lesbian health issues in a comprehensive manner—a task she says has been one of the most difficult challenges she has faced since assuming her post last September. "One of the biggest problems in this job that I am facing is that I don't know enough about gay and lesbian issues," she admits. "I'm trying to get educated as fast as I can. I don't want to do a lot of speaking out until I am comfortable with the issue and I can answer all the questions that are posed to me from both sides."

Even so, Elders is taking some tentative steps toward addressing gay-related health issues. During a Jan. 18 meeting, for example, Elders surprised lesbian-health advocates by suggesting that the Department of Health and Human Services (HHS) fund the creation of brochures aimed at educating health care workers about lesbian health concerns.

"I can see that there are many problems that lesbians face that physicians have yet to address," Elders says. "We have to train our nation's physicians to ask the right questions and to offer lesbians advice that is appropriate to them. Many times doctors may be concerned that women are taking proper contraception, but if some women are having sex only with other women, that's not the right kind of concern to have."

At other times, though, Elders has been on the defensive. During a public appearance last December for World AIDS Day, Elders was targeted by Luke Sissyfag, a 20-year-old AIDS activist who loudly accused her and the president of dragging their feet on issues revolving around AIDS. But Elders took the protest in stride. "I've met Luke on several occasions now, and I respect what he's doing," she says. "I think that it's OK for him to feel like we're not doing enough. I don't feel like we're doing enough. One of the wonderful things about America is that Luke can go around and be critical of me and of the president if he doesn't think we're doing enough. There are many ways of skinning the cat."

Elders is facing a learning curve on gay-related issues in part because she steered clear of them while in Arkansas. Eric Camp, a spokesman for the Arkansas Gay and Lesbian Task Force, a statewide political group based in Little Rock, says that addressing homosexuality publicly in the state would have amounted to political suicide. "She was already seen as an extremist in the state for talking about birth control and abortion," he says. "Her programs never would have gone anywhere had gay and lesbian issues been included. But I think that on the national level she will be far more inclined to consider gays and lesbians part of her constituency."

Elders says she did not consciously dodge the issue, though. "I did talk to gay groups in Arkansas, and when I did it got a lot of press," she says. "I've spoken out before. It was not as well-organized a constituency there as some other groups might have been, but that would not have been a reason to avoid it."

In Arkansas, Elders focused primarily on what has been a lifetime mission: reducing the rate of teenage pregnancies, which she says have made a generation of young women into a "slave class" by forcing them to raise children before they are ready to do so at the expense of their own educational and employment opportunities. Among her initiatives was a controversial plan to place medical clinics in each of the state's 300 school districts that would dispense condoms, sex education, and health care. So far, 24 districts have installed clinics, and 28 more are on a waiting list for state funds to establish them.

Elders' emphasis on youth and sexuality as public health concerns may lend itself easily to addressing AIDS and gay-related issues. Kerry Lobel, lead organizer for the Arkansas Women's Project, a Little Rock-based advocacy group, says that when seeking support from Elders, gay and AIDS activists would be well-advised to frame the issue in terms of youth, prevention of sexually transmitted diseases, and reproductive health. "Dr. Elders will stick up for children and young people no matter what," she says. "If the issue can be presented that way, she will listen. That's where her heart is."

Elders, a pediatrician by training, indeed becomes most passionate when the topic turns to gay and lesbian youth. While the school-based clinics in Arkansas were designed to focus primarily on the needs of heterosexual students, Elders says they should eventually address the needs of young people who are struggling to come to terms with their sexuality as well. "We can't just write off 10% of our student population," Elders says. "We should certainly work on gay and lesbian health issues. We need to make sure our teachers are educated about sexuality and that counselors know how to address the issue in a sensitive manner."

Commenting on a hotly contested 1989 HHS report—later suppressed by the Bush administration—that found that gay and lesbian youths represent approximately 30% of teenage suicides, Elders says that "when we are talking about young people taking their own lives, that's the worst health threat we can possibly face. So for me it has to be an issue. Again I have to admit stupidity on exactly how to address the issue, but certainly we should make educators and counselors aware of the issue and make sure they know how to respond to the situation when it arises. I certainly see addressing gay and lesbian youth suicide as part of my mission. My job as surgeon general is to talk about all of the health issues that have an impact on Americans."

Elders has been able to speak out forcefully on a variety of topics in Arkansas and in Washington, D.C., in part because of her personal popularity with the public. The daughter of sharecroppers who lived in rural Arkansas, the 60-year-old Elders overcame poverty to serve in the U.S. Army as a first lieutenant. She later attended the University of Arkansas Medical School on the GI Bill.

That modern Horatio Alger story has helped to disarm some of her critics. During her contentious confirmation hearings last July, for instance, Elders repeatedly invoked

her upbringing to explain her position on a number of issues. Still, the Senate finally confirmed Elders in a less-than-overwhelming 65-34 vote. "She's a very sympathetic figure, and even her critics have to be careful not to appear to be attacking a black woman," says Foreman.

Elders also benefits from a close relationship with Clinton, who stood behind her despite fierce attacks from right-wing pressure groups and conservative members of Congress. During the confirmation hearings the Traditional Values Coalition, a conservative lobbying group, dubbed Elders the nation's "condom queen" for her staunch support of condom distribution in the schools and said she was "clearly the worst Clinton nominee yet." After her confirmation Elders responded in an interview with *The New York Times* by saying, "If I could be the 'condom queen' and get every young person who is engaged in sex to use a condom in the United States, I would wear a crown on my head with a condom on it."

Conservative members of the Senate were most critical of a 1992 remark that Elders made attacking the Roman Catholic Church. Elders said the church hierarchy's opposition to abortion rights is more vehement than was its opposition to the Holocaust and "the 400 years in which black Americans had their freedom aborted." Sen. Don Nickles (R-Okla.), who led the opposition to Elders' nomination, said the statement "exhibited strong anti-Catholic belief."

Clinton's support also helped Elders withstand attacks from right-wing groups in Arkansas. After conservative opponents spread false rumors that the clinics she had proposed for the state's schools would perform abortions for students, Elders, a Methodist, called them "very religious non-Christians" who "love little babies as long as they are in someone else's uterus." Conservatives demanded an apology, and Elders complied in a letter to the state legislature, but she continues to use the phrase to describe her opponents anyway.

By way of contrast, Clinton did not display the same fortitude when another black female nominee, Lani Guinier, came under attack for statements and beliefs that are less incendiary than some of Elders'. In fact, longtime Arkansas political observers say that Clinton and Elders have for years played out a political cat-and-mouse game that benefits both players.

An incident at the 1987 press conference where Clinton introduced Elders to the state illustrates the point. In response to a question as to whether she planned to distribute condoms in public schools, Elders said, "Well, we won't be putting them on their lunch trays, but yes." Press reports at the time described Clinton as blushing from embarrassment but nodding in agreement with Elders.

"Clinton relies on Dr. Elders to say the things he cannot say for political reasons," says Lobel, who has observed the complex political relationship between the two for years. "When he finally said that he was pro-choice, we all said, 'Well, of course he's pro-choice,' but we really only knew that because she had been so outspoken and he would not have let her do that unless he agreed with her."

That same dynamic was at work during the outcry over Elders' December statement about legalizing drugs; the situation escalated further when her 27-year-old son, Kevin, was arrested in Little Rock on drug charges. Sen. Robert Dole (R-Kan.) said Americans "must be wondering if the sur-

geon general is hazardous to our health," and Nickles called for her resignation.

Elders said she had "no second thoughts" about the remark, and Clinton said he remained "four-square" behind her. "When you have someone who is outspoken and energetic like she is," he said, "there are going to be times when she'll be outspoken and energetic in a way that I don't necessarily agree with."

Marj Plumb, health policy director for the National Gay and Lesbian Task Force, a Washington, D.C.-based political group, says she has seen that dynamic at work on gay-related topics as well. During the meeting at which Elders suggested developing lesbian-health brochures, Plumb recalls that she turned to Patsy Fleming, special assistant to HHS secretary Donna Shalala, who was sitting next to Plumb, and said, "Are you sure you want to take the heat for something like this?" and when Patsy said, "Marj, this is Dr. Elders you are talking about." So even internally at HHS there is a general understanding that she is going to articulate a vision that is not necessarily politically safe for others to articulate.

Elders's ability to speak out on national health issues is also aided by the surgeon general's office, which has little official authority but has come to serve as a bully pulpit for the officeholder's political and medical agenda. The office has just ten full-time employees and a \$550,000 annual budget. In contrast, the administration's AIDS policy office, headed by Gebbie, has 55 employees and a \$5-million annual budget.

Dr. C. Everett Koop, who served as President Reagan's surgeon general from 1984 to 1988, paved the way for Elders on AIDS-related issues. Though considered a staunch conservative when he was nominated for the post, Koop nevertheless bucked the Reagan administration by advocating humane treatment of people with AIDS and supporting sexually explicit educational campaigns to stem the spread of HIV.

Elders says she intends to continue Koop's tradition. "If AIDS had started out as a disease of upper-middle-class white babies, it would have gotten a lot more attention," she says. "Koop recognized this and did what a surgeon general has to do. You have to stand up for what's right—based on the medical and scientific data—regardless of what your personal beliefs are."

