direct medical care delivery. Therefore, I urge adoption of the bill.

Mr. STUMP. Madam Speaker, further reserving the right to object, I would like to associate myself with the remarks of the chairman and hope my colleagues will join in support of this measure.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Veterans Affairs may proceed with the administrative reorganization described in subsection (b) of this Act without regard to section 210(b) of title 38, United States Code.

(b) The administrative reorganization referred to in subsection (a) is the reorganization of the regional field offices of the Veterans Health Services and Research Administration of the Department of Veterans Affairs as that reorganization and related activity are described in (1) letters dated January 22, 1990, and the detailed plan and justification enclosed therewith, submitted by the Secretary to the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to such section 210(b), and (2) letters dated April 17, 1990, submitted in supplementation thereof by the Secretary to such Committees.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1989

Mr. FORD of Michigan. Madam Speaker, I move to suspend the rule and concur in the Senate amendment to the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert: That this Act may be cited as the "Hatch Act Reform Amendments of 1990".

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§ 7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§ 7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office; or

"(B) a position within the competitive service which is not in an Executive agency; but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promised, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§ 7323. Political activity authorized; prohibitions

(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 A.S.C. 441a(a)(4)); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit; investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purpose of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"§ 7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwide prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§ 7325. Political activity permitted; employees residing in certain municipalities.

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision

of section 7323 or 7324 of this title, shall upon such second determination by the Merit System Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibition.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

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

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c) Chapter 29 of title 18, United States Code (18 U.S.C. 592 et seq.), relating to elections and political activities is amended by adding at the end thereof the following new section:

"SEC. 610. COERCION OF POLITICAL ACTIVITY.

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i) prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

(a) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

(b) Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act, and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. EFFECTIVE DATE.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

The SPEAKER pro tempore. Is a second demanded?

Mr. ARMEY. Madam Speaker, I demand a second.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Madam Speaker, I have a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARMEY. Madam Speaker, I demanded a second so that I could participate in this debate. I have checked with the gentleman from New York [Mr. GILMAN] and he has his time committed. I do not wish to challenge this right to control his time and fulfill his commitments to Members who have asked him for time.

Madam Speaker, I wonder if the chairman and the ranking member might find it acceptable for me to ask unanimous consent that we increase the time of the debate by 20 minutes and allow me to control that time rather than to have me challenge the allocation of the time that has already been made.

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

Mr. FORD of Michigan. Madam Speaker, reserving the right to object, my understanding of the position that I am in is that if I do not accede to his request, under the rules he will be able to take Mr. GILMAN's time away from him. I should not like the minority party who serves on the committee and does the actual hard work on this legislation to be silenced by one or two Members on that side who decide at the last minute they want to run the debate.

Madam Speaker, for that reason I am going to agree to the additional 20 minutes to be assigned to the gentleman.

Madam Speaker, I want the gentleman and other Members to know that I understand very fully why we are doing it.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARMEY] will be recognized for 20 minutes.

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

Mr. FORD of Michigan. Madam Speaker, I yield myself such time as I may consume, simply to say, before recognizing the gentleman from Missouri, that this matter has been before the House before. The bill passed the House when last we considered it, 297 to 90.

The amendment which we have agreed to take is the Senate-passed bill which passed by 67 to 30.

Madam Speaker, to the contrary notwithstanding indicating it is a controversial issue, it should be taken in the context of the fact it has not really been that controversial in recent years. The bill has been a long time getting to this point, and it represents a successful effort by Congressman CLAY, who has been the most persistent advocate of this legislation for a good many years, working with the Republican members of our committee in fashioning a bill that was able to pass the committee unanimously on

two occasions. That is without a single dissenting vote from the minority side.

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That is because they have as much input into this product as we have, and I think that the House should recognize this fine job on the part of the gentleman from Missouri [Mr. CLAY] in putting together this bipartisan agreement.

Madam Speaker, today we are voting for the political emancipation of 3 million Federal workers. We are going to give to them—after 50 years—the same political rights as their counterparts in the newly formed democracies of Eastern Europe.

We are going to reform the five-decade-old Hatch Act, and allow Federal employees—on their own time, just like their neighbors—to exercise the basic, fundamental rights of political participation that the rest of us enjoy: To hold office in a political party; to work for a political organization; to work for a political campaign.

That's right—if you're a Federal worker, you have been denied these simple, taken-for-granted rights. Government workers in the Soviet Union enjoy more freedom to practice politics than America's Government workers. This is ridiculous, and this is why the House and Senate have overwhelming voted to change the system.

Now, before our few opponents begin to envision political wardheelers taking over the Federal Government and all of its services, let me assure them that we have built strong safeguards and penalties into the bill to prevent just that—or any form of political coercion.

Giving Federal employees greater rights to participate in partisan politics does not mean that the Federal work force will be politicized. Employees will still get and hold their jobs on merit, not on political connections or loyalties. The measure explicitly prohibits anyone from intimidating or coercing, or attempting to intimidate or coerce any Federal employee to participate or not to participate in any political activity, and bars any political contribution by Federal employees to their superiors. The Federal civil service will remain free of political manipulations and continue to serve the public in an impartial and fair manner.

The arguments that were used back in the 1930's to justify the Hatch Act are no longer valid today. When the Hatch Act was originally passed, less than one-third of the Federal work force of 950,000 was covered by a classified merit system. Today the Federal work force is more than three times larger, and 79 percent of that work force is covered by a well-entrenched merit system that protects both employees and the public from political influence and abuse.

Madam Speaker, not too many months ago, the Government of the United States was the model for revolutions in Poland, Hungary, Czechoslovakia—all of Eastern Europe. Leaders like Lech Walesa—and government workers in Poland—fought the good and hard fight for political freedoms. The people of Czechoslovakia—this weekend—held their first free elections in 40 years, with active, open government worker participation. This week, the once most autocratic country of Bulgaria went to the polls—again, as the result of a political movement in which government workers played a role.

What, now, would happen if you stood up in the Parliament in Warsaw and said that from now on, government workers would not be allowed to take part in politics—that the political rights they have been practicing for the last decade were no longer allowed? You would be booed, hissed, laughed at, and the subject of ridicule and disbelief by your peers and your countrymen. Yet, that is what we have done in the United States—once the model for others only dreaming of democracy.

Madam Speaker, our politically powerless Federal workers are usually the first targets of political decisions for which they have no defense. We are not advocating, nor envisioning, the gray masses of Independence Avenue rising up in a coup—we are only asking for the simple right to put up a yard sign, or display a bumper sticker, or send a check, or stuff envelopes—the same building blocks from which great people-participation democracies are built.

Madam Speaker, our Federal workers are behind in pay, below in benefits, and leaving in droves by the day. In every way that matters, we are convincing people not to work for the Government. Perhaps today's reform of the Hatch Act can be the first step toward making "government work" the proud, desirable profession it used to be.

I know the President has unveiled another veto threat on this bill, but I can't believe the threat came from him personally. He has lived in and visited too many countries where people have no political rights—to allow his own administration to suppress those rights. I think in the end, the House and the Senate—after 50 years—are going to vote to allow Federal workers—on their own time—to be free to join other Americans in political activities.

Madam Speaker, what does basic political freedom mean? It means that Nelson Mandela is visiting the United States today, and not being visited in a South African jail.

Basic political freedom means that East Germans are crossing Checkpoint Charlie with shopping bags full of goods, not being chased away from the wall by guards with guns.

Basic political freedom means that just this year, Lech Walesa, of Poland, and Vaclav Havel, of Czechoslovakia, stood right here and spoke as free men.

Don't you think the time has come for Federal workers to also join the ranks of the politically free?

With that, Madam Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

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

Mr. CLAY. Madam Speaker, on February 6, 1975, I introduced a bill to remove unnecessary, unfair restrictions on the rights of Federal employees to participate as free citizens in the political life of the Nation. That marked the beginning of the first major congressional effort to reform the 1939 Hatch Act. Today, more than 15 years later, I am addressing this illustrious body for the eighth time on this important legislation.

On every occasion that the House of Representatives has considered this issue, it has voted overwhelmingly, on a bipartisan basis, to reform this antiquated law and to restore to Federal and postal employees the most basic right of citizenship, the right to exercise a voice in the determination of their elected representatives. In the 94th Congress, 288 Members of the House voted to initially pass legislation to reform the Hatch Act; 241 Members voted for the conference report on that occasion and 243 Members, 26 short of the required number, voted to override the President Ford's veto. In the 95th Congress, 244 Members of this body overwhelmingly voted to reform the Hatch Act, but the legislation was tied up in the Senate. In that last Congress, this body passed Hatch Act reform by a margin of 305 to 112. Once again the bill was held up in the Senate.

On April 17 of last year, this body passed H.R. 20, the bill we are considering today, by a margin of 297 to 90. This body has made clear its view that Federal and postal employees should no longer suffer under an antiquated, unnecessary law that abridges their first amendment rights and on its face should have been found unconstitutional long ago. I am pleased to say that, following 8 days of consideration, the other body has also adopted our views. On May 10, having amended the bill to further protect the ability of Federal employees to partake in the political process without fear of compulsion or reprisal, the Senate passed this legislation by a margin of 67 to 30.

