

H.R. 118: Mr. PETRI.
 H.R. 1023: Mrs. VUCANOVICH.
 H.R. 1230: Mrs. MEYERS OF KANSAS.
 H.R. 2011: Mr. REED and Mr. CAMPBELL.
 H.R. 2019: Mr. HAYWORTH.
 H.R. 2090: Ms. ROS-LEHTINEN and Mr. KLUG.
 H.R. 2260: Mr. LIGHTFOOT.
 H.R. 2272: Mr. COYNE.
 H.R. 2472: Mrs. MINK of Hawaii, Mr. MARTINEZ, Mr. PAYNE of New Jersey, and Mr. THOMPSON.
 H.R. 2508: Mr. KNOLLENBERG.
 H.R. 2652: Mr. SAWYER.
 H.R. 2727: Mr. GRAHAM, Mr. HORN, Mr. CHRISTENSEN, and Mr. BREWSTER.
 H.R. 2827: Mr. LOBIONDO and Mr. EDWARDS.
 H.R. 2834: Mr. MASCARA.
 H.R. 2925: Mr. HILLIARD.
 H.R. 2931: Mr. BALDACCI.
 H.R. 3118: Mr. DOOLEY, Mr. SPRATT, and Mr. ENGLISH of Pennsylvania.
 H.R. 3161: Mr. MANZULLO.
 H.R. 3168: Mr. BORSKI.
 H.R. 3195: Mr. LATOURETTE, Mr. HOSTETTLER, and Mr. TAYLOR of North Carolina.
 H.R. 3226: Mr. KING and Mr. CASTLE.
 H.R. 3303: Mr. THOMPSON, Mr. ROMERO-BARCELO, and Mr. FOLEY.
 H.R. 3316: Ms. FURSE and Mr. DEFAZIO.
 H.R. 3393: Mr. TRAFICANT.
 H.R. 3396: Mr. HAYES, Mr. RADANOVICH, Mr. BLILEY, Mr. WHITFIELD, and Mrs. VUCANOVICH.
 H.R. 3398: Ms. MOLINARI, Mr. DAVIS, Mr. BALLENGER, Mr. GOODLATTE, Ms. DELAURO, Mr. JACOBS, and Mr. KLUG.
 H.R. 3401: Mr. FARR and Mr. BAKER of California.
 H.R. 3433: Mr. DUNCAN, Mr. KLUG, and Mr. HANSEN.
 H.R. 3462: Mr. DEFAZIO, Mr. LAZIO of New York, Mr. SANDERS, and Mr. SISISKY.
 H.R. 3477: Mr. DELLUMS, Mr. STUDDS, Mr. MARKEY, Mr. WATT of North Carolina, Mr. GREEN of Texas, Mr. BONIOR, and Ms. NORTON.
 H.R. 3508: Mr. FRELINGHUYSEN, Ms. LOFGREN, Mr. LIPINSKI, and Ms. RIVERS.
 H.R. 3514: Mr. HAYES.
 H.R. 3525: Mr. COBLE, Mr. MCCOLLUM, Mr. JACOBS, Mr. WOLF, Mr. GEKAS, Mr. LAZIO of New York, Ms. GREENE of Utah, Mr. TEJEDA, Mr. TAYLOR of North Carolina, Mr. DIXON, Mr. SMITH of Texas, and Mr. BUYER.
 H.R. 3548: Mr. BARR, Mr. INGLIS of South Carolina, Mr. LIVINGSTON, and Mr. BLUTE.
 H.R. 3556: Mr. WELDON of Florida, Mrs. SCHROEDER, and Mr. TAUZIN.
 H.R. 3566: Mr. MEEHAN, Mr. HOLDEN, Mr. DEFAZIO, and Mr. LIPINSKI.
 H.R. 3577: Mr. LIPINSKI.
 H.R. 3586: Mr. BURTON of Indiana and Mr. HERGER.
 H.R. 3596: Mr. GOODLING and Mr. HOLDEN.
 H.R. 3604: Mr. GILLMOR, Mr. KLUG, and Mrs. COLLINS of Illinois.
 H. Con. Res. 175: Mr. MANTON, Mr. FORBES, and Mr. SAM JOHNSON.
 H. Res. 286: Mr. FROST and Ms. PELOSI.

73.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2951: Mr. BACHUS.

THURSDAY, JUNE 13, 1996 (74)

The House was called to order by the SPEAKER.

74.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of

the proceedings of Wednesday, June 12, 1996.

Mr. HEFLEY, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, *viva voce*, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. HEFLEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

74.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3571. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Growers' Referendum Results (Docket No. TB-95-13) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3572. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Growers' Referendum Results (Docket No. TB-95-15) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3573. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Hazelnuts Grown in Oregon and Washington; Assessment Rate (Docket No. FV96-982-IIFR) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3574. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Increased Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts (Docket No. FV96-998-IIFR) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3575. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Apricots Grown in Designated Counties in Washington; Temporary Suspension of Minimum Grade Requirements (Docket No. FV96-922-IIFR) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3576. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104-232); to the Committee on Appropriations and ordered to be printed.

3577. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the "FHA Single Family Housing Reform Act of 1996"; to the Committee on Banking and Financial Services.

3578. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Interpretive Bulletin 96-1 Participant Investment Education (Pension and Welfare Benefits Administration) (RIN:

1210-AA50) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3579. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates (29 CFR Parts 2619 and 2676) received June 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3580. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Development Disabilities Assistance Amendments of 1996," pursuant to 31 U.S.C. 1110; to the Committee on Economic and Educational Opportunities.

3581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Testing Consent Order for Alkyl Glycidyl Ethers; Technical Amendment (FRL-5368-3) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3582. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Air Pollutant List; Modification (FRL-5520-5) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites (FRL-5520-2) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3584. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 15.117(g)(3) of the Commission's Rules Relating to the Filing of UHF Noise Figure Performance Measurements (ET Docket No. 95-144) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3585. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 302 of the Telecommunications Act of 1996: Open Video Systems (CS Docket No. 95-46) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3586. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Foods and Drugs; Technical Amendments (21 CFR Chapter I) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3587. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Change of Names and Addresses; Technical Amendment; Correction (21 CFR Parts 172, 173, 175, 176, 177, 178, 180, 181, and 189) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3588. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Change of Names and Addresses; Technical Amendment; (21 CFR Parts 172, 173, 175, 176, 177, 178, 180, 181, and 189) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3589. A letter from the Director, Regulations Policy Management Staff, Food and

Drug Administration, transmitting the Administration's final rule—Foods and Drugs; Technical Amendments (21 CFR Chapter I) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3590. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Production and Utilization Facilities; Emergency Planning and Preparedness Exercise Requirements (RIN: 3150-AF20) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3591. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Health Maintenance Organizations: Employer Contribution to HMO's (Health Care Financing Administration) [OMC-004-F] (RIN: 0938-AE64) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3592. A letter from the Secretary of Education, transmitting the semiannual report to Congress on audit follow-up for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3593. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-279, "Fiscal Year 1996 Budget Support Act of 1996," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