Elders' outspokenness occasionally offends even her allies. In 1991, for instance, Elders said that one of the benefits of legal abortion is the reduction of severe birth defects, citing Down's syndrome as an example. A number of parents of children with Down's syndrome protested, saying that Elders was implying that handicapped babies should not be allowed to be born. Elders responded that she had a nephew with the syndrome whom she loved and that she cared for many Down's patients in her pediatric practice.

But the comment raises disturbing questions for gays and lesbians as well. With increasing evidence of a genetic basis for homosexuality, some scientists and medical ethicists have raised the possibility that antigay parents, upon learning that their fetus carries a gene for homo-sexuality, could opt for an abortion rather than give birth to a child that might grow up to be gay.

Elders refuses to get drawn into that debate, though. "I think that's a decision only parents can make, she says. "If a woman had an abortion because they located the gay gene, it would not upset me any more than choosing an abortion on any other grounds.

It's not a choice for the government to take. The choice has to be left up to the individual. No one can try to make such a choice for a woman.

That nonjudgmental view is consistent with Elders's approach to gay rights in general. Commenting on antigay campaigns undertaken by conservative religious groups, Elders says that if "you are truly right within your heart and with Christianity, you know in advance that you do not know in advance that you do not know enough about other people's lives to judge them. You do not love enough to make decisions about how other people should live their lives. How can I be judgmental of you when in the sight of God you may think you are better than me? You have to wonder how much love that people who hate gay people have in their hearts."

[From the *New Republic*, Apr. 4, 1994]

THE NAME OF ROSE

(By L.J. Davis)

You see a girl walking down the street. You can say, "There goes a beautiful girl" or "There goes a whore." What the hell's the difference? They've both got legs.

—Jon E.M. Jacoby, executive vice president of Stephens Inc., explaining the Arkansas system of politics and finance as it reached perfection during the Clinton years.

AN ARKANSAS THRILLER.

I.

In Arkansas, the latest backstairs of the national political system, you hear a lot of things. Concerning Whitewater, for example, you are constantly—and probably correctly—reminded that the dustup involves nothing but a typical loony tunes S&L deal from the 1980s, despite the august personages involved and their perplexing insistence on behaving like refugees from a Raymond Chandler novel. In Arkansas memories are long, political rascality is king of regional sports and rumor and truth tend to commingle until otherwise reasonable people are driven slightly bonkers trying to sort out one from the other. In Little Rock the whole Whitewater affair is regarded as something of a hoot—the Yankee carpetbagger press, with the reality of Arkansas staring it in the face, has gone and missed the real story again. But if Whitewater was nothing but a minor peccadillo that the press has glommed onto because it thinks it understands it—and compared with the private financial shenanigans of Arizona Governor Fife Symington, Whitewater resembles a misdeed along the lines of crossing the street against the light—why, then, has the Clinton administration so frantically placed its back to the door, as though a peek beyond would reveal grandpa tied to a chair, surrounded by his looted bank books? In Arkansas the answer to this question verily resembles the epitaph on the tombstone of Sir Christopher Wren: if you would see Clinton's monument look around.

When it comes to Bill Clinton's home state, the national press has repeatedly looked, seen everything and observed next to nothing (the honorable, largely ignored exception being the *Los Angeles Times*). Visiting Little Rock in search of atmosphere during the presidential campaign, reporter after reporter dutifully described the imposing Stephens Building, the elegant Capitol Hotel, the Worthen Bank tower and the headquarters of Arkla Petroleum, future White House Chief of Staff Mack McLarty's gas company, without realizing that all of these things were either owned, controlled or

under the influence of a single, immensely powerful family: the Stephens.

By a happy chance, the family is also the stellar client of Hillary Rodham Clinton's old employer, the Rose Law Firm. Although it usually served as a hired gun with a conveniently blind eye, Rose proves to be a handy prism for observing a Gothic, sometimes darkly humorous tale of bonds, banks, a friendly cocaine distributor, sinister Pakistanis, shadowy Indonesians and the uses to which an agreeable state government can be put. The story is in fact three connected stories, combined in a typically Southern saga: Stephens Inc. and the Worthen Bank Corporation; the Rose Law Firm itself; and the Arkansas bond business, which, like most bond businesses, is extremely difficult for the well-educated layman to understand, thus making it an excellent place to hide things in plain sight. Central to the story is a pair of siblings named Witt and Jackson Stephens.

II.

In one sense, nothing unusual occurred in Arkansas during the 1980s: tales of high jinks in high places have always figured prominently in American discourse, and some of the most colorful stories—a number of them actually true—have come out of the Bubba Belt of the South and Southwest, whose geographical heart happens to be occupied by Arkansas. But Arkansas is rendered *sui generis* by the presence of the only major investment bank not headquartered on Wall Street, Stephens Inc. of Little Rock, which does much to explain some of the arresting peculiarities of a state that is more than a little strange even when judged by the spacious standards of its region.

For one thing, although Arkansas is the home to some of the nation's wealthiest families, it is one of the poorest states in the country, although there is no reason for it to be poor at all. Abundantly endowed with minerals, petroleum, timber and some of the most fertile agricultural land on the surface of the planet, it bears a close resemblance to a Third World country, with a ruling oligarchy, a small and relatively powerless middle class and a disfranchised, leaderless populace admired for its colorful folkways, deplored for its propensity to violence (on a per capita basis, Little Rock has one of the highest murder rates in the nation) and appreciated for its willingness to do just about any kind of work for just about any kind of wage.

In the words of one local wag, the farther you get from Arkansas, the better the Stephens boys look. Indeed, the family's sanitized, Horatio Alger-like biographies have been featured, accompanied by a remarkable lack of examination, in publications as various as *Forbes* and *Golf Digest*. The dynasty's founder, Witt Stephens, together with his younger brother by sixteen years, Jackson, grew up on a hardscrabble farm near the town of Prattsville, the sons of a small-time speculator in oil stocks and sometime state legislator, A.J. Stephens, who remained a power in state Democratic politics until the end of his life.

An eighth-grade dropout, Witt first makes his living by peddling Bibles and belt buckles before he discovered a pair of bonanzas in undervalued, Depression-era municipal bonds and the natural gas with which Arkansas is so richly endowed. Meanwhile, Jackson briefly served as a page with his father in the state legislature and went on to become a classmate of future President Jimmy Carter at the Naval Academy, a circumstance that would later serve the family's fortunes well while causing a disaster of still unmeasured magnitude in the American banking system.

After World War II the brothers joined forces at Stephens Inc. in Little Rock, with Witt—or Mr. Witt, as he came to be known—serving as the company's colorful, cigar-chomping and aphoristic face to the world (or as much of the world as paid attention) while the taciturn Jack toiled away in the back office, revealing a golden touch at investment strategy. These things are relative, of course; by the time Witt (who died in 1992 at the age of 83) handed over the reins to Jack in 1957, while retaining his petroleum interest and serving as the presiding genius of the firm, Stephens Inc. was worth a beggarly \$7.5 million. But in the Arkansas of 1957, a financial institution with \$7.5 million had the money and the clout to do a number of things—including purchase a governor.

Witt, like his father before him, was a staunch hereditary Democrat, a supporter and friend of such Arkansas luminaries as Senator William Fulbright. He was also a great patron of the infamous, six-term Orval Faubus—not, apparently, because of the governor's segregationist policies (to the family's credit, Jack Stephens, a trustee of the University of Arkansas since 1948, had successfully lent his voice to the cause of integrating the institution), but because Faubus was sound on the subject of natural gas, a subject dear to the Stephens' heart. As the family's fortune continued to wax after the Faubus years, it became an axiom of Arkansas policies that someone could occasionally become governor without permission from Stephens headquarters, but the politician was unlikely to remain governor for very long unless he paid close attention to the care and feeding of the brothers—the great exception to the rule being two-term Republican Winthrop Rockefeller, the beneficiary, representative and broken reed of an even vaster American fortune, who became the failed hope of Arkansas liberalism. Decades later, when the self-effacing Jack became chairman of the Augusta National Golf Club in Georgia, naive visitors were quickly enlightened on the subject of how a man so shy could assume a post so prominent in the sport of the moneyed and the gently bred, "Jackson Stephens?" It was explained, "He's the man who owns Arkansas."

It was Jackson Stephens at the helm that Stephens Inc. propelled itself into the stratosphere of the American financial plutocracy, making a bewildering variety of investments in enterprises as various as real estate, hazardous waste incineration, data processing, nursing homes, trucking and airplane maintenance, while simultaneously diversifying into the business of underwriting issues of common stock. In its new role, the firm called on the services of young C. Joseph Giroir, the only trained securities lawyer in the state, and his paralyzing respectable firm, Rose.