The Hatch Act was originally enacted with little oversight and virtually no forethought. No public hearings were ever held on the bill in either body prior to passage. A crucial initial sponsor of the legislation, after talking with Senator Hatch agreeing to lend his name to the bill, did not realize that the bill restricted all Federal and postal employees from participating in politics. As initially passed by the Senate, those restrictions not only applied to civilian employees of the Federal Government, but were applicable to the President, his senior advisors, and to Members of Congress. Imagine that, as this bill initially passed the Senate, it forbade the President, senior administration policy makers and Members of Congress from engaging in partisan politics, or running for partisan political office.

Now compare the careful, exhaustive consideration that has been given to reform of the Hatch Act. In this body alone, Hatch Act reform legislation has been subject to more than 2 weeks of hearings and more than a week of floor consideration. As I have already pointed out, the Senate has debated this legislation on the floor for more than a week in this Congress alone.

The bill we are considering today, while similar to the House-passed version, is more modest and more restrictive. H.R. 20, as passed by the Senate, differs from the House-passed bill in three significant respects. First, the Senate-passed bill prohibits Federal

and postal workers from seeking partisan elective office. Second, Federal and postal employees may solicit political contributions only for the multicandidate political action committee of a Federal labor organization of which they are a member and may only solicit from nonsubordinate Federal or postal employees who are member of that same organization. As passed by the Senate, not only are Federal employees precluded from soliciting political contributions from subordinates, but they are precluded from soliciting from any member of the general public and any Federal employee who is not a member of the same labor organization.

Finally, the Senate-passed bill incorporates two specific penalties for violations of the reformed Hatch Act that were not included in the House version. As passed by the Senate, H.R. 20 provides that an employee who has been found by the MSPB to have violated the Hatch Act on two separate occasions shall forfeit the right to be employed by the Federal Government and that anyone coercing an employee to engage or not engage in political activity shall be subject to a maximum fine of $5,000, up to 3 years imprisonment, or both.

Madam Speaker, I contend that Federal employees are as honest, as law abiding, as responsible as their counterparts in the private sector. The majority of Federal employees in supervisory positions, just like the majority of management in the private sector, will not intimidate, threaten, or coerce their employees into performing illegal political acts. If they do, however, they will find themselves liable for that ill-conceived action under the terms of this legislation.

In my own congressional district, there are a number of civilian defense employees as well as many employees of defense contractors and subcontractors. In many instances, the duties of these employees are virtually identical. Indeed, in some instances you can find them working side-by-side. Both sets of employees are dependent upon revenue provided by the Federal Government for their salaries, both sets of employees are appraised for their job performance by Federal officials. Yet, those who are contracted to work for the Federal Government enjoy full rights of citizenship. They may attend political party functions and seek to ensure that the views and candidates supported by that party reflect their interests. They may then go out and, within the provisions of law, work as hard as they are willing to elect those candidates. In short, they have a full voice in the determination of their government. They are free men and women.

The same cannot be said for those who are employed directly by the government. They, by law, are political eunuchs. They are precluded from exercising an effective voice in determining candidates for elective office. And should they seek to work for election of a candidate under very limited and restricted conditions, they are subjected to such a confusing morass of regulatory mandates that many find it both easier and safer to take no part at all in electioneering. The right of free speech and the right of association, in the instance of Federal employees is as proscribed in this country as it has been in most communist countries.

Reasons given to infringe on the basic rights of 3 million individuals range from the very naive that "it would be bad for the employee, who would find his career more and more determined by political allegiance and activity, rather than by performance on the job"; to "it would be bad for the public, which has a crucial interest in the impartiality of government service"; and finally, to the most sinister reason of all that "Federal employees are a privileged group which needs extra special protection from other government employees who are overzealous managers". Mr. Speaker, nothing could be further from the truth. Such assertions not only ignore the clear provisions of this legislation, but ignore the provisions of the Civil Service Reform Act which preclude political allegiance from serving as the basis for career advancement in government and ensure that civil servants will perform their duties without political bias.

Our mandate, indeed our obligation, is one much more earthly. It is arrived at by the application of common sense and related to common decency. We believe that the Bill of Rights was written to protect all citizens, yes, including even those who work for the United States Government. We further believe that the principles embodied in the Bill of Rights are essential not only for the protection of all citizens but for the maintenance of sound government as well.

Even given the additional protections added by the Senate, we hear rumors that the President may veto this legislation. There is no reason why threat of a Presidential veto should dampen our enthusiasm for these reforms. This legislation has been carefully balanced to fully protect the first amendment rights of Federal and postal employees, including the right to refrain from taking an active part in the political process of this country as well as the right to do so.

Madam Speaker, I get very emotional when discussing the reasons justifying enactment of this measure. For the past 15 years, I have devoted full-time to educating my colleagues and the public about the need for granting political liberation to our Federal workforce. At times, perhaps I take excessive liberty with language in describing the provisions of the bill and its importance to both the government worker and the public at large. For instance, I have been quoted in the past as saying that Hatch Act revision "is to Federal and postal employees what the Magna Carta, the Bill of Rights, and the Declaration of Independence were to freedom loving people of yesteryear." To some that is an exaggeration, but to me it is a simplification of the travesty inflicted on American citizens because of their employment.

Repealing those provisions of the Hatch Act that unnecessarily infringe upon the right of free speech and freedom of association is an idea whose time is long overdue. Until the nearly 3 million government workers are unhatched and permitted to exercise their political rights like all others, our democracy will continue to be seriously flawed. People all over this world are overthrowing governments that deny them full participation in determining who will speak for them. What we have witnessed in Poland, Czechoslovakia, Romania, Hungary, East Germany, and even Russia is mind boggling and irreversible. Those voices in Eastern Europe who called out for political freedom could not be silenced; just as those voices in eastern Kentucky and eastern Pennsylvania should not be.

President Bush has spoken eloquently of building democracy and strengthening the foundations of free society in Eastern Europe. In a recent commencement address announcing the creation of a Citizens Democracy Corps, he said, "We know the real strength of our democracy is its citizens, the collective strength of individual Americans." Speaking of how we can help Eastern Europe build political systems based on respect for individual freedoms he stated, "Systems that allow free associations—trade unions, professional groups, political parties—the building blocks of a free society. * * * democracy and freedom threaten absolutely no one." The Secretary of State, speaking on the same subject, has underlined the wisdom of H.R. 20 even more succinctly, stating "Democracy can only flourish with extensive citizen participation."

Madam Speaker, I could not agree more. For years we have deservedly mocked the Soviet Union's contention that because they have elections their government represents the will of its people. Those elections were a farce because the people were denied any voice in the determination of who the candidates for office would be. This administration has spoken eloquently of the crucial importance of the right of the people to partake fully in the political process, to have a voice in the selection of candidates as well as the election of candidates. I am confident that when this legislation reaches the President's desk that he will recognize that these rights are no less crucial to Federal and postal employees than they are to the citizens of Hungary, Czechoslovakia, and Poland. I sincerely hope that the President will sign this bill into law since he has such a

deep respect for individual freedoms and knows that exercising those freedoms poses no threats. But the threat of a potential veto should not preclude our once again passing reform legislation by another overwhelming margin. It would be a miscarriage of justice if the Congress fails to liberate the Federal work force from the shackles of this archaic law.

When the President, members of his Cabinet, and Members of Congress allege that the repressive provisions of the Hatch Act are necessary to protect Federal employees from coercion by supervisors, it's an insult to the intelligence of those workers. That's paternalism of the highest order. The Federal work force is comprised of highly educated, grown men and women who don't need anyone else to decide what's best for them. What gives bureaucrats and politicians the exclusive right to confer on American citizens a special protection, whether they want it or not?

Where do some of us get the audacity to suggest that a Federal worker should be satisfied merely because he or she can register to vote, wear a button in their lapel, and sign a nominating petition. The impertinence of that hypothesis is in itself demeaning, shameful, and disgusting. Voting in the general election between a Democrat and a Republican who became finalists in their party primaries without the meaningful inputs from a substantial number of citizens is a charade, a farce. Both candidates may be unworthy of support from those denied the right to participate.

The casting of a vote is the very last step in the political process. Political freedom in a democracy like ours means that each citizen has a right to participate or not participate. Candidates are not victorious on Election Day. Winning public office starts months before—and involves teas and parties, doorbell ringing, telephone calls, envelop stuffing, and expressions of public support by many citizens. Prohibition of the right to get involved in these activities is tantamount to denial of a free election. What happens at the end of the political process is most often determined by what happens during the fierce battles to name the eventual candidate.

This situation is very similar to the one struck down some 50 years ago by the Federal Court as unconstitutional. The State of Texas for over 50 years had a law which prohibited blacks from voting in primary elections. The court outlawed "all white primaries" because it said, in effect, that choosing candidates after the real choice had been made not only racist but also ludicrous. That means that white Federal employees are entitled to the same protections against the discriminatory and ludicrous legal restrictions.