3594. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Airstrip Closure (National Park Service, Cape Lookout National Seashore) (RIN: 1024-AC29) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3595. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Importation, Exportation, and Transportation of Wildlife (Fish and Wildlife Service) (RIN: 1018-AB49) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3596. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Reclassification of *Erigeron maguirei* (Maguire daisy) from Endangered to Threatened (RIN: 1018-AC71) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operating Requirements: Domestic, Flag, Supplemental, Commuter, and On-Demand Operations; Corrections and Editorial Changes (Federal Aviation Administration) (RIN: 2120-AG03) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Baker, Montana (Federal Aviation Administration) [Docket No. 96-ANM-001] (RIN: 2120-AA66) (1996-0056) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Federal Colored Airway B-9; FL (Federal Aviation Administration) [Docket No. 95-ASO-20] (RIN: 2120-AA66) (1996-0058) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Alteration of V-99, V-451, and J-62 (Federal Aviation Administration) [Docket No. 95-ANE-35] (RIN: 2120-AA66) (1996-0059) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Las Vegas (Federal Aviation Administration) [Docket No. 95-ASW-31] (RIN: 2120-AA66) (1996-0062) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-104-AD; Amendment 39-9667; AD 96-12-24] (RIN: 2120-AA64) (1996-0062) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Superior Air Parts, Inc. Pistons Installed on Teledyne Continental Motors O-470 Series Airplanes (Federal Aviation Administration) [Docket No. 94-ANE-30; Amendment 39-9646; AD 96-12-04] (RIN: 2120-AA64) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal, Inc. (formerly Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines (Federal Aviation Administration) [Docket No. 95-ANE-16; Amendment 39-9647; AD 96-12-05] (RIN: 2120-AA64) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors and Rolls-Royce, plc O-200 Series Reciprocating Engines (Federal Aviation Administration) [Docket No. 94-ANE-53; Amendment 39-9648; AD 96-12-06] (RIN: 2120-AA64) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the Director, Office of Global Programs, National Oceanic and Atmospheric Administration, transmitting the Office's final rule—Climate and Global Change Program—received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3607. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Educational Assistance Programs and Service Members Occupational Conversion and Training Act Program (RIN: 2900-AH31) received June 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3608. A letter from the Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code; to the Committee on Ways and Means.

3609. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the "Community Development Block Grant Performance Fund and HOME Performance Fund Act of 1996"; jointly, to the Committees on Banking and Financial Services and Ways and Means.

3610. A letter from the Vice President of the United States, transmitting a draft of proposed legislation entitled the "Everglades and South Florida Ecosystem Restoration Act of 1996"; jointly, to the Committees on Transportation and Infrastructure, Resources, and Agriculture.

3611. A letter from the Secretary of Housing and Urban Development, transmitting two drafts of proposed legislation entitled the "FHA Multifamily Housing Reform Act of 1996" and the "Housing Enforcement Act of 1996"; jointly, to the Committees on Banking and Financial Services, Resources, the Judiciary, and Ways and Means.

¶74.3 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mr. GUTKNECHT, by unanimous consent, the following committees and their subcommittees were granted permission to sit today during the 5-minute rule: the Committee on Agriculture, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Resources, and the Committee on Transportation and Infrastructure.

¶74.4 SHIPBUILDING TRADE AGREEMENT

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 448 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2754) to approve and implement the OECD Shipbuilding Trade Agreement.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, designated Mr. GUTKNECHT as Chairman of the Committee of the Whole; and after some time spent therein;

¶74.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BATEMAN:

In section 3 (page 2, line 15), strike "This" and insert "Except as provided in section 206, this".

Redesignate section 206 as section 209, and insert the following after section 205:

SEC. 296. APPLICABILITY OF TITLE XI AMENDMENTS.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding any provision of the Shipbuilding Agreement or the Export Credit Understanding, the amendments made by paragraph (8) of section 204 shall not apply with respect to any commitment to guarantee made under title XI of the Merchant Marine Act, 1936, before January 1, 1999, with respect to a vessel delivered—

(A) before January 1, 2002, or

(B) in the case of unusual circumstances to which paragraph (2) applies, as soon after January 1, 2002, as is practicable.

(2) UNUSUAL CIRCUMSTANCES.—This paragraph applies in a case in which unusual circumstances beyond the control of the parties concerned prevent the delivery of a vessel by January 1, 2002. As used in this paragraph, the term "unusual circumstances" means acts of God (other than ordinary storms or inclement weather conditions), labor strikes,

acts of sabotage, explosions, fires, or vandalism, and similar circumstances.

SEC. 207. OTHER LAWS NOT AFFECTED.

The Shipbuilding Agreement shall not affect, directly or indirectly, the Merchant Marine Act, 1920, the Act of June 19, 1886 (46 U.S.C. App. 289), or any other provision of law set forth in Accompanying Note 2 to Annex II to the Shipbuilding Agreement, and shall not provide any mechanism to subject any producer of vessels in the United States to financial penalties, duties, bid restrictions, unfavorable bid preferences, or withdrawal of concessions under the GATT 1994 or other Uruguay Round Agreements, in the competition for international commercial vessel construction or reconstruction orders because of construction of vessels by United States shipbuilders for operation in the coastwise trade of the United States.

SEC. 208. PROTECTION OF UNITED STATES INTERESTS.

Nothing in the Shipbuilding Agreement shall be construed to prevent the United States from taking any action which it considers necessary for the protection of essential security interests or from invoking its sovereign authority to define, for purposes of exclusion from coverage under the Shipbuilding Agreement and from any dispute or challenge based on Annex I to the Shipbuilding Agreement, "military vessel", "military reserve vessel", or "essential security interest" on a case by case basis, as determined by the Secretary of Defense.

In paragraph (1) of section 209 (as redesignated by this amendment), strike "and 'Shipbuilding Agreement vessel' have the meanings given those terms in subsections (h), (i), and (j)" and insert "Shipbuilding Agreement vessel", and 'Export Credit Understanding' have the meanings given those terms in subsections (h), (i), (j), and (k)"

Page 6, strike line 19 and all that follows through page 7, line 2.

Page 7, line 3, insert "(I) if" before "the petitioner".

Page 7, strike lines 9 through 11 and insert the following:

"(II) if the petitioner was not invited to tender a bid, the petition".

Page 7, line 19, strike "(i)(III)" and insert "(i)(II)".

Page 9, line 10, strike "(i) or (ii)" and insert "(i)(I)".

Page 9, line 18, strike "(1)(B)(iii)" and insert "(1)(B)(i)(II)".

Page 49, add the following after line 24:

"SEC. 809. THIRD COUNTRY SALES.

"(a) FILING OF PETITION.—Any interested party that would be eligible to file a petition under section 802(b)(1) with respect to a sale if such sale had been to a United States buyer may, with respect to a sale of a vessel by a foreign producer in a Shipbuilding Agreement Party to a buyer in a third country that is a Shipbuilding Agreement Party, file with the Trade Representative a petition alleging that—

"(1) such vessel has been sold at less than fair value; and

"(2) the industry in the United States producing or capable of producing a like vessel is materially injured by reason of such sale.