The securities business, in turn, led to a chain of peculiar events beginning in 1977 (the year, it so happened, that Bill Clinton became Arkansas attorney general and the Rose hired his wife). That year, no less a figure than T. Bertram Lance appeared on the corporate doorstep of his old friend's classmate, bringing with him a load of troubles and a glittering opportunity. Lance was compelled to resign as head of Jimmy Carter's Office of Management and Budget because of his long history of questionable financial practices in Georgia. As a result of that history, he was also beset by a negative net worth, substantial loans from banks in Chicago and New York and a large stock holding in the National Bank of Georgia. Sadly for Lance the price of the bank stock

was depressed and its sale on the open market could not rescue him from the specter of bankruptcy, which was the dilemma Stephens Inc. was invited to solve.

A solution was soon found in the form of the now notorious Bank of Commerce and Credit International (BCCI), although whether Lance introduced Stephens to the Pakistani-run scam or vice versa is a matter of some debate. Beyond dispute, however, it is the fact that the comptroller of the currency, the nation's principal regulator of commercial banks, had clearly stated that BCCI was never to enter the American banking system under any circumstances. Oddly, this unambiguous order did nothing to prevent Stephens Inc. from solving Lance's problems while settling a small score of its own. The National Bank of Georgia was controlled by a holding company called Financial General one of the few entities in the country allowed to engage in interstate banking under the laws of the time. The Stephens interests controlled slightly less than 5 percent of Financial General and the investment had soured, partly because Financial General refused to hire the family data processing company. It was, Stephens soon persuaded BCCI, just the sort of investment BCCI was looking for, the comptroller's edict notwithstanding.

In short order, Stephens launched Lance on the path to renewed solvency, assembled blocks of stock for purchase by the front men who would conceal BCCI's identity, effected an introduction to the subsequently disgraced Democratic wise man Clark Clifford, turned a small but tidy profit on the sale of its own shares, pocketed fees of at least \$95,000—and, in return for a sum that in Stephens terms amounted to chump change, set in motion the process that would give BCCI involvement by the Securities and Exchange Commission, Stephens Inc. neither admitted nor denied the SEC's findings but promised to go and sin no more.

But BCCI was not the only exotic party attracted by Lance's bank holdings. Also appearing on the scene was Mochtar Riady, one of the wealthiest men in Indonesia, with far-ranging interests and a known connection to his country's dictator, General Suharto. When someone went into business with Riady, there was also the possibility that they were in business with the general, a fairly decent chap by dictatorial standards (he had begun his reign with the slaughter of 200,000 supposed Communists, a feat he had not found necessary to duplicate except on the island of Timor) but a tyrant nonetheless.

Stephens Inc., which appeared to be uninterested in the true activities of BCCI, exhibited a similar indifference when it came to Riady. Moreover, the Stephens people did not appear to be the least bit curious about the business endeavors of the distinguished former statesman who effected the introduction between Jakarta and Little Rock. This was Robert B. Anderson. Formerly a secretary of the treasury in the Eisenhower administration, Anderson had carried out diplomatic assignments for President Lyndon Johnson in the Middle East and had served as President Richard Nixon's chief negotiator in the Panama Canal talks before opening an offshore bank—Commercial and Trade Bank and Trust Ltd. on Anguilla—that catered to people who needed to launder money, evade taxes, or both.

Jack Stephens had willingly presided over the handoff of a big hunk of an American bank to a bunch of Pakistani thugs, but he was not willing to let Riady go so easily. "He

wanted to buy into an American bank, an idea I was not enthusiastic about," Stephens told an interviewer some years later, perhaps making an unconscious semantic distinction. He'd seen nothing wrong with selling BCCI an American bank—they even named it First American—but he and Riady soon began planning an entirely new kind of Arkansas bank holding company, for which they required the services of Giroir and his expertise in securities law. But they also needed something that increasingly became a hallmark of the Rose firm: a willingness to perpetrate a subtle conflict of interest.

Founded in 1820, well before Arkansas became a state, Rose is one of the oldest surviving law firms west of the Mississippi, one of the most competent and one of the most quietly influential. Often, in looking at the state government of Arkansas, the Rose firm and the Stephens interests, it is hard to escape the impression that one is looking at a single entity, rather along the lines of NATO. The law partnership takes its curious name from U.M. Rose, a talented attorney who dominated the firm from the mid-1860s to the end of the century, was one of the founders of the American Bar Association and is one of two Arkansans whose statues adorn the Capitol in Washington. Over the years Rose has provided Arkansas with numerous legislators and justices of the state supreme court. In 1957, when the modern civil rights era was born in Governor Faubus's refusal to integrate Little Rock's Central High, it was a Rose lawyer who acted as lead counsel to the school board. (Rose still has no black partners.) And from 1975 until 1988 the firm enjoyed a spectacular run—growing from seventeen lawyers to fifty-three—under the leadership of the dapper and charming Giroir, the first and only chairman in the history of Rose, who deeply entwined the partnership and his personal destiny in the affairs of the Stephens family's empire.

During the Clinton administration, the history of the Rose firm could be divided into two periods: the Giroir years, and the shorter period, from 1987 to 1992, when the firm claimed to be a democracy, voting on its future rather than blindly following a single, charismatic leader. This democracy, however, was publicly dominated by three partners: the amiable Webster Hubbell, who was until a few days ago associate attorney general; the quiet Vincent Foster, who was deputy White House counsel until his suicide last summer; and Hillary Rodham Clinton, who as of press time is still First Lady. The firm's sea change, which generated a certain amount of hoopla from the legal press, was more apparent than real. Under the surface, Rose was much the same as always, doing good for its friends and clients while doing well for itself, but much more silently.

In his years as Rose's chief, Giroir conspicuously chaired a group drawn from the State's so-called Good Suit Club. The club successfully lobbied the legislature to change the state usury law, which made owning an Arkansas commercial bank a much more attractive proposition. It also was active in convincing the State's lawmakers to revise the law restricting the formation of bank holding companies, which enabled Giroir, Riady and Stephens to make a substantial and potentially lucrative investment.

On his own, Giroir had purchased control of four Arkansas banks. He sold all four—including the second largest bank in the city of Pine Bluff—to Worthen Banking Corporation, the new holding company Riady and

Stephens had been able to set up after state law, with Giroir's help, had been made more congenial to such things. For his part in the deal, Giroir was compensated with \$53,760,294 in cash, stock and assumed debt. He also became a major stockholder of Worthen (named after the venerable and very large Little Rock bank that was the pride of the Stephens commercial banking empire) and a powerful member of its board. He received further income by renting property to the company, and he pocketed an additional \$2.1 million when he sold part of his stockholdings to a company affiliated with Riady's son James (who was also Worthen's co-president). More important, he managed to create a whole new client for his firm; Rose became Worthen's principal outside counsel.

These things are complicated, dull and dry, which is an excellent form of concealment, but consider the sequence of events. With the stroke of a pen and without a visible second thought, then-Governor Bill Clinton, following his traumatic period as a voter-rejected civilian between 1980 and 1982, gave life to two pieces of legislation inspired by his wife's boss—revising the usury laws and permitting the formation of new banking holding companies.

In a State as small as Arkansas, where everybody of importance knows everybody else, it seems impossible that Governor Clinton could not have known that the relevant legislation would be of immense personal benefit to the boss in question, the state's most powerful family and an Indonesian investor whose presence in Arkansas seemed to be regarded as the most natural thing in the world. Last and not incidentally, the governor, by permitting the creation of the Worthen Bank Corporation, had arranged a new payday for the Clinton family through the windfall in legal fees provided to the Rose firm (Hillary Rodham Clinton, partner). When the compensation of the firm's partners was computed, Rodham Clinton insisted, she specifically exempted herself from receiving a share of Rose's business with the state. But although Worthen could not have been brought to life without the help of her husband's government, it was not a government agency, Rodham Clinton was therefore not excluded from a partner's share of its fees.

More important, Worthen also became a major depository of the state's tax receipts. Nothing unusual here; governments frequently park their deployed funds with large private banking institutions until they decide what to do with the money. But the results soon proved to be imprudent under the most charitable interpretation of the word. In 1985 Worthen Bank managed to lose \$52 million of Arkansas state taxpayers' money in a purchase of government securities from a New Jersey brokerage with a questionable past and no future whatever; several of its principals ended up in the jail for fraud. With its capital wiped out in a single stroke and a seizure by federal regulators imminent, Worthen was swiftly rescued with a \$30 million cash infusion from its major stockholders, in the form of a loan that paid the Stephens partners a handsome 10 percent—together with additional funds from Stephens Inc., which pocketed a \$3.2 million fee for its trouble. (The risk, it is true Stephens fashion, was not great. Two-thirds of the funds were swiftly replaced by Worthen's insurance company, which made Stephens Inc.'s noble rescue of the bank—and of a big hunk of the Arkansas treasury—an almost surefire, profitable investment.) Also conspicuous during the complex negotiations were Joe Giroir

and his partner Webb Hubble, appearing in their capacity as members of Rose.

Two questions surround this incident. First, how could Worthen have allowed the state to make such an obviously tainted investment via the New Jersey brokerage firm? Second, and more important, why did nobody in Arkansas appear before the bar of justice? The New Jersey firm was a direct lineal descendent of a peculiar regional phenomenon: the world of so-called bond daddies. The bond-daddy racket, long centered in Memphis but with many of its members drawn from Arkansas, specialized in selling questionable government securities to gullible investors, principally small banks with little financial sophistication.