Postal workers and Federal workers will never shed the cloak of second class citizenship as long as Hatch Act restrictions are hanging around their necks like an albatross. The case for erasing these impediments to individual freedoms and essential liberties are clear, precise and intelligent.

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

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

Mr. GILMAN. Madam Speaker, the legislation this body is considering before it today, H.R. 20, represents a historic step in restoring to our Federal work force the first amendment guarantees of freedom of political activity and association. I believe it is appropriate that in a year in which Americans witnessed and celebrated the resurgence of democracy and freedom throughout the world, we in the Congress begin to extend to our postal and Federal workers the fundamental freedoms as guaranteed by our Constitution.

H.R. 20 represents the first realistic opportunity in more than 50 years to amend substantially the laws prohibiting political activity on the part of Federal and postal employees. The bill received unanimous support when it was reported out of the Committee on Post Office and Civil Service, overwhelming support during its initial passage in the House, and a two-thirds majority in its passage from the Senate. i would like to take this opportunity to commend the chairman of the committee, the gentleman from Michigan [Mr. FORD], the gentleman from Minnesota and chairman of the subcommittee [Mr. SIKORSKI], and the primary sponsor of the bill, the gentleman from Missouri [Mr. CLAY] for their unyielding efforts in constructing a measure which enjoys such broad bipartisan support.

At this time I would also like to take this opportunity to give a special commendation to my predecessor, the former ranking minority member of the Committee on Post Office and Civil Service, the honorable Gene Taylor of Missouri, for his hard work and dedication to this issue. Had it not been for his skillful negotiations and perseverance in obtaining bipartisan support for this measure, I doubt if we would have the opportunity to vote on this historic legislation today. Although Mr. Taylor is no longer a member of this House, I am certain he will be heartened to note the progress his legislation has made.

H.R. 20 addresses a fundamental flaw concerning restraints placed on the political activity by Federal workers. The present law was enacted more than 50 years ago and relies upon interpretations of more than 3,000 administrative rulings issued prior to 1940. The consequence of this confusion is that Federal and postal employees don't know what they can and can not do in political activity.

H.R. 20 takes a straightforward approach in defining the extent of permissible political activities. This measure prohibits political activities on the job, while involvement in politics after work hours is permitted. The general solicitation of contributions is prohibited except in circumstances where the employees are members of the same employee organization and the solicitation is for a contribution to the multicandidate political committee of the employee organization. Employees are generally barred from running for partisan political office. An exception is made for those employees seeking elective office within a party organization or affiliated group such as convention delegate.

The bill contains strong measures prohibiting coercion and misuse of official authority or influence, including criminal sanctions for those who coerce political activity. Included in these protections are provisions prohibiting solicitations of Government contractors or others with pending business or litigation with the Federal Government. Employees found in violation of these new provisions on two or more occasions are mandatorily removed from their position and barred from Federal employment.

Madam Speaker, this is sensible, long overdue legislation. In accepting the Senate amendments to H.R. 20 proponents of reform realize the Senate amendments may be more restrictive than the original legislation passed by the House. But we recognize the overriding need to open our political system to our Federal workers. H.R. 20 represents a compromise between those parties advocating freedom of political action for Federal and postal workers and those concerned with the nonpartisan administration of Government.

The present Hatch Act, probably more so than any other piece of legislation affecting the lives of Federal and postal workers, infringes on the personal freedoms that most of us in this country take for granted. The reforms we are debating today are neither a Republican nor Democratic, conservative nor liberal, issue. It is an issue addressing political democracy and fundamental freedom for more than 3 million Americans.

H.R. 20 is long overdue legislation and its enactment a most welcome development. Accordingly, I urge all my colleagues to support this measure by concurring in the Senate amendment and voting affirmatively for H.R. 20.

Mr. ARMEY. Madam Speaker, I yield 7 minutes to my good friend, the gentleman from Virginia [Mr. WOLF].

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

□ 1320

Mr. WOLF. Madam Speaker, I rise in opposition to H.R. 20, as amended by the other body, because I believe that it is a bad bill. Reasonable minds can differ on this bill, and I personally favor some modifications to the Hatch

Act, but the measure before us is the wrong approach. It would basically repeal the Hatch Act, a law that has protected Federal workers from coercion, and has kept the civil service merit-based and nonpartisan for 50 years. And I believe that we should be very careful before doing away with a law that has served its purpose well for 50 years.

The American public is served by the finest civil servants in the world. It is not farfetched to say that the Hatch Act has allowed the civil service to develop into the institution that it is today—a place where dedicated employees can work and promote in many different ways the national interest, free from the debilitating effects of political coercion.

The 10th Congressional District of Virginia, which I have the honor to serve, is home to about 95,000 active and retired Federal employees. And as a former Federal employee myself, I have worked to support and promote the Federal work force. I am reminded almost every day that this country simply could not function without an effective Federal work force, and I believe that we must continue to attract qualified and experienced individuals into the Government. I have worked to make sure that the civil service remains strong and is able to attract top-quality employees, by establishing relocation services, leave sharing banks, chid care centers, job sharing, flexitime, flexiplace, and many other benefits.

It is because I am committed to the strength of our Federal service, and because I want the American public to have confidence in public servants, that I oppose H.R. 20. The Hatch Act is, above all, a protection. It protects Federal workers from the subtle political persuasion that could compromise the performance of their duties. It protects them from the partisan spoils system that characterizes the civil service of some countries, and that characterized our own civil service before 1939.

Why is this bill coming to the floor today? The supporters of this legislation believe that times have changed since the enactment of the Hatch Act 50 years ago. Times have changed, but the factors that make the Hatch Act necessary have not changed—human nature has not changed and the abuses that prompted passage of the Hatch Act in 1939 are still possible today. We have not witnessed such abuses precisely because the Hatch Act has let Federal employees know that they cannot be coerced into political participation. And the fact that the size of the Federal work force has tripled since 1939 makes the Hatch Act even more needed today. The possibilities of abuse are much greater today.

This is not the first time Congress has debated whether to repeal the Hatch Act. In fact, legislation has been introduced in every Congress since 1939, but has been rightfully rejected. One bill passed both the House and the Senate in 1976. President Ford vetoed the bill and preserved the Hatch Act, saying that "pressures could be brought to bear on federal employees in extremely subtle ways beyond the reach of anti-coercion statute so that they would inevitably feel compelled to engage in partisan political activity. This would be bad for the employee, bad for the Government, and bad for the public."

The Supreme Court has also addressed the question of the Hatch Act. In a 1973 decision the Court found that "* * * it is in the best interest of the country, indeed essential, that federal service should depend on meritorious performance rather than political service, and that political influence of federal employees on others and on the electoral process should be limited."

In a 1979 report the nonpartisan GAO found several problems with proposed changes to the Hatch Act, finding that the "elimination of restrictions on political activity could very likely increase the potential for conflict-of-interest situations to develop."

Who favors changes to the Hatch Act? Not the majority of Federal employees. I surveyed 23,000 of my constituents in 1983 and found 66 percent favored the existing Hatch Act. A poll of 10,000 Federal employees published last year by the Federal Employees News Digest found that 70 percent were either neutral or favored current Hatch Act limitations on partisan political involvement. The average Federal employee just wants to keep on doing his or her job, without having to be concerned about political pressure or the request for contributions from their superiors or coworkers.

Who opposes Hatch Act repeal? Just about every group that has taken a close look at what the mesure would really do, including: Common Cause, the American Bar Association, the Federal Bar Association, the U.S. Chamber of Commerce, the National Academy of Public Administration, the American Farm Bureau, and major newspapers across the country such as the Wall Street Journal that have editorialized against repeal of the Hatch Act.

President Bush's senior advisers oppose this measure. The Attorney General wrote that the bill would lead to "a tragic re-politicization of the Federal workforce." The Attorney General has also stated that the bill would be unenforceable, due to the subtle nature of political coercion and the fact that it often just occurs between two individuals.

The supporters of this measure believe that it would give Federal employees greater freedom, but that is exactly wrong. It would create an environment in Federal offices where employees will be pressured by their superiors to contribute money and to participate in political campaigns. If enacted, this measure will take away the freedom of Federal employees.

What is permitted—distributing campaign literature, participating in phone banks, participating in political meetings, campaigning for candidates, soliciting contributions to PAC's—will come to be expected. A partisan supervisor could suggest to his subordinates that they support his candidate. This subtle pressure is all it takes to politicize an office, since it is only human nature that employees will want to please the boss, and not fall behind their co-workers. With the threat of negative performance appraisals, work assignments, and opportunities for advancement hanging over employees heads this will politicize the civil service. And the argument that supervisors could only engage in political activities after work hours is simplistic—the section chief will come around and say, "There is something that I want to speak to you about after work." Limiting the political activities to off-duty hours is not realistic.