"(b) DETERMINATION.—Upon receipt of a petition under subsection (a), the Trade Representative shall request the following determinations to be made in accordance with substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

"(1) The administering authority shall determine whether there is reasonable cause to believe that the subject vessel has been sold at less than fair value.

"(2) The Commission shall determine whether there is reasonable cause to believe

that the industry in the United States is materially injured by reason of such sale.

"(c) COMPLAINT BY TRADE REPRESENTATIVE.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (b), and the Commission makes an affirmative determination under paragraph (2) of subsection (b), the Trade Representative shall make application to the country of the buyer of the subject vessel for an injurious pricing action and relief similar to that available under section 808. The Trade Representative shall advise the petitioner of the proceedings undertaken by the third country in response to such application and shall permit the petitioner to participate in such proceedings to the greatest extent practicable."

Page 102, line 9, strike "or 808" and insert ", 808, or 809".

In the table of contents for chapter 8 of title VII of the Tariff Act of 1930 (page 3, after line 9), insert the following after the item relating to section 808:

"Sec. 809. Third country sales."

Page 100, line 20, strike "and"; on line 21, strike "(iii)" and insert "(iv)", and insert the following after line 20:

"(iii) a military reserve vessel, and"

Page 101, insert the following after line 15:

"(E) MILITARY RESERVE VESSEL.—A 'military reserve vessel' is a vessel that has been constructed with national defense features and characteristics required by the Secretary of Defense for the purpose of supporting the United States Armed Forces in a contingency.

It was decided in the { Yeas 278 affirmative } Nays 149

74.6

[Roll No. 237]

AYES—278

Table listing names of members and their affiliations (e.g., DeFazio, Greenwood, Ackerman, Gunderson, etc.)

Table listing names of members and their affiliations (e.g., Mascara, Pomeroy, Stupak, McHale, Talent, etc.)

NOES—149

Table listing names of members and their affiliations (e.g., Allard, Ensign, Matsui, Archer, Everrett, McCarthy, etc.)

NOT VOTING—7

Table listing names of members and their affiliations (e.g., Gillmor, Lincoln, Oxley, Greene, etc.)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, assumed the Chair.

When Mr. GUTKNECHT, Chairman, pursuant to House Resolution 448, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shipbuilding Trade Agreement Act".

SEC. 2. APPROVAL OF THE SHIPBUILDING AGREEMENT.

The Congress approves The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (hereafter in this Act referred to as the "Shipbuilding Agreement"), a reciprocal trade agreement which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

SEC. 3. EFFECTIVE DATE.

Except as provided in section 206, this Act and the amendments made by this Act take effect on the date that the Shipbuilding Agreement enters into force with respect to the United States.

TITLE I—INJURIOUS PRICING AND COUNTERMEASURES

SEC. 101. INJURIOUS PRICING AND COUNTERMEASURES PROCEEDINGS.

The Tariff Act of 1930 is amended by adding at the end the following new title:

"TITLE VIII—INJURIOUS PRICING AND COUNTERMEASURES RELATING TO SHIPBUILDING

"Subtitle A—Injurious Pricing Charge and Countermeasures

"Sec. 801. Injurious pricing charge.

"Sec. 802. Procedures for initiating an injurious pricing investigation.

"Sec. 803. Preliminary determinations.

"Sec. 804. Termination or suspension of investigation.

"Sec. 805. Final determinations.

"Sec. 806. Imposition and collection of injurious pricing charge.

"Sec. 807. Imposition of countermeasures.

"Sec. 808. Injurious pricing petitions by third countries.

"Sec. 809. Third country sales.

"Subtitle B—Special Rules

"Sec. 821. Export price.

"Sec. 822. Normal value.

"Sec. 823. Currency conversion.

"Subtitle C—Procedures

"Sec. 841. Hearings.

"Sec. 842. Determinations on the basis of the facts available.

"Sec. 843. Access to information.

"Sec. 844. Conduct of investigations.

"Sec. 845. Administrative action following shipbuilding agreement panel reports.

"Subtitle D—Definitions

"Sec. 861. Definitions.

"Subtitle A—Injurious Pricing Charge and Countermeasures

"SEC. 801. INJURIOUS PRICING CHARGE.

"(a) BASIS FOR CHARGE.—If—

"(1) the administering authority determines that a foreign vessel has been sold di-

rectly or indirectly to one or more United States buyers at less than its fair value, and

"(2) the Commission determines that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded,

by reason of the sale of such vessel, then there shall be imposed upon the foreign producer of the subject vessel an injurious pricing charge, in an amount equal to the amount by which the normal value exceeds the export price for the vessel. For purposes of this subsection and section 805(b)(1), a reference to the sale of a foreign vessel includes the creation or transfer of an ownership interest in the vessel, except for an ownership interest created or acquired solely for the purpose of providing security for a normal commercial loan.

"(b) FOREIGN VESSELS NOT MERCHANDISE.—No foreign vessel may be considered to be, or to be part of, a class or kind of merchandise for purposes of subtitle B of title VII.

"SEC. 802. PROCEDURES FOR INITIATING AN INJURIOUS PRICING INVESTIGATION.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—

"(1) GENERAL RULE.—Except in the case in which subsection (d)(6) applies, an injurious pricing investigation shall be initiated whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a charge under section 801(a) exist, and whether a producer described in section 861(17)(C) would meet the criteria of subsection (b)(1)(B) for a petitioner.

"(2) TIME FOR INITIATION BY ADMINISTERING AUTHORITY.—An investigation may only be initiated under paragraph (1) within 6 months after the time the administering authority first knew or should have known of the sale of the vessel. Any period in which subsection (d)(6)(A) applies shall not be included in calculating that 6-month period.

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—(A) Except in a case in which subsection (d)(6) applies, an injurious pricing proceeding shall be initiated whenever an interested party, as defined in subparagraph (C), (D), (E), or (F) of section 861(17), files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subparagraph (B), (C), (D), or (E) of this paragraph, and which is accompanied by information reasonably available to the petitioner supporting those allegations and identifying the transaction concerned.

"(B)(i) If the petitioner is a producer described in section 861(17)(C), and—

"(I) if the petitioner was invited to tender a bid on the contract at issue, the petition shall include information indicating that the petitioner actually did so and the bid of the petitioner substantially met the delivery date and technical requirements of the bid, or

"(II) if the petitioner was not invited to tender a bid, the petition shall include information indicating that the petitioner was capable of building the vessel concerned and, if the petitioner knew or should have known of the proposed purchase, it made demonstrable efforts to conclude a sale with the United States buyer consistent with the delivery date and technical requirements of the buyer.