Here is where the oddity begins, at least as it concerns Worthen. The Stephens brothers, if not Giroir and Riady, were intimately familiar with the black arts of finance. They were also experts in the government bond market. Moreover, at least one of the principals in the New Jersey brokerage of Beville, Bresler & Schulman Inc. (which executed the transaction for Worthen and the state of Arkansas) was well-known in the region. Beville's operations had all the earmarks of a standard bond-daddy scam, and yet Worthen committed \$52 million anyway. (At the bank, the official explanation was that co-president Jim Jett acted naively, on his own and without the supervision of his principal stockholders, which is possible but not entirely plausible, since Giroir, who represented the Stephenses, sat on the board.)

Consider a virtually identical event at the same time in Ohio, in which a savings bank controlled by Marvin Warner, Jimmy Carter's ambassador to Switzerland, invested in the same kind of fraudulent securities, destroyed itself, ignited a statewide financial panic and caused Governor Richard Celeste to declare the first Ohio bank holiday since the Great Depression. A number of the responsible parties, including Warner, found themselves behind bars, some for a very long time. Why? Under long established Anglo-American law, an officer or director of a bank is governed by the "prudent man" rule, which states that he is personally responsible for the financial and legal consequences of his acts. In Arkansas, where the prudent man rule seems to have been suspended, a number of people were fired, but the Clinton government hauled precisely no one into court on criminal charges. Once again in Clinton's Arkansas, the law seemed to be different than it was in the rest of the United States—which makes certain Arkansans smile in knowing amusement over the fact that Bill Clinton now happens to be running the United States.

III.

The near failure of Worthen in 1985, like the arrival of BCCI, proved to be another pivotal event in recent Arkansas history: Stephens, Worthen, Rose and the Clintons remained at the center of the stage, but the cast of supporting players began to change.

A former Stephens executive named Ray Bradbury, who had been deeply involved in the BCCI negotiations—hardly a job qualification, one would think—took the helm at Worthen, where he discovered that the bank was also stuffed with bad real estate loans. Meanwhile, federal regulators learned that the bank had made an excessive number of insider loans, particularly to the Riadys, although what happened next is, as usual, a matter of mutually exclusive explanations.

Knowledgeable observers in Little Rock and elsewhere say that the Riadys were slowly forced out of the bank by the federal gov-

ernment; at Worthen, the official version says that the Riadys disengaged because it was clear the troubled bank could not be a major force in international finance. In any event, the Riadys soon departed.

The role of Joe Giroir also underwent a change. As a principal owner of Worthen, he was charged with securities fraud in a shareholder suit; he was also sued by Worthen itself for taking illegal "short-swing" profits when he sold stock to the Riady affiliate. Not only did Giroir lose his board position and partial ownership of the bank—with Giroir and Riady out of the picture, the Stephenses gradually increased their stockholding to more than 40 percent, while stoutly denying they controlled the place—but, following Giroir's disgrace in 1988, Rose lost Worthen as a client that had once paid the firm hundreds of thousands of dollars per year.

As for Giroir, his troubles were far from over. In 1986 he was revealed to be a shareholder in and a substantial borrower from a Pine Bluff thrift called FirstSouth, the first billion-dollar S&L failure in the country. Before the dust had cleared, the head of FirstSouth had gone to jail together with a former president of the Arkansas Bar Association, and Giroir had sued the federal regulators while the federal regulators were suing him, putting a considerable crimp in the plans of his partners. Hubbell and Foster, to create a lucrative practice in the cleanup of the S&L crisis. (At failed S&Ls, the fees for firms like Rose could be enormous. According to one frustrated federal investigator, private lawyers in Dallas were making \$500,000 per month from the thrift catastrophe, more than the total annual budget for the federal cleanup effort in the entire state of Texas—and in Arkansas, where lawyers were cheaper, the damage per capita was among the worst in the country. Somehow, Governor Clinton escaped criticism for this interesting fact.) It was clear that Joe Giroir, who had built the modern Rose Law Firm, was not the partnership's greatest liability—the firm's reputation aside, federal regulators charged that Giroir had used Rose letterhead to give FirstSouth legal advice beneficial to himself; Rose was forced to settle with the Federal S&L Insurance Corporation regulators for a reported half-million dollars—although once again there is a contradictory official version of his abrupt departure.

Giroir once claimed that he left the firm voluntarily but will no longer comment on the matter. The Rose firm fell abruptly silent on this and all other subjects following recent allegations that it had shredded its Whitewater files, but its spokesman told American Lawyer in 1992 that Giroir departed in a coup arranged by litigators who were miffed that he and the firm's other rainmakers were paid substantially more than the lawyers who actually did the scut work in court—litigators prominently including Hubbell, Foster and Rodham Clinton, who actually seemed to be engaged in very little legal work at all.

With the departure of Giroir, life at Rose became quieter if no less active. The three partners became the firm's public face to the world. The most physically imposing and locally active of these was Hubbell, a six-foot, five-inch giant of a man who had played football for the University of Arkansas, had almost made it into the big time with the Chicago Bears, had served briefly as mayor of Little Rock (when Rose received a significant portion of the city's bond business) and had received an interim appointment as

chief justice of the Arkansas Supreme Court from Governor Clinton. (According to a reliable source, Hubbell's father-in-law, Seth Ward, a septuagenarian self-made entrepreneur, once complained that keeping Hubbell in politics cost him \$100,000 a year.)

The second was Foster, once described as an immaculately brown-suited man in an immaculate brown office, who was regarded as the "soul" of a firm that, according to grand jury testimony, shredded volumes of his records the moment an independent federal prosecutor appeared in the vicinity. The last was Rose's first female partner, Rodham Clinton, who occasionally did some lawyering in the intervals when she wasn't working for the Children's Defense Fund, attending to her personal business affairs or serving as the governor's first lady. The three were described to American Lawyer as "big, big buddies"; Rodham Clinton's office was next door to Hubbell's, and much of her work was actually done by Foster. The three also were closely entwined in a curious financial arrangement. This was Mid-life Investors, a partnership set up by E.F. Hutton in 1983. Hubbell, Foster and Rodham Clinton each kicked in \$15,000 and named each other—rather than their spouses—as beneficiaries. But although the fund was active at least until 1991, Rodham Clinton reported annual dividends of under twenty dollars from Mid-life Investors, a sum that comes as a surprise to Roy Drew, the financial counselor who supervised the partnership and invested its money in such 1980s takeover candidates as Diamond Shamrock and Firestone Tire. According to Drew, with the likes of Sir James Goldsmith and the Japanese offering huge sums for the stock of Shamrock and Firestone, there was no way Mid-life Investors could have failed to reap substantial profits.

Although Rodham Clinton was a litigator—that is, a lawyer whose task is to appear in court, if only to force the other side to settle—and an attorney who was named one of the 100 most influential in the country by the National Law Journal in 1988 and 1991, she was almost never seen in the courtrooms of Little Rock; some court reports remember an occasional appearance, and one could not remember having seen her at all. According to a search conducted by American Lawyer, she tried just five cases during her fifteen years at Rose; other published sources say her work revolved around copyright infringement cases involving songwriters and bread companies. But paradoxically, in view of what happened to Giroir, she (like Giroir) received extra compensation for the business she generated from her extracurricular activities, even if she did not work on the cases at all.

For example, she was only one of two Rose partners to act as a corporate director, serving at various times on the boards of four companies earning \$64,700 on 1991 from director's fees alone. (Her 1991 salary from Rose was in the vicinity of \$110,000; her husband earned \$35,000 and go to live in a free house.) She was on the board of Wal-Mart, a Rose client that Stephens had launched on the road to glory. (Rodham Clinton also owned \$80,000 worth of Wal-Mart stock.) She served Southern Development Bancorp, a holding company created to give development loans in rural Arkansas, which, according to the Washington Post, paid Rose somewhere between \$100,000 and \$200,000 in fees. In 1989 she joined the board of TCBY yogurt company, which occupies the tallest building in Little Rock. TCBY then proceeded to pay Rose \$750,000 for legal work during the next

few years. Last, and puzzlingly, she was a director of Lafarge, a giant French cement company that had no discernible connection to Arkansas except like Stephens Inc., it was engaged in burning hazardous waste. (As president, Bill Clinton did nothing to stop operation of an Ohio Waste incinerator, partly backed at one time by Stephens Inc., despite the fact that it didn't work, had no legal permit and his own vice president had promised that it would never operate until it was thoroughly investigated, which it wasn't.)

With Rodham Clinton aboard at Rose, the firm's long established connections to the governor's office were made firmer still. Rose, the gold standard of Arkansas law firms, had long enjoyed unusual access to the state's corridors of power. It both advised and did the bidding of the powerful family that acted as the state's shadow government, and during the Clinton years, the Rose Law Firm sometimes behaved as though it were an agency of the state rather than a legal partnership with offices in a converted YMCA.

The intimate connection between Rose, Stephens Inc. and the governor's office may help explain how the Stephens family made a vast amount of money when its most visible enterprises were doing no such thing. The investment bank had hit a gusher when it took Wal-Mart public, made a pleasing sum on the stock of Tyson Foods, the nation's largest chicken processor, but otherwise cut no great swath in the stock market. Until recently, Worthen was a disaster area. At least part of the answer for the family's continued prosperity seems to reside in the unusual way Bill Clinton's state dealt with Stephens Inc.'s old specialty, government bonds.