I believe that, if enacted, H.R. 20 would have a negative effect on Federal employees. Is Watergate so far in the past that we forget the chilling effect of partisan politics on the Federal work force? Today we should be debating pay reform for Federal workers, or reform of the health benefits system. These measures would work to strengthen the civil service. H.R. 20 and the repeal of the Hatch Act will hurt public confidence in the civil service and will subject Federal workers to political coercion.

Back in April of last year, when the House debated H.R. 20 for the first time, I expressed my concern about the fact that the measure was brought up under a closed rule. I thought at the time that the American people deserve full debate by their elected Representatives on a law that has worked well for 50 years. Again today there will be no opportunity for amendments.

I believe that we should take a closer look at the the measure before us, which would repeal a law that has protected Federal workers for 50 years. I urge you to vote against H.R. 20 on the suspension calendar.

Mr. FORD of Michigan. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I think it was rather unfortunate for the gentleman from Virginia [Mr. WOLF] to go to the extent that he went to try to confuse this House.

First of all, I had the understanding that he spent some time in the Justice Department. I may be wrong. I thought he was with the Justice Department at one time.

□ 1330

Mr. WOLF. Madam Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Virginia.

Mr. WOLF. Madam Speaker, I have never ever been with the Justice Department. I worked for 5 years at the Department of the Interior. My wife worked at HHS, but I never worked for the Justice Department.

Mr. FORD of Michigan. Madam Speaker, I am sorry. Maybe that is why the gentleman overlooked the fact that on page 10 of the bill we make coercion of a Federal employee a crime. It is not now a crime to coerce a Federal employee. You get a slap on the hand and a letter in your personnel file.

We make it a crime punishable by a fine of $5,000 or not more than 3 years, or both. It does not have to be spelled out in the statute that all crimes are prosecuted by the Department of Justice; so the argument of the gentleman that this bill will be enforced by the Merit Systems Protection Board when it should be enforced by the Justice Department simply indicates he has not bothered to read the bill.

Now, when the bill was here before, the gentleman who just spoke made a very strong objection to the fact that when we passed the bill in the House we would have permitted Federal employees to take a leave of absence, unpaid leave of absence, and run for political office.

Now, I do not know why if the gentleman has 90,000 as the gentleman says, that sounds like some sort of a record, that is probably 15 times as many Federal employees as I have, 90,000 in one congressional district, I am curious as to why the gentleman does not want them to participate in the political process while he hastens to tell us that he chooses every occasion that presents itself to support those Federal employees. He wants to support them, however, in a paternalistic sort of way without giving them the right to participate.

Mr. WOLF. Madam Speaker, will the gentleman yield?

Mr. FORD of Michigan. The gentleman does not yield. When I finish my statement, I will yield.

Mr. WOLF. All right, I will wait.

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

(Mr. HAYES of Illinois asked and was given permission to revise and extend his remarks.)

Mr. HAYES of Illinois. Madam Speaker, I rise in support of the passage of the Senate amendments to H.R. 20 and ask that I be allowed to revise and extend my remarks.

Madam Speaker, I rise to express my support for the passage of the Senate amendments to the Hatch Act reform legislation because as an original sponsor to the House bill, I feel strongly about restoring Federal workers their right to participate in the political process. Let me first take a moment and commend my chairman, Mr. FORD, for bringing this issue to the floor for our consideration. I personally appreciate his leadership and support.

As you know, 50 years ago legislation was passed which prevented Federal workers from running for public or party office at any level and from participating in any partisan political campaigns, as volunteers or paid employees. The act was originally intended to correct alleged abuses of the merit system that arose with the growth of the Federal Government. However, times have changed. Currently, Federal workers work under a system of merit protection which was designed to shield them from political coercion. Clearly, the law which may have been necessary in 1939 is no longer appropriate.

Additionally, the first amendment of the Constitution guarantees to all citizens of the United States the right to political participation. Since 1939, Federal workers' rights in this area have been severely restricted.

The Senate amendments essentially permits employees of the executive branch and the U.S. Postal Service to engage in partisan political activity—but not to run for elective public office on a partisan ticket. The legislation further requires that these partisan political activities be conducted on the employee's own time, and not on the job. H.R. 20, as amended by the Senate, would allow Federal employees to hold office in a political party or affiliated organization and to take an active role in the management of a political campaign. However, the amendments prohibit Federal employees from running in a partisan election for an elective public office.

As a Member of Congress that represents a substantial number of Federal workers and as a member of the Committee on Post Office and Civil Service, I am proud to stand today in support of legislation which seeks to bring us all closer to true political freedom—especially for those postal and Federal employees who have been treated as second-class citizens for the last 50 years. Again, Madam Speaker I encourage the support of my colleagues today in the passage of the Senate amendments to H.R. 20.

Mr. GILMAN. Madam Speaker, I am pleased to yield 6 minutes to the gentleman from New York [Mr. HORTON], the distinguished ranking minority member of the Committee on Government Operations.

Mr. HORTON. Madam Speaker, as the coauthor of H.R. 20, along with the gentleman from Missouri [Mr. CLAY], I rise in strong support of passage of this Senate-amended version. The actual title of H.R. 20 is the Federal Employees Political Activities Act of 1990. It is known more commonly as Hatch Act reform. Whatever its title, H.R. 20 is the product of uncounted hours of negotiation and compromise by Democrats and Republicans alike, in both the House and the Senate.

The House and Senate votes on H.R. 20 underscore the bipartisan scope of this measure. H.R. 20 passed the House in April 1989 by a 297-to-90 margin. It passed the Senate this year by a vote of 67 to 30. There is a reason that these votes were so lopsided. The reason is that H.R. 20 makes sense. Allow me to explore briefly the two components of this landmark legislation.

First, H.R. 20 says to all Federal employees that there will be absolutely no political activity in the workplace. None. Zero. Period. And it backs up this policy premise with tough penalties for violations of the act. For example, under provisions of the Senate-amended bill before us today, and employee found to violate the act on two separate occasions will be permanently barred from future Federal employment. In addition, anyone convicted of coercing a Federal employee to engage or not engage in political activity is subject to a maximum $5,000 fine, up to 3 years imprisonment or both.

Second, it says to Federal employees that their political activity outside the workplace is essentially their choice and business, just exactly as it is today the personal choice of every other American citizen. As amended by the Senate, however, H.R. 20 would prohibit Federal employees from either seeking or holding partisan elective office.

Finally, H.R. 20 would end the confusion created by more than 3,000 separate regulatory rulings on what can and cannot be done on and off the job by Federal employees. Some of these restrictions would be laughable if their impact was not so serious. A federal employee today, for example, cannot appear in a photograph with his or her spouse if the spouse is running for public office. On the other hand, a Federal employee can place in the window of their home campaign signs supporting particular candidates, but only if the signs are of a particular size. The same is true for bumper stickers. You violate the size restrictions and you could lose your job. That is just plain silly. The restrictions are so complex and varied that they have become ridiculous.

In removing the absurdity and complexity of current Hatch Act interpretations, H.R. 20 remains steadfast in consistency with the philosophy that prompted enactment of the Hatch Act more than 50 years ago. Originally the Hatch Act was enacted to insulate an emerging professional civil service from political coercion and influence, and to provide the assurance that job retention had nothing to do with one's political affiliations and beliefs.

That simple philosophy is as important today as it was in the 1930's. H.R. 20 recognizes that philosophy, but updates it to meet the reality of the 1990's. And that reality demands that no political activity by Federal employees be permitted in the workplace, but that the political activities of Federal employees outside the workplace

is the personal business and choice of the individual.

Despite the bipartisan cooperation in drafting H.R. 20, and despite the overwhelming support this legislation enjoys in both the House and Senate, the administration remains opposed to its enactment. In fact, for reasons I do not understand, administration opposition seems to go hand in hand with Hatch Act reform efforts. This is true for any administration. President Carter, President Reagan, and now President Bush all have objected to reform of the Hatch Act. I am, of course, disappointed that this administration has not chosen to endorse this very reasonable compromise product, for I believe that the time for Hatch Act reform has never been more appropriate, and the vehicle never more balanced. I strongly urge my colleagues, Republican and Democrat, to support this reasonable and necessary legislation.

And now, Madam Speaker, I would like to congratulate the sponsor of the Act, Mr. CLAY, for his leadership and great effort over the years on this issue. I was very proud to work with him as principal Republican cosponsor. Also, we are here today largely because of the diligence and leadership provided by Post Office and Civil Service Committee Chairman BILL FORD and ranking member, BEN GILMAN and former ranking minority member Gene Taylor, who in the last Congress put in place the bipartisan working group which eventually produced this product. Many, many hours at many, meetings were invested by these and other individuals in the House and Senate, and my hat goes off to all of them.

Madam Speaker, again, I urge my colleagues to support the passage of H.R. 20 as amended by the Senate.

□ 1340

Madam Speaker, as I said when we handled this bill on the floor back in 1989, and when we passed it so overwhelmingly, I think this should be called the Gene Taylor bill, because it was through his efforts that this bipartisan group was set up and that we were able to come to this compromise. I especially want to thank the gentleman from Missouri [Mr. CLAY] for his leadership and, of course, I would acknowledge again the leadership of Gene Taylor, who worked so hard to make it possible for us to be here on the floor today.