"(ii) For purposes of clause (i)(II), there is a rebuttable presumption that the petitioner

knew or should have known of the proposed purchase if it is demonstrated that—

"(I) the majority of the producers in the industry have made efforts with the United States buyer to conclude a sale of the subject vessel, or

"(II) general information on the sale was available from brokers, financiers, classification societies, charterers, trade associations, or other entities normally involved in shipbuilding transactions with whom the petitioner had regular contacts or dealings.

"(C) If the petitioner is an interested party described in section 861(17)(D), the petition shall include information indicating that members of the union or group of workers described in that section are employed by a producer that meets the requirements of subparagraph (B) of this paragraph.

"(D) If the petitioner is an interested party described in section 861(17)(E), the petition shall include information indicating that a member of the association described in that section is a producer that meets the requirements of subparagraph (B) of this paragraph.

"(E) If the petitioner is an interested party described in section 861(17)(F), the petition shall include information indicating that a member of the association described in that section meets the requirements of subparagraph (C) or (D) of this paragraph.

"(F) The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

"(2) SIMULTANEOUS FILING WITH COMMISSION.—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority.

"(3) DEADLINE FOR FILING PETITION.—

"(A) DEADLINE.—(i) A petitioner to which paragraph (1)(B)(i)(I) applies shall file the petition no later than the earlier of—

"(I) 6 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or

"(II) 6 months after delivery of the subject vessel.

"(ii) A petitioner to which paragraph (1)(B)(i)(II) applies shall—

"(I) file the petition no later than the earlier of 9 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or 6 months after delivery of the subject vessel, and

"(II) submit to the administering authority a notice of intent to file a petition no later than 6 months after the time that the petitioner first knew or should have known of the sale (unless the petition itself is filed within that 6-month period).

"(B) PRESUMPTION OF KNOWLEDGE.—For purposes of this paragraph, if the existence of the sale, together with general information concerning the vessel, is published in the international trade press, there is a rebuttable presumption that the petitioner knew or should have known of the sale of the vessel from the date of that publication.

"(c) ACTIONS BEFORE INITIATING INVESTIGATIONS.—

"(1) NOTIFICATION OF GOVERNMENTS.—Before initiating an investigation under either subsection (a) or (b), the administering authority shall notify the government of the exporting country of the investigation. In the case of the initiation of an investigation under subsection (b), such notification shall include a public version of the petition.

"(2) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than an interested party described in section 861(17)(C), (D), (E), or (F) before the administering authority makes its decision whether to initiate an investigation pursuant to a petition, except for inquiries regarding the status of the admin-

istering authority's consideration of the petition or a request for consultation by the government of the exporting country.

"(3) NONDISCLOSURE OF CERTAIN INFORMATION.—The administering authority and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed under subsection (b)(1).

"(d) PETITION DETERMINATION.—

"(1) TIME FOR INITIAL DETERMINATION.—(A) Within 45 days after the date on which a petition is filed under subsection (b), the administering authority shall, after examining, on the basis of sources readily available to the administering authority, the accuracy and adequacy of the evidence provided in the petition, determine whether the petition—

"(i) alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subsection (b)(1)(B), (C), (D), or (E), and contains information reasonably available to the petitioner supporting the allegations; and

"(ii) determine if the petition has been filed by or on behalf of the industry.

"(B) Any period in which paragraph (6)(A) applies shall not be included in calculating the 45-day period described in subparagraph (A).

"(2) AFFIRMATIVE DETERMINATIONS.—If the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, the administering authority shall initiate an investigation to determine whether the vessel was sold at less than fair value, unless paragraph (6) applies.

"(3) NEGATIVE DETERMINATIONS.—If—

"(A) the determination under clause (i) or (ii) of paragraph (1)(A) is negative, or

"(B) paragraph (6)(B) applies,

the administering authority shall dismiss the petition, terminate the proceeding, and notify the petitioner in writing of the reasons for the determination.

"(4) DETERMINATION OF INDUSTRY SUPPORT.—

"(A) GENERAL RULE.—For purposes of this subsection, the administering authority shall determine that the petition has been filed by or on behalf of the domestic industry, if—

"(i) the domestic producers or workers who support the petition collectively account for at least 25 percent of the total capacity of domestic producers capable of producing a like vessel, and

"(ii) the domestic producers or workers who support the petition collectively account for more than 50 percent of the total capacity to produce a like vessel of that portion of the domestic industry expressing support for or opposition to the petition.

"(B) CERTAIN POSITIONS DISREGARDED.—In determining industry support under subparagraph (A), the administering authority shall disregard the position of domestic producers who oppose the petition, if such producers are related to the foreign producer or United States buyer of the subject vessel, or the domestic producer is itself the United States buyer, unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an injurious pricing charge.

"(C) POLLING THE INDUSTRY.—If the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total capacity to produce a like vessel—

"(i) the administering authority shall poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or

"(ii) if there is a large number of producers in the industry, the administering authority may determine industry support for the peti-

tion by using any statistically valid sampling method to poll the industry.

"(D) COMMENTS BY INTERESTED PARTIES.—Before the administering authority makes a determination with respect to initiating an investigation, any person who would qualify as an interested party under section 861(17) if an investigation were initiated, may submit comments or information on the issue of industry support. After the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.

"(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term 'domestic producers or workers' means interested parties as defined in section 861(17)(C), (D), (E), or (F).

"(6) PROCEEDINGS BY WTO MEMBERS.—The administering authority shall not initiate an investigation under this section if, with respect to the vessel sale at issue, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party—

"(A) has been initiated and has been pending for not more than one year, or

"(B) has been completed and resulted in the imposition of antidumping measures or a negative determination with respect to whether the sale was at less than fair value or with respect to injury.

"(e) NOTIFICATION TO COMMISSION OF DETERMINATION.—The administering authority shall—

"(1) notify the Commission immediately of any determination it makes under subsection (a) or (d), and

"(2) if the determination is affirmative, make available to the Commission such information as it may have relating to the matter under investigation, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"SEC. 803. PRELIMINARY DETERMINATIONS.

"(a) DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.—

"(1) GENERAL RULE.—Except in the case of a petition dismissed by the administering authority under section 802(d)(3), the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded,

by reason of the sale of the subject vessel. If the Commission makes a negative determination under this paragraph, the investigation shall be terminated.

"(2) TIME FOR COMMISSION DETERMINATION.—The Commission shall make the determination described in paragraph (1) within 90 days after the date on which the petition is filed or, in the case of an investigation initiated under section 802(a), within 90 days after the date on which the Commission receives notice from the administering authority that the investigation has been initiated.

"(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—

"(1) PERIOD OF INJURIOUS PRICING INVESTIGATION.—(A) The administering authority shall make a determination, based upon the information available to it at the time of the determination, of whether there is a reason-

able basis to believe or suspect that the subject vessel was sold at less than fair value.

"(B) If cost data is required to determine normal value on the basis of a sale of a foreign like vessel that has not been delivered on or before the date on which the administering authority initiates the investigation, the administering authority shall make its determination within 160 days after the date of delivery of the foreign like vessel.

"(C) If normal value is to be determined on the basis of constructed value, the administering authority shall make its determination within 160 days after the date of delivery of the subject vessel.