IV.

The crown jewel of Bill Clinton's avowed attempt to create industries and jobs in the state was an unusual entity called the Arkansas Development Finance Authority (ADFA). According to well-established common law, a government-chartered authority is supposed to be an independent body, insulated from the hurly-burly of everyday political life and its temptations. But ADFA, written into law with the help of Webb Hubbell, was no such thing. All ten members of its board were appointed by the governor. Though it was specifically granted the power to issue industrial development bonds, the governor, personally, was required to approve every bond issue. State agencies with the ability to issue industrial bonds are supposed to distribute the money (and thus create jobs and wealth) to companies and individuals who can't receive lines of credit on favorable terms from the usual financial institutions or venture capitalists. On significant occasions, however, ADFA spread its bounty to less than deserving clients. Nor do the peculiarities of this body end here.

Although it issued bonds, ADFA did no due diligence—the common practice of engaging an outside financial expert to examine the applicants for the proceeds and determine if they actually need the money and are otherwise worthy recipients. (Due diligence, according to an ADFA spokesman who happens to be the brother-in-law of one of Witt Stephens' daughters, was the responsibility of the purchasers of the bonds under the ancient principle of caveat emptor—a practice that had previously helped the region's bond daddies flourish and had wiped out the capital of the Worthen bank.) While its spokesman is a little fuzzy on the subject, it seems that there was no regular ADFA oversight to ensure that money was being spent

according to the original purpose of the loan, although an ADFA employee might occasionally be sent into the field to discover if everything was tickety-boo.

It is also somewhat difficult to discover just what ADFA was actually doing. A recent examination of the log kept at ADFA headquarters for the enlightenment of wandering reporters and inquisitive citizens reveals just twenty-five bond issues from 1985 to the present—or twenty-six, if you count the paperwork on a bond issue that was removed in a reporter's presence. Moreover, the log suggests that ADFA was heavily involved in good works with religious orders. But according to the Los Angeles Times' count of ADFA's activities, the authority released seventy industrial bond issues—according to my count, the number is sixty-five—none of them to religious charities or university hospitals, and most of them missing from the official log. Which begs the question: Just what was ADFA doing with the \$719 million it dispensed (or whose dispensation it authorized) as of January 1992?

"ADFA," says Larry Nichols, a dismissed authority official, "was set up by Clinton for Dan Lasater." Now, it should be borne in mind that Nichols is something of an Arkansas character and, in some circles, a figure of fun. A well-known supporter of the Nicaraguan contras, Nichols was also the person who originally alleged that Clinton had an affair with Jennifer Flowers and four other women, only to destroy his credibility when he retracted his charges in a document remarkable for its abject contrition. But there are those in Arkansas who insist that Nichols is neither entirely a vindictive nut nor the sort of notorious regional liar who has to hire a man to call his own dog. "You ought to listen to Larry Nichols," says a Little Rock political consultant. "He says a lot of things, but sometimes he tells you something you really need to know." And, certainly, there is something intriguing about Bill Clinton's relations with Lasater, a man no governor in his right mind would let in the front door.

If Dan Lasater was not the largest cocaine user in the state of Arkansas, he was certainly the most conspicuous one. A prosperous Little Rock bond dealer, he was an acquaintance of the Clinton family and a contributor to the governor's political fortunes. Lasater distinguished himself in other ways, too. He served ashtrays full of cocaine at parties in his mansion, stocked cocaine on his corporate jet (a plane used by the Clintons on more than one occasion) and later told the FBI that he had distributed cocaine on more than 180 occasions. "I shared my success . . . in that manner," he explained.

He was also a patron of Governor Clinton's cocaine-using half-brother, Roger, employing the younger man in his thoroughbred racing stables in Florida and claiming that he gave Roger Clinton \$8,000 to pay off debts to drug suppliers. By 1985 it was also known that Lasater was the subject of a police investigation that even the most uneducated guess would suggest, could end in only one way. But that year, Governor Clinton deemed Lasater worthy of handling a \$30.2 million bond issue to modernize the state police radio system, despite the fact that the expenditure would normally be made by an appropriation from the treasury and the fact that Lasater was about to be busted. Nonetheless, Clinton vigorously lobbied the legislature, ignored the wishes of the Stephens family and won the day, giving Lasater & Co. a handsome \$750,000 underwriting fee, according to the Los Angeles Times. In 1986 Lasater

was sentenced to two and a half years in prison, with Roger Clinton testifying against him at his trial. In 1990 he received a state pardon from Governor Clinton.

For whatever it's worth, one of the few people to have access to the office of the late Vincent Foster during the three days it was unsealed following his suicide was White House official Patsy Thomasson, who managed Lasater's business affairs while he was in jail. But in the Clinton system, perfected in Little Rock and now being practiced in Washington, none of these things should be considered a mistake or an aberration.

Lasater was not the only strange thing about the Arkansas bond business during the time of Bill Clinton. Whenever a normal state issues bonds, there are many ways for a variety of people to get well on the public nickel. The beneficiary of the proceeds receives a loan at below-market rates. The financial institution that sold the bonds receives underwriting fees. For each bond issue, an outside attorney is engaged to certify that the deal conforms to the law and prepares the documents required by the Internal Revenue Service and the federal treasury. A bank is chosen as trustee for the money, collecting the repayments from the lucky borrowers and making the repayments to the purchasers of the bonds. And the borrower itself almost invariably retains a lawyer. But when one examines the activities of ADFA, a certain pattern emerges concerning at least some of the beneficiaries of Arkansas largess.

For example, one of the very first ADFA bond issues provided \$2.75 million to POM, a manufacturer of parking meters in Russellville, whose president happened to be Seth Ward II, the brother-in-law of Webb Hubbell. Despite the fact that Hubbell was chairman of the conflicts committee at Rose, he seemed to see nothing amiss in the fact that Rose then collected a fee as ADFA's certifying attorney or that he himself served as POM's attorney. Nor did Hubbell seem to see anything unusual in the fact that he was representing the Resolution Trust Corporation in its case against the auditors of Madison Guaranty, despite the fact that his father-in-law, the senior Ward, had not repaid millions in loans from the thrift, or that Ward had received an airplane from Madison in the bargain.

Between 1985 and mid-1992 Stephens Inc. was involved in the underwriting and sale of 78 percent of ADFA's housing and industrial bonds, an unsurprising figure considering the firm's familiarity with the market and its clout in the state. Still, considering Stephen's involvement in the authority's affairs, Governor Clinton did not appear to feel that it was ever so slightly wrong to appoint two Stephens associates—a vice president of one of Worrhen's banks and a vice president of a chain of nursing homes partly controlled by the Stephens empire—to ADFA's ten-member board. Nor did the man who signed off on every single ADFA bond issue exhibit suspicion when Stephens seemed to be supplementing its brokerage fees by helping itself to ADFA's money in the form of favorable loans. Meanwhile, at least another member of the board, the vice president of Twin Cities Bank, an institution that served as trustee in one of ADFA's tangled deals, appeared to take a similar double-dip. And the governor's wife's law firm was not only receiving a healthy chunk of ADFA's legal business, but Rose apparently found nothing wrong with affiliates of Stephens receiving ADFA money, or with the fact that on not one but two occasions, ADFA issued bonds that benefited the relatives of Rose partners.

In 1988 and 1989 ADFA lent a total of \$1.37 million to the Pine Bluff Warehouse Company. Rose received \$22,321 in legal fees from ADFA. The trustee bank was Worthen's National Bank of Commerce in Pine Bluff, whose vice president sat on the ADFA board and whose chief executive officer was not merely a member of Pine Bluff Warehouse's board but the father of a senior Rose partner, William Kennedy III, now associate White House counsel. Stephens, unsurprisingly, underwrote the bonds.

In 1989 ADFA loaned \$4.67 million to Arkansas Freightways, whose largest outside stockholder was Stephens Inc. Co-counsel on the bond issue was Rose. The trustee bank's executive vice president was a member of the ADFA board. The underwriter was Stephens.

Also in 1989 ADFA tried to loan \$83 million to a Texas entrepreneur for the purpose of bailing out Beverly Enterprises, the country's largest operator of nursing homes, 10 percent owned by Stephens, whose vice president sat on the ADFA board, at a time when Beverly's stock was being hammered by the company's persistent losses. A swift and decisive halt to the deal was called by Arkansas Attorney General Steve Clark, a rising political star who was expected to be a strong gubernatorial candidate in 1990, and who claimed that a Stephens-Beverly lobbyist had offered him a \$100,000 bribe (as campaign contributions, of course) if he would just lay off and let the deal go through. The lobbyist was later cleared by an Arkansas court, but Clark was caught charging personal expenses on his state credit card. His political career in shambles, he was later disbarred. Current reports place him somewhere in the state of Georgia.