Madam Speaker, again, I urge my colleague to support the passage of H.R. 20, as amended by the Senate.

Mr. ARMEY. Madam Speaker, I yield 3 minutes to my good friend, the gentleman from Pennsylvanaia [Mr. WALKER].

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

Madam Speaker, I hope the Members will take account of the debate on this issue and will look at this bill. I realize that is tough to do when one looks at a list of public employee unions and how money they give. They give hundreds of thousands of dollars in political campaign contributions. I realize it is difficult to look dispassionately at this issue, particularly for Democrats. Ninety percent of the money, since 1985, has gone to Democrats. I recognize that they have a problem in looking at this issue somwhat dispassionately.

The fact is this is a bill that we ought to look at. The gentleman from New York and the gentleman from Michigan have raised the question of criminal peanlties that are in the bill, and let me tell the Members what the Attorney General of the United States says about those particular criminal penalties. He says essentially that they are worthless.

Madam Speaker, let me read to the Members from his letter.

It is unreasonable to expect that the few prohibitions listed in H.R. 20 would have any practical impact on the subtle politicization that would occur in the Federal work force. Rank-and-file civil servants would not make Federal criminal cases out of requests for political contributions or off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moreover, the difficulties inherent in proving even the most patent abuses would render the protections of the criminal-justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal convication virtually impossible.

The criminal conduct that is being described as covered in this bill is worthless, according to the Attorney General.

I have just one more point to make.

Mr. FORD of Michigan. Madam Speaker, will the gentleman yield?

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

Mr. FORD of Michigan. Madam Speaker, will the gentleman tell us who signed the letter?

Mr. WALKER. Excuse me?

Mr. FORD of Michigan. Who signed the letter that the gentleman just read into the RECORD?

Mr. WALKER. The Attorney General of the United States, Dick Thornburgh.

Mr. FORD of Michigan. That is the name?

Mr. WALKER. Yes.

Mr. FORD of Michigan. Not a deputy?

Mr. WALKER. No. It is over his signature. I would say to the gentleman, and he is saying that the criminal protections that the gentleman referred to rather bluntly here a few minutes ago are worthless.

One other point, I think, that needs to be made, and that is that under this bill we are going to have people on off-duty hours, Federal employees on off-duty hours, who can provide the kinds of politicization that the public has thought that they should not have to expect from Federal workers.

What am I talking about? Just today we found out that the SEC is investigating Donald Trump. What now if the SEC examiner who just happens to be investigating Donald Trump and his activities were to show up at Donald Trump's office on off-duty hours asking for a political contribution for his favorite candidate? Does anyone think he might get that contribution? I have a feeling that he might just do that. Oh, yes, do not shake your head and say it is not possible. It is possible under this bill. As long as he is on off-duty hours, he can do anything he wants in fundraising, so that examiner could show up at Donald Trump's office and say, "Now, look, I am in here earlier today as an examiner, and today I am here for a political candidate, and I want a contribution."

That is a terrible system to have put in place.

Mr. FORD of Michigan. Madam Speaker, I yield myself 1 minute.

I wish to point out that one of the three major differences between the bill we are considering today, which is the Senate-passed bill, and the bill that we already passed 291 to 90 is that it does prohibit a person from soliciting funds from anyone except a member of their own organization; not even employed in the same agency; if they do not belong to the organization, one cannot solicit them for PAC funds, so they cannot go out at night and solicit people that they do business with. They can only solicit members of their own organization for PAC funds. That is a restriction that the Senate added. We are buying into that restriction and accepting it by accepting the Senate amendments.

I know the gentleman may not have been aware that the Senate had changed the bill in that regard.

Mr. GILMAN. Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA], a member of the Committee on Post Office and Civil Service.

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this is a wonderful moment to be here, because we have now before us H.R. 20, as amended, which is a compromise of a compromise which is going to reform an anachronistic law called the Hatch Act which was established in 1939 which has the stigma of 3,000 regulations that are absolutely constricting our 3 million Federal employees who make America run. They are ambiguous. They are repetitive. Nobody quite understands what they can do or what they cannot do.

This compromise which simply would allow Federal employees on their own time to be involved and participate in our political structure will, I hope, become law.

Right now, our Federal employees, the Secretary of a Cabinet, and take any one of our Federal Cabinets, the Secretary of the Cabinet can have a fundraiser for a political candidate while the secretarial staff in that very Cabinet Department is not allowed on his or her own time to address envelopes for a particular candidate who may be stressing the issues that he or she cares very much about, transportation, whatever that may be.

This particular piece of legislation, long overdue, is going to allow these people to become citizens.

I want to compliment the people who have been involved with this bill, certainly the gentleman from Missouri [Mr. CLAY], the gentleman from Michigan [Mr. FORD], the chairman, the gentleman from New York [Mr. GILMAN], our ranking member, the gentleman from New York [Mr. HORTON], who has been there from the start, and the other members of the Committee on Post Office and Civil Service who cared so very much about letting our Americans have an opportunity to participate.

Madam Speaker, I have spoken often at ceremonies where people become naturalized citizens, and we look at them, how they disavow their allegiance to a foreign country to vow their allegiance to our great country, and the judge at those ceremonies inevitably says to them, "And now, new citizens, I hope that you will immediately register to vote and then, beyond that, it is not enough in our great America to register to vote. You must participate. So I encourage every one of you to get involved, to work for the candidates of your choice, the issues of your choice," and this is what makes America great.

At the same time, we are depriving ourselves of allowing our Federal employees, whether at the National Institutes of Health, wherever they may be, of being allowed to be citizens of our country.

Madam Speaker, I certainly hope that this body in its wisdom, as it has for several years, will resoundingly endorse H.R. 20, as amended, to let our Federal employees become true citizens.

Mr. GILMAN. Madam Speaker, I thank the gentlewoman from Maryland for being such a staunch supporter of this measure and for her supporting argument.

Mr. ARMEY. Madam Speaker, I yield 4 minutes to my friend, the gentleman from Virginia [Mr. WOLF].

□ 1350

Mr. WOLF. Madam Speaker, I asked for this time to clarify what I was saying before. Much of what is in the bill is not bad. There are some very important points, and I think no one could argue that we ought not modify the Hatch Act in some ways.

Madam Speaker, let me try to reframe this and give some of the concerns that are in the letter from Attorney General Thornburgh.

The inevitable result of H.R. 20 would be a politicization of the Federal workforce to the great detriment of Federal employees, the programs that these employees administer, and ultimately the public which these programs were enacted to serve. Without the Hatch Act, employees would be inevitably subject to subtle, and not so subtle, pressures to support the partisan agenda in their government offices.

Madam Speaker, that has already happened in our Government's history. It happened in Watergate. There was great pressure on career Federal employees to get aboard. The Nixon administration really put that pressure on. That is a fact that history bears out.

Once again quoting,

Rank and file civil servants would not make Federal criminal cases out of requests for political contributions or off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities.

Madam Speaker, the point is they may really be reluctant to go to the Justice Department, and I commend the committee for that part with regard to the Justice Department language. It does improve the existing Hatch Act. But they may be reluctant to do that in the sense they are going to be afraid of being transferred.

It is not uncommon in agencies to transfer one to Butte, MT, or transfer to places one does not want to go. If you have a son or daughter on the football team or swim team or the cheering squad, you do not want to risk being transferred out of whatever region you are in, to be sent to a region you are not in, because your children are involved. You are involved in your church or synagogue in your community. On behalf of these people, that is the concern.

Madam Speaker, in closing, the Hatch Act with the gentleman's amendment would be even a better Hatch Act. The Hatch Act ensures an environment wherein Federal employees are encouraged to impartially carry out the business of the public, rather than being distracted by the demands of political patronage. Under the Hatch Act, a promotion is based upon merit, and not upon political loyalty.

Madam Speaker, that is what I am trying to get at. I am afraid under this type of thing, as well-meaning as the committee and Members on this side are, political loyalty will be the test. I quite frankly do not want to see Federal employees put under the pressure that I believe they were placed under under Watergate and they were under before 1939. For that reason, I think a no vote would be the best vote.

Mr. FORD of Michigan. Madam Speaker, I yield myself 1 minute.

I asked the gentleman from Pennsylvania [Mr. WALKER] who had signed the letter he had, and then came to realize when he said Dick Thornburgh, that indeed the letter was addressed to me and it is included in the report filed by the committee in support of the bill.

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

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Speaker, the letter I have here is addressed to the Honorable NEWT GINGRICH, minority whip, and is dated today. Unless the gentleman from Michigan [Mr. FORD] got today's letter in the report, it is not the same letter.

Mr. FORD of Michigan. Madam Speaker, reclaiming my time, since we have already put the letter of the Attorney General in of April 12, 1989, and the same Attorney General is still over there, I wonder if the gentleman would offer that letter to be printed in full in the RECORD?

Mr. WALKER. Madam Speaker, I would be glad to have the letter put in.