"(D) In cases in which subparagraph (B) or (C) does not apply, the administering authority shall make its determination within 160 days after the date on which the administering authority initiates the investigation under section 802.

"(E) In no event shall the administering authority make its determination before an affirmative determination is made by the Commission under subsection (a).

"(2) DE MINIMIS INJURIOUS PRICING MARGIN.—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis. For purposes of the preceding sentence, an injurious pricing margin is de minimis if the administering authority determines that the margin is less than 2 percent of the export price.

"(c) EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES OR FOR GOOD CAUSE.—

"(1) IN GENERAL.—If—

"(A) the administering authority concludes that the parties concerned are cooperating and determines that—

"(i) the case is extraordinarily complicated by reason of—

"(I) the novelty of the issues presented, or

"(II) the nature and extent of the information required, and

"(ii) additional time is necessary to make the preliminary determination, or

"(B) a party to the investigation requests an extension and demonstrates good cause for the extension,

then the administering authority may postpone the time for making its preliminary determination.

"(2) LENGTH OF POSTPONEMENT.—The preliminary determination may be postponed under paragraph (1)(A) or (B) until not later than the 190th day after—

"(A) the date of delivery of the foreign like vessel, if subsection (b)(1)(B) applies,

"(B) the date of delivery of the subject vessel, if subsection (b)(1)(C) applies, or

"(C) the date on which the administering authority initiates an investigation under section 802, in a case in which subsection (b)(1)(D) applies.

"(3) NOTICE OF POSTPONEMENT.—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b)(1), if it intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement, and notice of the postponement shall be published in the Federal Register.

"(d) EFFECT OF DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority shall—

"(1) determine an estimated injurious pricing margin, and

"(2) make available to the Commission all information upon which its determination was based and which the Commission considers relevant to its injury determination,

under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

“(e) NOTICE OF DETERMINATION.—Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination. The administering authority shall include with such notification the facts and conclusions on which its determination is based. Not later than 5 days after the date on which the determination is required to be made under subsection (a)(2), the Commission shall transmit to the administering authority the facts and conclusions on which its determination is based.

“SEC. 804. TERMINATION OR SUSPENSION OF INVESTIGATION.

“(a) TERMINATION OF INVESTIGATION UPON WITHDRAWAL OF PETITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner.

“(2) LIMITATION ON TERMINATION BY COMMISSION.—The Commission may not terminate an investigation under paragraph (1) before a preliminary determination is made by the administering authority under section 803(b).

“(b) TERMINATION OF INVESTIGATIONS INITIATED BY ADMINISTERING AUTHORITY.—The administering authority may terminate any investigation initiated by the administering authority under section 802(a) after providing notice of such termination to all parties to the investigation.

“(c) ALTERNATE EQUIVALENT REMEDY.—The criteria set forth in subparagraphs (A) through (D) of section 806(e)(1) shall apply to any agreement that forms the basis for termination of an investigation under subsection (a) or (b).

“(d) PROCEEDINGS BY WTO MEMBERS.—

“(1) SUSPENSION OF INVESTIGATION.—The administering authority and the Commission shall suspend an investigation under this section if a WTO member that is not a Shipbuilding Agreement Party initiates an antidumping proceeding described in section 861(29)(A) with respect to the sale of the subject vessel.

“(2) TERMINATION OF INVESTIGATION.—If an antidumping proceeding described in paragraph (1) is concluded by—

“(A) the imposition of antidumping measures, or

“(B) a negative determination with respect to whether the sale is at less than fair value or with respect to injury, the administering authority and the Commission shall terminate the investigation under this section.

“(3) CONTINUATION OF INVESTIGATION.—(A) If such a proceeding—

“(i) is concluded by a result other than a result described in paragraph (2), or

“(ii) is not concluded within one year from the date of the initiation of the proceeding, then the administering authority and the Commission shall terminate the suspension and continue the investigation. The period in which the investigation was suspended shall not be included in calculating deadlines applicable with respect to the investigation.

“(B) Notwithstanding subparagraph (A)(ii), if the proceeding is concluded by a result de-

scribed in paragraph (2)(A), the administering authority and the Commission shall terminate the investigation under this section.

“SEC. 805. FINAL DETERMINATIONS.

“(a) DETERMINATIONS BY ADMINISTERING AUTHORITY.—

“(1) IN GENERAL.—Within 75 days after the date of its preliminary determination under section 803(b), the administering authority shall make a final determination of whether the vessel which is the subject of the investigation has been sold in the United States at less than its fair value.

“(2) EXTENSION OF PERIOD FOR DETERMINATION.—(A) The administering authority may postpone making the final determination under paragraph (1) until not later than 290 days after—

“(i) the date of delivery of the foreign like vessel, in an investigation to which section 803(b)(1)(B) applies,

“(ii) the date of delivery of the subject vessel, in an investigation to which section 803(b)(1)(C) applies, or

“(iii) the date on which the administering authority initiates the investigation under section 802, in an investigation to which section 803(b)(1)(D) applies.

“(B) The administering authority may apply subparagraph (A) if a request in writing is made by—

“(i) the producer of the subject vessel, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was affirmative, or

“(ii) the petitioner, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was negative.

“(3) DE MINIMIS INJURIOUS PRICING MARGIN.—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis as defined in section 803(b)(2).

“(b) FINAL DETERMINATION BY COMMISSION.—

“(1) IN GENERAL.—The Commission shall make a final determination of whether—

“(A) an industry in the United States—

“(i) is or has been materially injured, or

“(ii) is threatened with material injury, or

“(B) the establishment of an industry in the United States is or has been materially retarded,

by reason of the sale of the vessel with respect to which the administering authority has made an affirmative determination under subsection (a)(1).

“(2) PERIOD FOR INJURY DETERMINATION FOLLOWING AFFIRMATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 803(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

“(A) the 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 803(b), or

“(B) the 45th day after the day on which the administering authority makes its affirmative final determination under subsection (a).

“(3) PERIOD FOR INJURY DETERMINATION FOLLOWING NEGATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 803(b) is negative, and its final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

“(c) EFFECT OF FINAL DETERMINATIONS.—

“(1) EFFECT OF AFFIRMATIVE DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the determination of the administering authority under subsection (a) is affirmative, then the administering authority shall—

“(A) make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority, and

“(B) calculate an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel.

“(2) ISSUANCE OF ORDER; EFFECT OF NEGATIVE DETERMINATION.—If the determinations of the administering authority and the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue an injurious pricing order under section 806. If either of such determinations is negative, the investigation shall be terminated upon the publication of notice of that negative determination.

“(d) PUBLICATION OF NOTICE OF DETERMINATIONS.—Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

“(e) CORRECTION OF MINISTERIAL ERRORS.—The administering authority shall establish procedures for the correction of ministerial errors in final determinations within a reasonable time after the determinations are issued under this section. Such procedures shall ensure opportunity for interested parties to present their views regarding any such errors. As used in this subsection, the term ‘ministerial error’ includes errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.