But these were only the most conspicuously questionable of ADFA's doings, the ones most easily understood by the public and the press. There was also the question of the true extent of Rose's involvement in the authority's bond business. According to the Daily Record, a Little Rock business journal, Rose ranked fourth among the law firms working directly for ADFA, with fees of only \$175,000 for the years up to 1991. But not everyone agrees with this assessment. When Frank White, the only man ever to defeat Clinton in a gubernatorial election, tried to repeat the feat in 1986, his campaign claimed that Rose had actually been in on every ADFA deal (for the authority or for the recipient) while Clinton was governor.

Unfortunately, the relevant data was assembled under the supervision of White's political consultant, Darrell Glasscock, a former Louisiana state official and a great supporter of the contras (an occupation that appears to have been an Arkansas cottage industry). Reached recently by phone, former Governor White, now an official of Worthen's principal competitor, the First Commercial bank holding company, clearly wishes he had never heard of Glasscock, cheerily questions Glasscock's veracity and pleasantly turns aside any questions about Rose.

When a visitor to ADFA asks for the complete documentation on any particular bond issue, he is presented with a thick volume that, if placed on a chair, would allow him to dine with the grown-ups. A small sampling of these volumes reveals an interesting thing: every company examined, including POW, Arkansas Freightways, Pine Bluff Warehouse and Concert Vineyards appears to be eminently creditworthy. These are the sorts of enterprises that could walk in the door of any bank and walk off with any reasonable sum they needed.

Why, then—in addition to the mutual back-scratching described above—were they

being given loans at below market rates by a desperately poor state with other uses for its money? This question takes added luminosity from the fact that ADFA really didn't work very well. The old Arkansas Industrial Development Commission, started by Orval Faubus, created 90,000 jobs in nine years. And it had no bonding power. After seven years under the Clinton regime and with tens of millions in issued loans, ADFA had created just 2,700 jobs, many at wages significantly below the national standard. This anemic showing obscures the fact that ADFA had yet another purpose: its generosity was returned in the form of campaign contributions for William Jefferson Clinton.

According to the Los Angeles Times, in the 1990 race for the governorship, the recipients of ADFA's largess contributed \$400,300, nearly one-fifth of the Clinton war chest. They then kicked in with millions more for the presidential race. Outside Arkansas the white-shoe investment bank of Goldman Sachs, which later contributed its co-chairman, Robert Rubin, to President Clinton's inner circle of economic advisers, raised millions for the presidential race and even paid for a substantial hunk of the Democratic National Convention. According to ADFA's incomplete records, Goldman was either the lead or sole underwriter of at least \$400 million in ADFA bonds. In addition, two of ADFA's board members were active Clinton fund-raisers, which raises yet another question among many: Wasn't this against the law? For once, the answer is terse and straightforward. Not in Arkansas.

Under the Arkansas ethics-in-government act, passed in 1988 and, according to state legislators, either drafted or inspired by Hubbell, state legislators were required to report possible conflicts of interest. Surprisingly, the laws specifically exempted the governor and other elected or appointed officials, including officials of state agencies and commissions. Moreover, these officials were not even required to report dealings with entities—such as Rose—that employed their relatives. This was not the only remaining service that Rose had provided to the governance of its state. When the time came to rewrite the state's incorporation laws, it was Rose that drew up the 397-page treatise that formed the basis of the legislation.

Well, somebody has to draft a state's legislation, and under Arkansas' unusual ethics law, it was perfectly all right for Rose to do just that. Less clear (if anything in these murky waters can be described as clear) is just why Clinton seemed so eager to assist the Stephens family, which was hardly enamored of the man and kept bankrolling the candidates who ran against him for governor until it experienced a change of heart in 1990. Witt Stephens habitually referred to Clinton as "that boy." In a moment of candor his brother Jack once remarked that "it would be awfully easy for Stephens, if we wanted to be close to a governor, to be close to Bill Clinton." Nonetheless, the Clinton governorship's assistance to Stephens extended well beyond ADFA. During Clinton's years in Little Rock, the Stephens interests were involved in some 61 percent of the \$7 billion of all the state bonds issued in Arkansas.

Contrary to state law, Stephens Inc., according to the Arkansas Democrat-Gazette, was given the underwriting for the state university system without competitive bids from other bond dealers. The Fayetteville campus alone, where the Clintons had once taught law, had \$33 million in bonds outstanding. Under Clinton, Stephens devised a

plan to rescue the state's troubled student loan authority, in which the authority's bonds would be bought by the state employees' retirement funds. An independent consultant—Roy Drew, the very man who created Mid-life Investors for Hubbell, Foster and Rodham Clinton—was brought in to examine the deal. Drew thought it was a terrible investment and so did the state's auditor, Julia Hughes Jones. But Drew was dismissed, Jones's budget failed to pass the legislature (the first time ever for an Arkansas state auditor) and she began to receive late-night harassing calls from a collection agency—concerning, ironically, her own daughter's student loan, which was current. In the upshot, the retirement funds bought \$100 million of the loan authority's bonds, another \$100 million in the bonds of two other state agencies. ADFA was given the task of overseeing the retirement fund's investment policies and Stephens Inc., according to The Philadelphia Inquirer, made \$1.8 million.

These were very considerable favors to a family that not only bankrolled Clinton's opponents but seemed to despise him as a man. But Bill Clinton's canny instinct that the Stephens needed to be appeased—rather than ignored—eventually paid off. After Clinton's unexpected loss in the New Hampshire primary, with the campaign coffers bare, the staff paying its bills on their personal credit cards and federal matching funds just beyond reach, the Worthen Bank rescued the candidacy with a prearranged \$3.5 million line of credit, selflessly advanced at a lucrative rate of interest. Later, Worthen—whose executives, like many Stephens executives, experienced a spasm of Arkansas patriotism that caused them to reach for their checkbooks—became the Clinton campaign's depository of \$55 million in federal campaign funds, which, in effect, was free money. Worthen did not have to pay any interest on this staggering sum, but as long as it was on deposit (and as long as Worthen, with its undistinguished track record in the department of government deposits, managed not to lose it), the bank was free to use it to make itself some money that it got to keep.

And when the votes were counted, everybody who wanted to go to Washington got to go to Washington: Bill Clinton and Hillary Rodham Clinton, president and First Lady; Mack McLarty, White House chief of staff; Vince Foster, deputy White House counsel; Webb Hubbell, associate attorney general; Patsy Thomasson, a White House aide. Jack Stephens, though mentioned as a candidate for secretary of the treasury, had, it now seems safe to say, the good sense to stay home.

Oh, and one last thing: when Whitewater special prosecutor Robert Fiske—who once defended Clark Clifford, the famed friend of Jack Stephens' old client, BCCI—arrived in Little Rock, something strange happened. Worthen Bank had a fire.

Is this a great country, or what?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Ms. PRYCE of Ohio) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. PRYCE of Ohio) and to include extraneous matter:)

Mr. CALVERT in two instances.

Mr. BLUTE.

Mrs. ROUKEMA.

Mr. COBLE.

Mr. GILMAN.

Mr. CRAPO.

Mr. HUTCHINSON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BORSKI in two instances.

Mr. MANN.

Mr. JOHNSON of South Dakota.

Mr. HOYER.

Ms. KAPTUR.

Mrs. MEEK of Florida in two instances.

Mrs. MALONEY in two instances.

Mr. WILLIAMS.

Mr. UNDERWOOD.

Mr. HAMILTON in two instances.

Mr. REED in two instances.

Mr. DIXON in two instances.

Mr. MENENDEZ in two instances.

Mr. BRYANT.

Mr. TOWNS.

Mr. KOPETSKI in two instances.

Mr. JACOBS.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. CUNNINGHAM.

Mr. KLUG

Mr. GILLMOR.

Mr. ROHRBACHER.

Mr. STARK.

Mr. JOHNSTON of Florida.

Mr. ENGEL.

Mr. PALLONE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 208. An act to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Natural Resources.

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. 171. Joint resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, March 24, 1994, at 11 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2812. A letter from the Comptroller General of the United States, transmitting status of budget authority that was proposed for rescission by the President in his second special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685; to the Committee on Appropriations and ordered to be printed.

2813. A letter from the Secretary of Housing and Urban Development, transmitting notification that 63 per centum of GNMA's authority to make commitments to insure mortgages and loans, under the National Housing Act, has been utilized, pursuant to 12 U.S.C. 1721 note; to the Committee on Banking, Finance and Urban Affairs.

2814. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for a U.S. contribution to the interest subsidy account of the successor [ESAF II] to the enhanced structural adjustment facility of the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

2815. A letter from the Chairman, Federal Trade Commission, transmitting the 16th annual report to Congress on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking, Finance and Urban Affairs.

2816. A letter from the Secretary of Education, transmitting the Department's final regulations—Student Assistance General Provisions (Student Eligibility), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2817. A letter from the Secretary, Department of Transportation, transmitting the annual report on transportation user fees, fiscal year 1992, pursuant to 45 U.S.C. 447(e); to the Committee on Energy and Commerce.

2818. A letter from the Secretary of Energy, transmitting notification that the "Annual/Quarterly Report on Activities Undertaken Regarding the Strategic Petroleum Reserve" will be submitted to the Congress by March 31, 1994, pursuant to section 165 of the Energy Policy and Conservation Act of 1975, as amended; to the Committee on Energy and Commerce.