Mr. FORD of Michigan. Just so Members can see the same Attorney General seemed to talk with a little different tone a year and a half ago about this legislation.

Mr. WALKER. Maybe the Attorney General figured out what was in the bill in the meantime.

Mr. FORD of Michigan. We thought it was good to put it in the report to help convince Members to vote for it. We are not mad at him. We thought he did a good job a year and a half ago. We wonder how any letter shows up written yesterday as an afterthought.

(By unanimous consent, Mr. WALKER was allowed to include extraneous material.)

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 12, 1990.

Hon. NEWT GINGRICH,
Minority Whip, U.S. House of Representatives, Washington, DC.

DEAR MR. GINGRICH. This is to inform you of our grave and unequivocal objections to H.R. 20, as amended by the Senate, a bill that would substantially repeal the Hatch Act. If this bill were presented to the President, his senior advisers would recommend that it be vetoed.

The Hatch Act of 1939 prohibits certain partisan political activities by federal government employees. It was enacted to remedy a century of patronage abuses resulting from the "spoils system." Federal programs to help the poor and the dispossessed were often perverted for political purposes. The Hatch Act seeks to guarantee the integrity of the federal civil service by assuring that federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also assures that federal programs are administered on the basis of need, not politics. The Act's ban on active partisan campaigning by federal employees protects them from coercion and patronage abuse. Those protections remain essential to assure the intergrity of the federal work force and the administration of federal programs. They also are critical to the public perception and confidence in the impartial, even-handed conduct of government business.

H.R. 20 would fundamentally undermine the Merit System by changing a presumption that partisan politicking by federal servants is prohibited into a presumption that such partisan campaigning is to be encouraged. Specifically, the bill would allow federal employees to hold office in political parties, work in partisan political campaigns, and solicit political contributions from other federal employees who are members of the same federal employee organization. Such a reversal in the role of partisan politics in the ethic of public service would permit virtually unbridled partisan activities by federal employees, which, history shows, would in turn inevitably lead to the politicization of public administration. For example, H.R. 20 would permit Internal Revenue Service District Managers to serve as political party officers, loan officers with the Department of Housing and Urban Development could organize partisan campaigns after work, and federal law enforcement officers could make television commercials paid for by political committees on behalf of partisan candidates.

We note that the bill provides that these newly authorized partisan activities are not to be conducted while employees are on duty, wearing the insignia of their offices, or otherwise about the govenment's business. Unfortunately, these prohibitions would be meaningless. They add nothing to existing criminal prohibitions in this area (see, e.g., Chapter 29 of Title 18 of the U.S. Code, and 18 U.S.C. §§ 641 and 872). Moreover, the vestige of the Hatch Act left by H.R. 20 could easily be circumvented. For example, government officials, who belong to employee organizations, could induce subordinates to join their organizations, where employee peers could extract involuntary political contributions of money or services, as long as this activity occurred during off-duty hours and while the participants were not in government uniforms or on government property.

The inevitable result of H.R. 20 would be a politicization of the federal work force to the great detriment of federal employees, the programs that these employees administer, and ultimately the public which these programs were enacted to serve. Without the Hatch Act, employees would be inevitably subject to subtle, and not so subtle, pressures to support the partisan agenda in their government offices. It is unreasonable to expect that the few prohibitions listed in H.R. 20 would have any practical impact on the subtle politicization that would occur in the federal work forces. Rank and file civil servants would not make federal criminal cases out of requests for political contributions or off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moreover, the difficulties inherent in providing even the most patent abuses would render the protections of the criminal justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal conviction virtually impossible. The resulting impact on federal programs would undermine the public's confidence in the impartial administration of public business.

The Hatch Act ensures an environment wherein federal employees are encouraged to impartially carry out the public's business rather than being distracted by the demands of political patronage. Under the Hatch Act, promotion is based upon merit, not political loyalty. The Act is understood by the vast majority of federal employees as a bulwark against the political pressures that would inevitably accompany a partisan public work force. Its prohibitions are clearly set forth in the statue and regulations at 5 C.F.R. § 733. The Office of Special Counsel (OSC) is empowered to provide authoritative advice to employees with questions about the application of the statute and regulations to particular circumstances. Last year, OSC processed about 1,400 inquiries from the approximatley 3 million federal employees covered by the Act. We believe, on the basis of experience, that most federal employees either understand how the Hatch Act applies or they simply have no desire to politicize their lives and their jobs by engaging in the sort of partisan activity it covers. It is, we think, significant that there has been no grundswell of popular support for this bill from the ranks of federal civil servants.

In sum, the Hatch Act has served to shield federal employees and the programs that they administer from political exploitation and abuse for over fifty years. H.R. 20, which is being promoted as a liberator of federal workers' civil rights, is perceived by many federal workers as stripping them of that shield, and presages that those workers may have to demonstrate a fealty to a political party that they might not otherwise endorse. We are committed to continuing the protections of the Hatch Act and urge you to join us by opposing H.R. 20.

The Office of Management and Budget has advised that there is no objection to the submission of this report to the Congress and that enactment of H.R. 20 would not be in accord with the program of the President.

Sincerely,

DICK THORNBURGH,
Attorney General.
CONSTANCE BERRY NEWMAN,
Director, Office of Personnel Management.

Mr. FORD of Michigan. Madam Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. SIKORSKI].

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

Mr. SIKORSKI. Madam Speaker, the reform of the Hatch Act is long overdue, and the light at the end of the reform tunnel is getting brighter all the time.

In 1939, the year the Hatch Act was passed five decades ago, many in Congress feared that the then President Roosevelt would mobilize the bureaucracy to extend his Presidency to a third term. That is why we got the Hatch Act.

Now it is 1990, and there are vast differences between the Federal work force of 1939, and the Federal work force five decades later in 1990.

In 1939, less than 32 percent of the Federal work force of then less than 1 million workers was covered by civil service. Today's Federal work force has 2 million workers, and almost 4 out of 5, 78.6 percent, enjoy merit system protections, civil service protections. The media and the many organizations that are organized to represent the interests of Federal employees also are strong and are able to provide protections to these employees and to the public not available in 1939.

The times have changed, but if you are a Federal employee, not necessarily for the better. Today we have a Federal work force which has been demoralized by pension cuts, health benefit cuts, salary cuts, a Federal work force which has been ignored at times and castigated and campaigned against at other times.

It is time to give back to these employees their constitutional right to participate, if they desire, in the democratic process on their own time, not a big deal, the right, if they want, to participate, if they want, in the critical process on their own time.

This is not a big deal. But Tiananmen Square, Gdansk Shipyard, the Berlin Wall, the Iron Curtain, are not irrelevant in this debate about recognizing the fundamental freedoms of Federal workers.

The Americans who work for America, who guide the planes we fly into Washington to attend to our business, the Americans who work for America who inspect the food we eat, who deliver the mail we send, and we send a lot of it, and who ensure our national security, deserve our trust in the very modest right to participate in the political process with integrity, with impartiality, without compromising the responsibility of their position. Some Members think this is pretty strong. They get excited and march a whole parade of horribles across this Chamber. Or they just do not like the process, or they want to do some more studying, some more careful studying.

Madam Speaker, I think we have passed this in a decade and a half three times. This is not strong. This is not radical. This is no big deal, unless you are a member of the Federal work force that is prevented from exercising your constitutional freedom to participate in democracy.

One of the remembrances Senator MOYNIHAN had of former Member Claude Pepper, he said they were in a big poll tax debate in Manhattan. He saw him there in 1942. Pepper won on the issues. He won one after another.

Then a gentleman in the audience asked, a proponent of the poll tax, asked a question of Senator Pepper. He said, "What is $1? It is not a big deal."

The whole debate shifted. Pepper got to the microphone and said, "A dollar isn't a big deal, if you have got one."

The constitutional right to participate in the political process in this limited fashion is not a big deal, unless you do not have it.

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

Madam Speaker, in closing, I would like to point out to the Members of this body of the safeguards incorporated in H.R. 20.

As amended by the Senate, H.R. 20 includes criminal as well as administrative sanctions But this legislation extends beyond criminal penalties or administrative actions. H.R. 20 represents this body's determination that Federal and postal employees should be given the same rights and privileges accorded to other citizens of this country.

Rank and file employees are pleased with the legislation before us today. Let's not deny them their constitutional right to participate in the political process on their own time and by their own choice.

I urge all my colleagues to vote affirmatively is granting Federal and postal employees their first amendment rights in the political process.

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

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

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

The SPEAKER pro tempore (Mrs. BOXER). The gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Madam Speaker, I, too, have a copy of Attorney General Thornburgh's letter to Hon. NEWT GINGRICH, minority whip. In the first paragraph of that letter the Attorney General says: "If this bill were presented to the President, his senior advisors would recommend that it be vetoed."

Then the letter goes on at some great length to explain what other reservations and concerns that the Attorney General has with the legislation. I will not read that, but there was one part of it that I found particularly interesting. According to the Attorney General's letter, specifically the bill would "allow Federal employees to hold office in political parties, work in partisan political campaigns, and solicit political contributions from other Federal employees who are members of the same Federal employee organization."