“SEC. 806. IMPOSITION AND COLLECTION OF INJURIOUS PRICING CHARGE.

“(a) IN GENERAL.—Within 10 days after being notified by the Commission of an affirmative determination under section 805(b), the administering authority shall publish an order imposing an injurious pricing charge on the foreign producer of the subject vessel which—

“(1) directs the foreign producer of the subject vessel to pay to the Secretary of the Treasury, or the designee of the Secretary, within 180 days from the date of publication of the order, an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel,

“(2) includes the identity and location of the foreign producer and a description of the subject vessel, in such detail as the administering authority deems necessary, and

“(3) informs the foreign producer that—

“(A) failure to pay the injurious pricing charge in a timely fashion may result in the imposition of countermeasures with respect to that producer under section 807,

“(B) payment made after the deadline described in paragraph (1) shall be subject to interest charges at the Commercial Interest Reference Rate (CIRR), and

“(C) the foreign producer may request an extension of the due date for payment under subsection (b).

“(b) EXTENSION OF DUE DATE FOR PAYMENT IN EXTRAORDINARY CIRCUMSTANCES.—

“(1) EXTENSION.—Upon request, the administering authority may amend the order under subsection (a) to set a due date for payment or payments later than the date that is 180 days from the date of publication of the order, if the administering authority determines that full payment in 180 days would render the producer insolvent or would be incompatible with a judicially supervised reorganization. When an extended payment schedule provides for a series of partial payments, the administering authority shall specify the circumstances under which default on one or more payments will result in the imposition of countermeasures.

“(2) INTEREST CHARGES.—If a request is granted under paragraph (1), payments made after the date that is 180 days from the publication of the order shall be subject to interest charges at the CIRR.

“(c) NOTIFICATION OF ORDER.—The administering authority shall deliver a copy of the order requesting payment to the foreign producer of the subject vessel and to an appropriate representative of the government of the exporting country.

“(d) REVOCATION OF ORDER.—The administering authority—

“(1) may revoke an injurious pricing order if the administering authority determines that producers accounting for substantially all of the capacity to produce a domestic like vessel have expressed a lack of interest in the order, and

“(2) shall revoke an injurious pricing order—

“(A) if the sale of the vessel that was the subject of the injurious pricing determination is voided,

“(B) if the injurious pricing charge is paid in full, including any interest accrued for late payment,

“(C) upon full implementation of an alternative equivalent remedy described in subsection (e), or

“(D) if, with respect to the vessel sale that was at issue in the investigation that resulted in the injurious pricing order, an anti-dumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party has been completed and resulted in the imposition of antidumping measures.

“(e) ALTERNATIVE EQUIVALENT REMEDY.—

“(1) AGREEMENT FOR ALTERNATE REMEDY.—The administering authority may suspend an injurious pricing order if the administering authority enters into an agreement with the foreign producer subject to the order on an alternative equivalent remedy, that the administering authority determines—

“(A) is at least as effective a remedy as the injurious pricing charge,

“(B) is in the public interest,

“(C) can be effectively monitored and enforced, and

“(D) is otherwise consistent with the domestic law and international obligations of the United States.

“(2) PRIOR CONSULTATIONS AND SUBMISSION OF COMMENTS.—Before entering into an agreement under paragraph (1), the administering authority shall consult with the industry, and provide for the submission of comments by interested parties, with respect to the agreement.

“(3) MATERIAL VIOLATIONS OF AGREEMENT.—If the injurious pricing order has been suspended under paragraph (1), and the administering authority determines that the foreign producer concerned has materially violated the terms of the agreement under paragraph (1), the administering authority shall terminate the suspension.

“SEC. 807. IMPOSITION OF COUNTERMEASURES.

“(a) GENERAL RULE.—

“(1) ISSUANCE OF ORDER IMPOSING COUNTERMEASURES.—Unless an injurious pricing order

is revoked or suspended under section 806 (d) or (e), the administering authority shall issue an order imposing countermeasures.

“(2) CONTENTS OF ORDER.—The countermeasure order shall—

“(A) state that, as provided in section 468, a permit to lade or unlade passengers or merchandise may not be issued with respect to vessels contracted to be built by the foreign producer of the vessel with respect to which an injurious pricing order was issued under section 806, and

“(B) specify the scope and duration of the prohibition on the issuance of a permit to lade or unlade passengers or merchandise.

“(b) NOTICE OF INTENT TO IMPOSE COUNTERMEASURES.—

“(1) GENERAL RULE.—The administering authority shall issue a notice of intent to impose countermeasures not later than 30 days before the expiration of the time for payment specified in the injurious pricing order (or extended payment provided for under section 806(b)), and shall publish the notice in the Federal Register within 7 days after issuing the notice.

“(2) ELEMENTS OF THE NOTICE OF INTENT.—The notice of intent shall contain at least the following elements:

“(A) SCOPE.—A permit to lade or unlade passengers or merchandise may not be issued with respect to any vessel—

“(i) built by the foreign producer subject to the proposed countermeasures, and

“(ii) with respect to which the material terms of sale are established within a period of 4 consecutive years beginning on the date that is 30 days after publication in the Federal Register of the notice of intent described in paragraph (1).

“(B) DURATION.—For each vessel described in subparagraph (A), a permit to lade or unlade passengers or merchandise may not be issued for a period of 4 years after the date of delivery of the vessel.

“(c) DETERMINATION TO IMPOSE COUNTERMEASURES; ORDER.—

“(1) GENERAL RULE.—The administering authority shall, within the time specified in paragraph (2), issue a determination and order imposing countermeasures.

“(2) TIME FOR DETERMINATION.—The determination shall be issued within 90 days after the date on which the notice of intent to impose countermeasures under subsection (b) is published in the Federal Register. The administering authority shall publish the determination, and the order described in paragraph (4), in the Federal Register within 7 days after issuing the final determination, and shall provide a copy of the determination and order to the Customs Service.

“(3) CONTENT OF THE DETERMINATION.—In the determination imposing countermeasures, the administering authority shall determine whether, in light of all of the circumstances, an interested party has demonstrated that the scope or duration of the countermeasures described in subsection (b)(2) should be narrower or shorter than the scope or duration set forth in the notice of intent to impose countermeasures.

“(4) ORDER.—At the same time it issues its determination, the administering authority shall issue an order imposing countermeasures, consistent with its determination.

“(d) ADMINISTRATIVE REVIEW OF DETERMINATION TO IMPOSE COUNTERMEASURES.—

“(1) REQUEST FOR REVIEW.—Each year, in the anniversary month of the issuance of the order imposing countermeasures under subsection (c), the administering authority shall publish in the Federal Register a notice providing that interested parties may request—

“(A) a review of the scope or duration of the countermeasures determined under subsection (c)(3), and

“(B) a hearing in connection with such a review.

“(2) REVIEW.—If a proper request has been received under paragraph (1), the administering authority shall—

“(A) publish notice of initiation of a review in the Federal Register not later than 15 days after the end of the anniversary month of the issuance of the order imposing countermeasures, and

“(B) review and determine whether the requesting party has demonstrated that the scope or duration of the countermeasures is excessive in light of all of the circumstances.