2819. A letter from the Secretary of Transportation, transmitting a draft of proposed

legislation to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Energy and Commerce.

2820. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the D.C. Circuit, transmitting two opinions of the U.S. Court of Appeals for the D.C. Circuit; to the Committee on Energy and Commerce.

2821. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President wishes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the furnishing of assistance for sanctions enforcement against Serbia and Montenegro without regard to provisions of law within the scope of that section, including section 660 of the act, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

2822. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Royal Saudi Air Force (Transmittal No. DTC-5-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2823. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to France (Transmittal No. DTC-3-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2824. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Kuwait (Transmittal No. DTC-10-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2825. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Switzerland (Transmittal No. DTC-8-94), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2826. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Federal Republic of Germany (Transmittal No. DRSA-1-94), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2827. A letter from the Director, U.S. Arms Control and Disarmament Agency, a report entitled the "Chemical Weapons Convention Verification," also an independent assessment of the verifiability of the Convention, pursuant to 22 U.S.C. 2577(a); to the Committee on Foreign Affairs.

2828. A letter from the Inspector General, Federal Labor Relations Authority, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2829. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report in compliance with the Government in the Sunshine Act during calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2830. A letter from the Director, Institute of Museum Services, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2831. A letter from the Secretary of Transportation, transmitting a report on activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2832. A letter from the Director, Selective Service System, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2833. A letter from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2834. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting the Department's proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2835. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting the Department's proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2836. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a request to establish a Heritage Partnership Program to assist in the conservation and interpretation of certain outstanding natural, cultural, historic, and scenic resources that are the source of values important to the people of the United States, that contribute to the quality of life for residents and visitors, and that provide outstanding educational and recreational opportunities for this and future generations; to the Committee on Natural Resources.

2837. A letter from the Director, Government Relations, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 1993 annual report, pursuant to 36 U.S.C. 37; to the Committee on the Judiciary.

2838. A letter from the Secretary of Commerce, transmitting a request to amend the authority of the commissioned corps of the National Oceanic and Atmospheric Administration to clarify the authority of the Secretary of Commerce and for the purposes; to the Committee on Merchant Marine and Fisheries.

2839. A letter from the Administrator, General Services Administration, transmitting the fiscal year 1995 General Services Administration's [GSA's] Public Buildings Service [PBS] Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2840. A letter from the Secretary, Department of Commerce, transmitting the "National Implementation Plan For Modernization Of The National Weather Service For Fiscal Year 1995," pursuant to Public Law 102-567, section 703(a) (106 Stat. 4304); to the Committee on Science, Space, and Technology.

2841. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2842. A letter from the Secretaries of Veterans Affairs and Defense, transmitting a re-

port on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act" for fiscal year 1993, pursuant to 38 U.S.C. 811(f); jointly, to the Committees on Armed Services and Veterans' Affairs.

2843. A letter from the Secretary, Department of Energy, transmitting notification that the report "Study of the Implementations of the Unique Vulnerabilities of the Insular Areas to An Oil Supply Disruption" will be submitted no later than May 1, 1994, pursuant to Public Law 102-486, section 1406(a) (106 Stat. 2995); jointly, to the Committees on Energy and Commerce and Natural Resources.

2844. A letter from the Chairman, Railroad Retirement Board, transmitting the results of determination of the Railroad Retirement Account's ability to pay benefits in each of the next 5 years, pursuant to 45 U.S.C. 231u(a)(1); jointly, to the Committees on Energy and Commerce and Ways and Means.

2845. A letter from the Administrator, U.S. Agency for International Development, transmitting a report on the origin, contents, destination, and disposition of humanitarian goods and supplies transported by the Department of Defense for fiscal year 1993, pursuant to 10 U.S.C. 402; jointly, to the Committees on Foreign Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means, 1993 Comprehensive Oversight Initiative of the Committee on Ways and Means (Rept. 103-450). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology, Oversight Visit—Baikonur Cosmodrome (Rept. 103-451). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules, House Resolution 397. Resolution providing for consideration of a certain motion to suspend the rules (Rept. 103-452). 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. DELLUMS (for himself, Mr. SPENCE, Mr. SKELTON, Mr. UNDERWOOD, Mr. KYL, Mr. BILBRAY, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. LANCASTER, Mr. HOCHBRUECKNER, Mrs. LLOYD, Ms. FURSE, Mr. MCHALE, Ms. HARMAN, Mr. MEEHAN, Mr. PETE GEREN of Texas, Mr. ANDREWS of Maine, Mr. ABERCROMBIE, Mr. DORNAN, Mr. SISISKY, Mr. MCCLOSKEY, Mr. TEJEDA, Mr. HANSEN, Mr. PICKETT, Mr. MCCURDY, and Mr. TORKILDSEN):

H.R. 4112. A bill to amend title 10, United States Code, to provide certain procedural and administrative safeguards for members of the Armed Forces making allegations of

sexual harassment or unlawful discrimination; to the Committee on Armed Services.

By Mr. BRYANT:

H.R. 4113. A bill to amend title 18, United States Code, to prohibit the practice by mental health care providers of using bounty hunters to attract patients for treatment; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mr. PAYNE of New Jersey, Mr. OWENS, Mr. RANGEL, Mr. MPUME, Mr. FRANKS of Connecticut, Ms. BROWN of Florida, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. BISHOP, Mr. BLACKWELL, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HILLIARD, Mr. HASTINGS, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. MCKINNEY, Ms. NOR-TON, Mr. REYNOLDS, Mr. RUSH, Mr. SCOTT, Mr. STOKES, Mr. THOMPSON, Mr. TOWNS, Mr. TUCKER, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr. WHEAT, and Mr. WYNN):

H.R. 4114. A bill to provide for sanctions against Haiti, to halt the interdiction and return of Haitian refugees, and for other purposes; jointly, to the Committees on Ways and Means, Foreign Affairs, Public Works and Transportation, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. ENGEL (for himself, Ms. MOLINARI, Mr. SERRANO, Mr. KING, Ms. LOWEY, and Mr. OLVER):

H.R. 4115. A bill to condition the lifting of sanctions on Serbia and Montenegro upon improvements in Kosovo, and for other purposes; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, and Public Works and Transportation.

By Mr. FOGLIETTA (for himself, Mr. HILLIARD, Mr. CONYERS, and Mr. BOR-SKI):

H.R. 4116. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Director of the Bureau of Justice Assistance to make grants to programs that create safe corridors for senior citizens; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 4117. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (relating to fees for certain customs services) to create an exemption from fees for certain small aircraft traveling short distances; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4118. A bill to provide for necessary medical care for former civilian prisoners of war; jointly, to the Committee on Veterans' Affairs and Education and Labor.

By Mr. KOPETSKI:

H.R. 4119. A bill to declare that certain public domain lands are held in trust for the Confederated Tribes of Siletz Indians of Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. POMBO:

H.R. 4120. A bill to require the Federal Government to incarcerate, or to reimburse State and local governments for the cost of incarcerating, criminal aliens, and to expedite the deportation and exclusion of criminal aliens; jointly, to the Committees on the Judiciary and Foreign Affairs.

By Mr. STARK:

H.R. 4121. A bill to confirm limitations on the height of buildings and roof structures in the District of Columbia, to expand the authority of the National Capital Planning

Commission to enforce such limitations, and for other purposes; to the Committee on the District of Columbia.

By Mr. YOUNG of Alaska:

H.R. 4122. A bill to temporarily extend certain provisions of the Marine Mammal Protection Act; to the Committee on Merchant Marine and Fisheries.

H.R. 4123. A bill to extend certain provisions of the Marine Mammal Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. MANTON (for himself and Ms. DUNN):

H.J. Res. 344. Joint resolution designating May 14, 1994, as "National Police Survivors Day"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan:

H. Con. Res. 230. Concurrent resolution to correct an error in the enrollment of the bill H.R. 1804; considered and agreed to.

By Mr. SMITH of Michigan (for himself, Mr. ROBERTS, Ms. DANNER, Mr. MINGE, Mr. BOEHNER, Mr. LIGHTFOOT, Mr. BEREUTER, Mr. GLICKMAN, Mr. EMERSON, Ms. BROWN of Florida, Mr. KLUG, Mr. BAESLER, Mr. SHAYS, Mr. EWING, Mrs. THURMAN, Mr. DICKEY, Mr. PENNY, and Mr. GOODLATTE):

H. Con. Res. 231. Concurrent resolution expressing the sense of Congress that, to the greatest extent practicable, ink made from vegetable oil should be used in lithographic printing for the Federal Government; jointly, to the Committees on Government Operations and House Administration.

By Mr. GLICKMAN (for himself and Mr. HANSEN):

H. Res. 398. Resolution providing for consideration of the bill (S. 1458) to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

318. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to cable and telephone service; to the Committee on Energy and Commerce.

319. Also, memorial of the General Assembly of the State of Colorado, relative to the payments-in-lieu-taxes program; to the Committee on Natural Resources.