That is seen, as has been portrayed earlier in this debate, as a virtue, that a Federal employee is not allowed here to go out and solicit money from somebody not in the employment of the Federal Government, not in another agency of the Federal Government, but from fellow employees in the same agency over whom he may have supervisory powers, powers to recommend promotion, powers to assign overtime or to not assign overtime, powers to recommend raises, and with whom on a day in and day out basis that other employee must try to work on a cordial basis.

Let me talk about this bill for a moment. I have listened to this debate, and I have to tell Members that I oppose the bill very strongly. I could point out the obvious partisan nature of this debate. There are clearly partisan interests afoot here, and they are very easily seen. Everybody who is familiar with the Beck decision is well aware of the fact that organized labor is far more able to deliver the union membership's money than they are the union membership's hearts. But nevertheless, to some extent that union leadership is able to encourage their rank and file members to work in the same places where they put their money.

It is no secret that the American Federation of Government Employees in 1987-88, gave $195,715 from their PAC, 92 percent to the Democrats; the American Postal Workers Union gave $835,500, 93 percent to the Democrats; the National Association of Letter Carriers gave $1,556,516, 90 percent to the Democrats, and on and on we go, 81 percent for the National Rural Letter Carriers, the National Treasury Union Employees gave 94 percent, the National Association of Postal Supervisors 85 percent, the National Association of Postmasters 72 percent, the National League of Postmasters, 67 percent of their money went to Democratic candidates.

I have no doubt that if these union bosses can deliver that much of the rank and file money to where they may or may not want it delivered, they can also, through subtle encouragements, deliver people on the street to carry signs, stuff envelopes, and so on.

But I do not want to talk about this in partisan terms. That is so clearly obvious we do not need to point that out.

I would like to talk about it in the sense of the incumbency advantage over a challenger candidate for public office. Everybody who works in the bureaucracy of the U.S. Government has an existing working relationship with the incumbent Member of Congress. They desire to get along with them. They will be encouraged tacitly or even by subtle coercion to work on behalf of the legislative well-being of that incumbent, and to the disadvantage of a challenger candidate, and that is detrimental to the political process.

Mr. FORD of Michigan. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I am sure that the gentleman from Texas did not intend to do it, but he put words in the Attorney General's mouth. The Attorney General quoted accurately the language of the bill saying that no one should knowingly solicit or accept a political contribution from any person unless that person is a member of the same labor organization. Then he stopped, and the Attorney General's letter I am sure, without having it in front of me, stopped because the very next words in the bill are: "who is not a subordinate employee."

The bill specifically prohibits anybody from soliciting from an employees, whether he belongs to the same organization or not, who is in any way subordinate in his job to the person doing the soliciting. I am sure that the Attorney General did not in his letter say what the gentleman seemed to be saying the letter said. I wonder if the gentleman from Texas would like to correct that for Mr. Thornburgh?

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Texas.

Mr. ARMEY. No, Madam Speaker, I would not like to correct Mr. Thornburgh. He can speak for himself, as does the letter.

Mr. FORD of Michigan. I do not believe the gentleman would like to leave the impression that Mr. Thornburgh said that somebody who would be a subordinate would be solicited, because the gentleman would be suggesting that the Attorney General cannot read the statute.

Mr. ARMEY. What I attributed to the Attorney General I had read as a direct quote from his letter. I do not feel the need to make a correction.

Mr. FORD of Michigan. The gentleman added parenthetically, "who might just as well be a subordinate employee." That is not what the statute says, and I do not believe anybody holding the position of Attorney General would sign a letter inaccurately quoting a statute that purports to be a legal opinion on that statute.

Mr. ARMEY. The gentleman has finally correctly distinguished between what I said and what the Attorney General said, and there is no need to correct those words I attributed to the Attorney General.

Mr. FORD of Michigan. It is not the Attorney General who suggested that an employee would be permitted to solicit funds from a subordinate, is that agreed?

I thank the gentleman.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] has 1 minute remaining.

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

Mr. SLAUGHTER of Virginia. Madam Speaker, I rise today in support of maintaining the current Hatch Act. In this unfortunate age of big government, the Hatch Act provides important protections against coercion and inappropriate political activity for civil servants and the citizens of the United States. The Founding Fathers created the Constitution with the intent that government should be limited, to serve the people of this Nation, not itself as had been the case of most governments of the 17th century. Relaxation of the Hatch Act would further erode this concept, which is ingrained so strongly in the Constitution.

In my view, participation in the civil service should be based solely on the merits of the Federal employees. Only under such a system can our Government work efficiently and utilize taxpayer dollars in an effective manner which would best serve the citizens of this country and actually reduce the tax burden. In many ways, such a system does not exist today; but I think that relaxing the Hatch Act

would place it that much farther from our reach.

Under current law, civil servants are not denied the right to vote or to join a political party; they are prevented from engaging in political activity for their own protection and that of the citizens of the country.

Our massive Federal Government has come to intrude into the lives of Americans too often as it is. I must oppose legislation that would allow civil servants to campaign on behalf of political candidates that would advocate bigger, less responsible government, and create a situation in which civil servants might be discriminated against if they oppose certain candidates or political agendas.

Mr. WOLPE. Madam Speaker, included among the fundamental rights guaranteed by the first amendment is the right of all citizens to participate freely in the political process by which we choose our elected representatives. Since 1939 the Americans who are most dedicated to public service have been denied this fundamental right. I urge this body to vote to restore the right of political participation to 3 million disenfranchised Federal employees.

We are simply asking that our civil servants be allowed to openly support the candidates of their choice and become active in partisan political organizations. Any American who is not paid by Uncle Sam enjoys these rights. I see no valid reason why Federal employees should not enjoy the same rights. Some of our most passionate and informed citizens belong to the civil service. This country not only owes them their political rights, but it needs their political talents.

This act ensures that the Federal workplace would remain free of political activity. It would remain a crime to coerce Federal employees to engage or not to engage in political activity or to use one's official office to influence political activities. The Federal Employees Political Activities Act will not only restore the political rights of 3 million Americans, but will help assure the continued independence of our civil service.

Mr. McMILLEN of Maryland. Madam Speaker, I rise in support of the reform of the Hatch Act. For too long, civil service employees have been considered second-class citizens when it comes to political participation. In 1939, when the Hatch Act was passed, civil service employees lacked the necessary protections against political coercion. However, today those protections exist, and the Hatch Act has become woefully outdated.

In fact, our action today will merely reflect what is already occurring in many parts of the country—41 States have passed laws allowing their employees the right to engage in forms of political activity on off-duty time. Current laws on this matter are confusing and difficult for supervisors to enforce. Today's action would clarify this issue, without politicizing the Federal workplace. This bill will allow Federal employees to participate in the full range of political activities that are open to other citizens while they are off-duty and away from the worksite.

Madam Speaker, it is time that Federal employees be given full citizenship rights in America, and have the opportunities for involvement in the democratic process that are enjoyed by all Americans.

Mr. HOYER. Madam Speaker, today I rise to join my colleagues in concurring in the Senate amendments to the Federal Employees' Political Activities Act. I would like to commend Chairman FORD for bringing this important measure to the floor today, after a very lengthy debate by the other body. I am pleased that through this process, we now have a bill that I hope will be expeditiously signed by the President.

Federal and postal employees have waged a long and valiant battle to clarify the over 3,000 regulations which govern current law about their participation in the political process. The regulations have been so confusing that some employees chose not to participate in activities that may have been allowed under the law for fear of misinterpreting the rules.

The Hatch Act reform amendments will finally revise the outdated restrictions placed on Federal employees prohibiting them from participating in our political process. The integrity of the 51-year-old Hatch Act will still be protected as the legislation imposes severe penalties on those Federal or postal employees who violate the standards of the act. The bill will continue to protect Government employees from those who may attempt to coerce them into participating or not participating in political activities.

Madam Speaker, in addition to penalizing persons who do not adhere to the requirements of the Hatch Act amendments, the Senate-passed version of the act which we will vote on today, prohibits Federal and postal employees from seeking and holding partisan elective office. In addition, employees will be prohibited from soliciting political contributions from other Federal employees who are not members of their own union and also protects the general public from solicitation.

Madam Speaker, the measure before us today will not allow Federal or postal employees workers to engage in political activities while on the job. Also, this bill prohibits employees from participating in any of the permissible activities while on duty or while wearing a uniform.

What the bill will do is restore the right for Federal and postal employees to participate in our political process as private citizens. These employees would once again become an integral part of this process as any other citizen is permitted as a constitutional right.

Therefore, Madam Speaker, I would urge all of my colleagues to join with me in supporting the effort to grant Federal and postal employees their fundamental right to take part in our Nation's political process.

Ms. PELOSI. Madam Speaker, I rise today in support of H.R. 20, the Federal Employees Political Activities Act. H.R. 20 guarantees one of the most fundamental rights accorded American citizens: the right to participate in the political process of our country.