“(3) TIME FOR REVIEW.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of the review is published. If the determination under paragraph (2)(B) is affirmative, the administering authority shall amend the order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service. In extraordinary circumstances, the administering authority may extend the time for its determination under paragraph (2)(B) to not later than 150 days after the date on which the notice of initiation of the review is published.

“(e) EXTENSION OF COUNTERMEASURES.—

“(1) REQUEST FOR EXTENSION.—Within the time described in paragraph (2), an interested party may file with the administering authority a request that the scope or duration of countermeasures be extended.

“(2) DEADLINE FOR REQUEST FOR EXTENSION.—

“(A) REQUEST FOR EXTENSION BEYOND 4 YEARS.—If the request seeks an extension that would cause the scope or duration of countermeasures to exceed 4 years, including any prior extensions, the request for extension under paragraph (1) shall be filed not earlier than the date that is 15 months, and not later than the date that is 12 months, before the date that marks the end of the period that specifies the vessels that fall within the scope of the order by virtue of the establishment of material terms of sale within that period.

“(B) OTHER REQUESTS.—If the request seeks an extension under paragraph (1) other than one described in subparagraph (A), the request shall be filed not earlier than the date that is 6 months, and not later than a date that is 3 months, before the date that marks the end of the period referred to in subparagraph (A).

“(3) DETERMINATION.—

“(A) NOTICE OF REQUEST FOR EXTENSION.—If a proper request has been received under paragraph (1), the administering authority shall publish notice of initiation of an extension proceeding in the Federal Register not later than 15 days after the applicable deadline in paragraph (2) for requesting the extension.

“(B) PROCEDURES.—

“(i) REQUESTS FOR EXTENSION BEYOND 4 YEARS.—If paragraph (2)(A) applies to the request, the administering authority shall consult with the Trade Representative under paragraph (4).

“(ii) OTHER REQUESTS.—If paragraph (2)(B) applies to the request, the administering authority shall determine, within 90 days after the date on which the notice of initiation of the proceeding is published, whether the requesting party has demonstrated that the scope or duration of the countermeasures is inadequate in light of all of the circumstances. If the administering authority determines that an extension is warranted, it shall amend the countermeasure order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Reg-

ister, and shall provide a copy of any amended order to the Customs Service.

“(4) CONSULTATION WITH TRADE REPRESENTATIVE.—If paragraph (3)(B)(i) applies, the administering authority shall consult with the Trade Representative concerning whether it would be appropriate to request establishment of a dispute settlement panel under the Shipbuilding Agreement for the purpose of seeking authorization to extend the scope or duration of countermeasures for a period in excess of 4 years.

“(5) DECISION NOT TO REQUEST PANEL.—If, based on consultations under paragraph (4), the Trade Representative decides not to request establishment of a panel, the Trade Representative shall inform the party requesting the extension of the countermeasures of the reasons for its decision in writing. The decision shall not be subject to judicial review.

“(6) PANEL PROCEEDINGS.—If, based on consultations under paragraph (4), the Trade Representative requests the establishment of a panel under the Shipbuilding Agreement to authorize an extension of the period of countermeasures, and the panel authorizes such an extension, the administering authority shall promptly amend the countermeasure order. The administering authority shall publish notice of the amendment in the Federal Register.

“(f) LIST OF VESSELS SUBJECT TO COUNTERMEASURES.—

“(1) GENERAL RULE.—At least once during each 12-month period beginning on the anniversary date of a determination to impose countermeasures under this section, the administering authority shall publish in the Federal Register a list of all delivered vessels subject to countermeasures under the determination.

“(2) CONTENT OF LIST.—The list under paragraph (1) shall include the following information for each vessel, to the extent the information is available:

“(A) The name and general description of the vessel.

“(B) The vessel identification number.

“(C) The shipyard where the vessel was constructed.

“(D) The last-known registry of the vessel.

“(E) The name and address of the last-known owner of the vessel.

“(F) The delivery date of the vessel.

“(G) The remaining duration of countermeasures on the vessel.

“(H) Any other identifying information available.

“(3) AMENDMENT OF LIST.—The administering authority may amend the list from time to time to reflect new information that comes to its attention and shall publish any amendments in the Federal Register.

“(4) SERVICE OF LIST AND AMENDMENTS.—(A) The administering authority shall serve a copy of the list described in paragraph (1) on—

“(i) the petitioner under section 802(b),

“(ii) the United States Customs Service,

“(iii) the Secretariat of the Organization for Economic Cooperation and Development,

“(iv) the owners of vessels on the list,

“(v) the shipyards on the list, and

“(vi) the government of the country in which a shipyard on the list is located.

“(B) The administering authority shall serve a copy of any amendments to the list under paragraph (3) or subsection (g)(3) on—

“(i) the parties listed in clauses (i), (ii), and (iii) of subparagraph (A), and,

“(ii) if the amendment affects their interests, the parties listed in clauses (iv), (v), and (vi) of subparagraph (A).

“(g) ADMINISTRATIVE REVIEW OF LIST OF VESSELS SUBJECT TO COUNTERMEASURES.—

“(1) REQUEST FOR REVIEW.—(A) An interested party may request in writing a review of the list described in subsection (f)(1), in-

cluding any amendments thereto, to determine whether—

“(i) a vessel included in the list does not fall within the scope of the applicable countermeasure order and should be deleted, or

“(ii) a vessel not included in the list falls within the scope of the applicable countermeasure order and should be added.

“(B) Any request seeking a determination described in subparagraph (A)(i) shall be made within 90 days after the date of publication of the applicable list.

“(2) REVIEW.—If a proper request for review has been received, the administering authority shall—

“(A) publish notice of initiation of a review in the Federal Register—

“(i) not later than 15 days after the request is received, or

“(ii) if the request seeks a determination described in paragraph (1)(A)(i), not later than 15 days after the deadline described in paragraph (1)(B), and

“(B) review and determine whether the requesting party has demonstrated that—

“(i) a vessel included in the list does not qualify for such inclusion, or

“(ii) a vessel not included in the list qualifies for inclusion.

“(3) TIME FOR DETERMINATION.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of such review is published. If the administering authority determines that a vessel should be added or deleted from the list, the administering authority shall amend the list accordingly. The administering authority shall promptly publish in the Federal Register the determination and any such amendment to the list.

“(h) EXPIRATION OF COUNTERMEASURES.—Upon expiration of a countermeasure order imposed under this section, the administering authority shall promptly publish a notice of the expiration in the Federal Register.

“(i) SUSPENSION OR TERMINATION OF PROCEEDINGS OR COUNTERMEASURES; TEMPORARY REDUCTION OF COUNTERMEASURES.—

“(1) IF INJURIOUS PRICING ORDER REVOKED OR SUSPENDED.—If an injurious pricing order has been revoked or suspended under section 806(d) or (e), the administering authority shall, as appropriate, suspend or terminate proceedings under this section with respect to that order, or suspend or revoke a countermeasure order issued with respect to that injurious pricing order.