320. Also, memorial of the Legislature of the State of Washington, relative to harbor seals and sea lion populations; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 300: Mr. EVERETT, Mr. BACHUS of Alabama, Ms. DUNN, and Mr. HORN.

H.R. 330: Mr. THOMAS of WYOMING.

H.R. 417: Mr. CRAPO.

H.R. 431: Mr. REED.

H.R. 702: Ms. ENGLISH of Arizona, Mr. QUILLLEN, Ms. ROS-LEHTINEN, and Mr. DUNCAN.

H.R. 823: Ms. MARGOLIES-MEZVINSKY.

H.R. 1039: Mr. BARRETT of Wisconsin.

H.R. 1191: Mr. SAM JOHNSON.

H.R. 1277: Mr. EMERSON.

H.R. 1342: Mr. BARRETT of Wisconsin.

H.R. 1490: Mr. CLEMENT, Mr. KNOLLENBERG, and Mr. HILLIARD.
 H.R. 1493: Mr. BARLOW.
 H.R. 1538: Ms. BROWN of Florida, Mr. WHEAT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, and Mr. BACCHUS of Florida.
 H.R. 1671: Mr. COYNE and Mr. MCCURDY.
 H.R. 1719: Mr. WELDON.
 H.R. 1736: Mr. CALLAHAN and Mr. COLEMAN.
 H.R. 1793: Ms. ENGLISH of Arizona.
 H.R. 1823: Mr. FOGLIETTA.
 H.R. 2043: Mr. GONZALEZ.
 H.R. 2135: Ms. ROYBAL-ALLARD.
 H.R. 2199: Mr. HINCHEY and Mr. BEILENSEN.
 H.R. 2227: Mr. WYNN and Mr. SCHIFF.
 H.R. 2420: Mr. RANGEL.
 H.R. 2467: Mr. BOEHLERT, Mrs. CLAYTON, Mr. JACOBS, Mr. KOUBE, Mr. MENENDEZ, Mr. ORTIZ, Mr. PRICE of North Carolina, Ms. ROSLEHTINEN, and Mr. SHAW.
 H.R. 2767: Mr. WYNN.
 H.R. 2890: Mr. MINETA.
 H.R. 2898: Mr. DEUTSCH and Mr. WYNN.
 H.R. 3005: Mr. HOKE and Mr. STEARNS.
 H.R. 3293: Mr. KLINK.
 H.R. 3365: Mr. GOSS.
 H.R. 3367: Mr. BISHOP, Mr. STEARNS, and Mr. SHAW.
 H.R. 3409: Mr. RANGEL, Mr. FISH, and Mr. HINCHEY.
 H.R. 3421: Mr. HOKE and Mr. STEARNS.
 H.R. 3458: Mr. KLUG, Mr. WALSH, and Mr. ZIMMER.
 H.R. 3490: Mr. RAVENEL and Mr. WYNN.
 H.R. 3492: Mr. GORDON, Ms. ESHOO, and Mr. DUNCAN.
 H.R. 3513: Mr. FILNER and Mr. WYNN.
 H.R. 3519: Mrs. MEYERS of Kansas, Mr. KLEIN, Mr. ORTIZ, Mr. DURBIN, Mr. MANZULLO, Mr. RAHALL, and Mrs. MINK of Hawaii.
 H.R. 3572: Mr. WYNN.
 H.R. 3584: Mr. BISHOP, Mr. CALVERT, Mr. CRAMER, Mr. JOHNSON of South Dakota, Mr. LINDER, Mr. STEARNS, Mr. STUMP, and Mrs. THURMAN.
 H.R. 3656: Mr. GREENWOOD, Mrs. MEEK of Florida, and Mr. MINGE.
 H.R. 3658: Mr. FARR.
 H.R. 3660: Mrs. THURMAN, Mr. ANDREWS of Maine, and Mr. DIAZ-BALART.

H.R. 3704: Mr. CLINGER.
 H.R. 3707: Mr. GORDON.
 H.R. 3750: Mr. HILLIARD, Mr. OBERSTAR, Mr. TUCKER, and Mr. RANGEL.
 H.R. 3785: Mr. JOHNSON of South Dakota and Mrs. LLOYD.
 H.R. 3790: Mr. TOWNS.
 H.R. 3860: Mrs. ROUKEMA.
 H.R. 3866: Mr. KLINK, Mr. STOKES, Mr. DELUMS, Mr. PAYNE of New Jersey, Mr. SARPALIUS, Mr. STRICKLAND, Mr. ANDREWS of New Jersey, Ms. DANNER, Mr. MANTON, Mr. HOCHBRUECKNER, Mr. FAZIO, and Ms. MCKINNEY.
 H.R. 3869: Mr. BECERRA.
 H.R. 3873: Mr. COLEMAN, Mr. FOGLIETTA, and Mr. STUDDS.
 H.R. 3875: Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. CRAPO, Mr. DICKEY, and Mr. ROYCE.
 H.R. 3906: Mr. BILIRAKIS.
 H.R. 3935: Mr. JEFFERSON, Mr. BREWSTER, Mr. REYNOLDS, and Mr. CRANE.
 H.R. 3955: Mr. CLEMENT and Mr. EWING.
 H.R. 3958: Mr. ZELIFF.
 H.R. 3978: Mr. HANSEN, Mr. YOUNG of Alaska, Mr. PACKARD, and Mrs. VUCANOVICH.
 H.R. 4003: Mr. DARDEN.
 H.R. 4007: Mr. FILNER.
 H.R. 4024: Mr. FOGLIETTA and Mrs. THURMAN.
 H.R. 4040: Mr. HOCHBRUECKNER.
 H.R. 4055: Mr. CALVERT and Mr. STUMP.
 H.R. 4057: Mr. JOHNSON of South Dakota, Mr. MEEHAN, Mr. TAUZIN, Mr. SWETT, Mrs. MALONEY, Mr. ACKERMAN, Mr. COPPERSMITH, Mr. POSHARD, Mr. LAROCOCO, Mr. CRAMER, Mr. CONDIT, Mr. TAYLOR of Mississippi, Mr. SARPALIUS, Mr. BILBRAY, Mr. LANCASTER, Mr. PETE GEREN of Texas, Mr. DEFazio, Mr. BARRETT of Wisconsin, and Mr. BOEHNER.
 H.R. 4078: Mr. ARCHER.
 H.R. 4098: Mr. BEVILL and Mr. BARLOW.
 H.J. Res. 166: Ms. WOOLSEY.
 H.J. Res. 253: Mrs. FOWLER.
 H.J. Res. 297: Mr. BARCIA of Michigan, and Mr. STENHOLM.
 H.J. Res. 302: Mr. HOYER, Mr. GOODLING, Mr. DINGELL, and Mr. WILSON.
 H.J. Res. 303: Mr. BAKER of California, Mr. MURTHA, Mr. RAVENEL, Mr. ARCHER, Mrs.

THURMAN, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. CRAMER, Mr. UNDERWOOD, Mr. MOAKLEY, Mr. HOAGLAND, Mr. ROBERTS, Mr. SLATTERY, Mr. EDWARDS of California, Ms. ESHOO, Mr. BROWN of California, Mr. PALLONE, Mr. ABERCROMBIE, Mr. MANTON, Mr. BARLOW, Mr. MORAN, Mr. FAZIO, Mr. KINGSTON, Mr. SMITH of New Jersey, Ms. NORTON, and Mr. SANDERS.

H.J. Res. 325: Mr. WOLF, Mrs. MINK of Hawaii, Mr. MURPHY, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. CLINGER, Mr. COYNE, Mr. BILBRAY, Ms. COLLINS of Michigan, Ms. ROYBAL-ALLARD, Mr. TORRES, Mr. MFUME, and Mr. HERGER.

H.J. Res. 328: Ms. SLAUGHTER and Mrs. MEYERS of Kansas.

H.J. Res. 332: Mr. DE LUGO, Mr. WILSON, Mr. KASICH, Mr. WHITTEN, Mr. SHAYS, Mr. MARTINEZ, Mr. PASTOR, Mr. MORAN, Mr. JOHNSON of South Dakota, Mr. SLATTERY, Mr. MCDERMOTT, and Mr. LIPINSKI.

H.J. Res. 333: Mr. MCCOLLUM, Mr. MARTINEZ, Mr. SERRANO, Mr. MURPHY, Mr. SABO, Mr. SCHUMER, and Mr. ROHRABACHER.

H.J. Res. 335: Mr. SOLOMON, Mr. HOBSON, Mr. DIAZ-BALART, Mr. HUTTO, Mrs. THURMAN, Mr. MARTINEZ, and Mr. FRANK of Massachusetts.

H. Con. Res. 15: Ms. MARGOLIES-MEZVINSKY.

H. Con. Res. 124: Ms. LOWEY.

H. Con. Res. 147: Mr. STENHOLM.

H. Con. Res. 148: Mr. ORTIZ, Mr. PETE GEREN of Texas, and Mr. BACCHUS of Florida.

H. Con. Res. 202: Mr. HUGHES.

H. Con. Res. 212: Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. PORTER, Mr. SANDERS, and Mr. YATES.

H. Res. 270: Mr. EHLERS.

H. Res. 281: Mr. BROWDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3958: Mr. SHAYS.