Today we are debating whether to accept the bill as amended by the other body. I believe that the amended version lacks important provisions included in the House version of the bill. I would have preferred to send to the President a stronger, more comprehensive bill, but the threat of a Presidential veto has limited the likelihood of its enactment.

H.R. 20, nevertheless, remains an extremely important piece of legislation. H.R. 20 allows Federal employees to take part in partisan politics and secures effective safeguards against a politicized bureaucracy. It establishes once and for all that political rights will not be denied on the basis of profession, just as they are not denied by virtue of race, sex, or ethnic origin.

Federal employees deserve the freedom of participating freely and openly in the decisions which affect their welfare. I urge my colleagues to support H.R. 20 as amended.

Mr. ACKERMAN. Madam Speaker, I rise in support of H.R. 20, the Federal Employees' Political Activities Act. The bill embodies much-needed reforms of the Hatch Act, which presently restricts Federal and postal employees in their ability to participate in this Nation's democratic political processes.

At the present time, 41 States permit public employees to participate in most general campaign and partisan activities. America's 2.8 million Federal and postal workers should have this same right, but the Hatch Act prevents them. The present law is enforced by some 3,000 regulations, many of which are silly and contradictory. For example, the regulations permit Federal employees to support a candidate, but forbid them to host a "Meet the Candidate" forum in their homes. Federal employees can attend a political rally, but they can't wave a banner or flag. They can put a lawn sign in front of their homes, but it cannot be larger than a bumper sticker.

H.R. 20 would lift these confusing limitations and give Federal employees the option of participating in election campaigns on their own time, just as other citizens can. As amended by the Senate, the bill retains certain restrictions to make sure that Federal employees do not use their positions within the Government to influence anyone else. To that end, Federal employees would be strictly prohibited from engaging in any political activities while on the job, while in a Government facility, or while in uniform. Federal employees would also be barred from seeking a partisan political office and from making a political contribution to their superiors. They would also be prohibited from intimidating or coercing any Federal employee to participate, or not to participate, in any political activity. To enforce these restrictions, the bill provides an effective array of penalties, including fines, job termination, or jail.

Madam Speaker, our democracy depends upon the broadest possible participation by our citizens. For too long, Federal and postal employees have been excluded, and I urge my colleagues to support this long overdue reform.

Mr. HOUGHTON. Madam Speaker, when we debated repeal of the Hatch Act in 1987, I expressed concerns about the bill. What really bothered me was language which I feared might permit Federal employees in highly sensitive positions to subtly coerce the activities of private citizens. I thought that Internal Revenue Service auditors and Justice Department employees, for example, should be exempt for that reason. However, as we all know, there was no opportunity to amend the bill. I therefore voted against it.

The bill we have before us today helps my concerns. In a nutshell, it prohibits Federal employees from influencing the political positions of private citizens who may be vulnerable to their decisions.

As an example, let's say that an IRS agent is conducting a taxpayer return audit. That agent would not be able to approach the taxpayer on a matter of political consideration. Likewise Veterans Department employees

making decisions on service-connected compensation cannot solicit political activity on the part of the veteran applicant.

I believe this language is fair and clear. It closes a giant loophole. It improves a faulty bill. I will vote for it.

Mr. RIDGE. Madam Speaker, I would like to commend my distinguished colleagues from New York and Missouri for their outstanding efforts on behalf of our Nation's Federal employees. Can we really say that nothing has changed since 1939? Technology has changed; the world situation has changed; and yes, even the civil service has changed. Our Government employees have proven themselves worthy of our trust and respect.

The civil service is a worthy career entitled to the same rights as other professions. Yet, as soon as you walk through the door, you are:

Forbidden from waiving a political poster at a convention;

Forbidden from exercising your right to hold office in a political party; and even

Forbidden from handing out campaign pamphlets to your neighbors—on your own time.

Opponents of Hatch Act reform are outraged that we should extend political rights to our civil servants. They insist that Federal employment is a privilege and this privilege justifies restrictions on partisan political activity. This is the same attitude which has brought about the silent crisis in our Federal work force. Where else can you have less right to do more for less money?

Our Nation's work force is not going to suddenly turn to coercion and corruption. IRS agents are not going to threaten political opposition with audits. Yes, bribery and blackmail are still illegal. There is fear in every workplace that employee organizations will employ intimidation techniques to gain political power. Yet, we would not deny the private sector the right to participate merely because of our irrational fears. The protections at the heart of the Hatch Act are retained in the amended version of H.R. 20. Civil servants and the public are protected from intimidation and coercion. On the job political activities would still be prohibited and subject to severe penalties. Employees would still be forbidden from running for partisan political office. However, these same employees can finally become a part of our political system of government. They can participate in activities that their friends, neighbors, and private counterparts take for granted. This is the right to free association and the right to exercise their basic first amendment rights. I urge my colleagues on both sides of the aisle to support our public servants by supporting H.R. 20.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 20.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FORD of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill, H.R. 20, and the Senate amendments thereto.

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

There was no objection.

INTER-AMERICAN SCIENTIFIC COOPERATION ACT OF 1990

Mr. ROE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2152) to reinvigorate cooperation between the United States and Latin America in science and technology, as amended.

The Clerk read as follows:

H.R. 2152

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inter-American Scientific Cooperation Act of 1990".

SEC. 2. FINDINGS, PURPOSES, AND DEFINITION.

(a) FINDINGS.—The Congress finds the following:

(1) The diversity of Latin American countries and their needs in science and technology are profound and should be recognized and understood in the United States.

(2) Opportunities for science and technology cooperation with Latin America have decreased significantly since the 1970's, when many countries in Latin America graduated from programs sponsored by the Agency for International Development.

(3) Latin American scientists and engineers have increasingly looked to Europe and Japan for advanced training and research. This trend, in conjunction with the emphasis on science and technology in Latin American national development plans and the increase in science and technology cooperation among Latin American nations, will mean a loss of United States influence if the United States does not act to reassert its interest in Latin America.

(4) Investment by the United States in the Latin American science and technology infrastructure and participation of United States scientists and engineers in short-term and long-term assignments in Latin America can strengthen United States influence in Latin America and contribute to many United States national goals, including scientific access, trade and investment relations, common security, and the opportunity to contribute to economic development and political stability in the region.

(5) Science and technology cooperation with the United States, and advanced training and research in the United States, can bring many benefits to Latin America. In less advanced countries, cooperation can contribute to the strengthening of basic science and technology infrastructure. In industrially advanced Latin American countries, cooperation can increase opportunities in many scientific disciplines and in the frontier scientific fields.

(6) Considerable progress in science and technology cooperation can be made with relatively modest investments.

(7) Celebration of the quincentennial of Columbus' discovery and the return to democracy in a number of Latin American countries provide a focus for the reversal of the decline in science and technology cooperation with Latin America.

(b) PURPOSES.—The purposes of this Act are—

(1) to reinvigorate cooperation between the United States and Latin America in science and technology;

(2) to contribute to the development of scientific infrastructure throughout Latin America, both by building on existing centers of excellence and by creating science and technology strength in institutions where none currently exists; and

(3) to establish an Inter-American Scientific Cooperation Program in the National Science Foundation to provide a focal point in the United States Government for science and technology cooperation with Latin America.

(c) DEFINITION.—As used in this Act, the term "Latin America" means Mexico, Central America, and South America.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

The National Science Foundation shall establish an Inter-American Scientific Cooperation Program (hereafter in this Act referred to as the "Program") aimed at increasing the level of science and technology cooperation between the United States and Latin America. The Program shall identify and cooperate with private and governmental funding bodies, both in Latin America and in the United States, and shall encourage cost-sharing and innovative financing (such as debt swaps) of cooperative projects. The Program shall include the following elements:

(1) Encouragement and funding of project development interchanges and joint research projects between United States and Latin American scientists and engineers. Joint projects and interchanges funded by the National Science Foundation shall include cost sharing from sources within the Latin American countries whose citizens participate. The Director of the National Science Foundation shall determine the amount of cost sharing which is required.

(2) Establishment of an Inter-American Scientific Educational Development Exchange. The Exchange's activities shall include graduate and post-doctoral fellowships in science and technology for Latin Americans to study in the United States and for United States citizens to study in Latin America; collection and dissemination of information to Latin Americans on other avenues for advanced study in science and technology in the United States; and United States assistance to Latin American institutions, at the institutions' request, for development of courses, seminars, and curriculum in science and technology. For fellowships sponsored by the Exchange, priority will be given to those candidates who are professionally active scientists or engineers and whose institutions give assurance that a position will be available to them after completion of their fellowship. Fellowships for Latin Americans shall include cost sharing from sources within the country of origin of the recipient. The amount of cost sharing required shall be determined by the Director.

(3) Providing information and technical assistance to Latin American countries interested in establishing computer linkages between United States and Latin American scientists and engineers.

(4) Providing information to enable the routing of United States scientific equipment to Latin America, including information with respect to matching equipment with need, identifying technical maintenance requirements, and meeting customs regulations.