“(2) IF PAYMENT DATE AMENDED.—(A) Subject to subparagraph (C), if the payment date under an injurious pricing order is amended under section 845, the administering authority shall, as appropriate, suspend proceedings or modify deadlines under this section, or suspend or amend a countermeasure order issued with respect to that injurious pricing order.

“(B) In taking action under subparagraph (A), the administering authority shall ensure that countermeasures are not applied before the date that is 30 days after publication in the Federal Register of the amended payment date.

“(C) If—

“(i) a countermeasure order is issued under subsection (c) before an amendment is made under section 845 to the payment date of the injurious pricing order to which the countermeasure order applies, and

“(ii) the administering authority determines that the period of time between the original payment date and the amended payment date is significant for purposes of determining the appropriate scope or duration of countermeasures,

the administering authority may, in lieu of acting under subparagraph (A), reinstitute proceedings under subsection (c) for purposes

of issuing a new determination under that subsection.

“(j) COMMENT AND HEARING.—In the course of any proceeding under subsection (c), (d), (e), or (g), the administering authority—

“(1) shall solicit comments from interested parties, and

“(2)(A) in a proceeding under subsection (c) or (d), upon the request of an interested party, shall hold a hearing in accordance with section 841(b) in connection with that proceeding, or

“(B) in a proceeding under subsection (e) or (g), upon the request of an interested party, may hold a hearing in accordance with section 841(b) in connection with that proceeding.

“SEC. 808. INJURIOUS PRICING PETITIONS BY THIRD COUNTRIES.

“(a) FILING OF PETITION.—The government of a Shipbuilding Agreement Party may file with the Trade Representative a petition requesting that an investigation be conducted to determine if—

“(1) a vessel from another Shipbuilding Agreement Party has been sold in the United States at less than fair value, and

“(2) an industry, in the petitioning country, producing or capable of producing a like vessel is materially injured by reason of such sale.

“(b) INITIATION.—The Trade Representative, after consultation with the administering authority and the Commission and obtaining the approval of the Parties Group under the Shipbuilding Agreement, shall determine whether to initiate an investigation described in subsection (a).

“(c) DETERMINATIONS.—Upon initiation of an investigation under subsection (a), the Trade Representative shall request the following determinations be made in accordance with substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

“(1) The administering authority shall determine whether the subject vessel has been sold at less than fair value.

“(2) The Commission shall determine whether an industry in the petitioning country is materially injured by reason of the sale of the subject vessel in the United States.

“(d) PUBLIC COMMENT.—An opportunity for public comment shall be provided, as appropriate—

“(1) by the Trade Representative, in making the determinations required by subsection (b), and

“(2) by the administering authority and the Commission, in making the determinations required by subsection (c).

“(e) ISSUANCE OF ORDER.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (c), and the Commission makes an affirmative determination under paragraph (2) of subsection (c), the administering authority shall—

“(1) order an injurious pricing charge in accordance with section 806, and

“(2) make such determinations and take such other actions as are required by sections 806 and 807, as if affirmative determinations had been made under subsections (a) and (b) of section 805.

“(f) REVIEWS OF DETERMINATIONS.—For purposes of review under section 516B, if an order is issued under subsection (e)—

“(1) the final determinations of the administering authority and the Commission under subsection (c) shall be treated as final determinations made under section 805, and

“(2) determinations of the administering authority under subsection (e)(2) shall be treated as determinations made under section 806 or 807, as the case may be.

“(g) ACCESS TO INFORMATION.—Section 843 shall apply to investigations under this section, to the extent specified by the Trade Representative, after consultation with the administering authority and the Commission.

“SEC. 809. THIRD COUNTRY SALES.

“(a) FILING OF PETITION.—Any interested party that would be eligible to file a petition under section 802(b)(1) with respect to a sale if such sale had been to a United States buyer may, with respect to a sale of a vessel by a foreign producer in a Shipbuilding Agreement Party to a buyer in a third country that is a Shipbuilding Agreement Party, file with the Trade Representative a petition alleging that—

“(1) such vessel has been sold at less than fair value; and

“(2) the industry in the United States producing or capable of producing a like vessel is materially injured by reason of such sale.

“(b) DETERMINATION.—Upon receipt of a petition under subsection (a), the Trade Representative shall request the following determinations to be made in accordance with substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

“(1) The administering authority shall determine whether there is reasonable cause to believe that the subject vessel has been sold at less than fair value.

“(2) The Commission shall determine whether there is reasonable cause to believe that the industry in the United States is materially injured by reason of such sale.

“(c) COMPLAINT BY TRADE REPRESENTATIVE.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (b), and the Commission makes an affirmative determination under paragraph (2) of subsection (b), the Trade Representative shall make application to the country of the buyer of the subject vessel for an injurious pricing action and relief similar to that available under section 808. The Trade Representative shall advise the petitioner of the proceedings undertaken by the third country in response to such application and shall permit the petitioner to participate in such proceedings to the greatest extent practicable.

“Subtitle B—Special Rules

“SEC. 821. EXPORT PRICE.

“(a) EXPORT PRICE.—For purposes of this title, the term ‘export price’ means the price at which the subject vessel is first sold (or agreed to be sold) by or for the account of the foreign producer of the subject vessel to an unaffiliated United States buyer. The term ‘sold (or agreed to be sold) by or for the account of the foreign producer’ includes any transfer of an ownership interest, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, to a United States buyer.

“(b) ADJUSTMENTS TO EXPORT PRICE.—The price used to establish export price shall be—

“(1) increased by the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject vessel, and

“(2) reduced by—

“(A) the amount, if any, included in such price, attributable to any additional costs, charges, or expenses which are incident to bringing the subject vessel from the shipyard in the exporting country to the place of delivery,

“(B) the amount, if included in such price, of any export tax, duty, or other charge imposed by the exporting country on the exportation of the subject vessel, and

“(C) all other expenses incidental to placing the vessel in condition for delivery to the buyer.

“SEC. 822. NORMAL VALUE.

“(a) DETERMINATION.—In determining under this title whether a subject vessel has been sold at less than fair value, a fair comparison shall be made between the export price and normal value of the subject vessel. In order to achieve a fair comparison with the export price, normal value shall be determined as follows:

“(1) DETERMINATION OF NORMAL VALUE.—

“(A) IN GENERAL.—The normal value of the subject vessel shall be the price described in subparagraph (B), at a time reasonably corresponding to the time of the sale used to determine the export price under section 821(a).

“(B) PRICE.—The price referred to in subparagraph (A) is—

“(i) the price at which a foreign like vessel is first sold in the exporting country, in the ordinary course of trade and, to the extent practicable, at the same level of trade, or

“(ii) in a case to which subparagraph (C) applies, the price at which a foreign like vessel is so sold for consumption in a country other than the exporting country or the United States, if—

“(I) such price is representative, and

“(II) the administering authority does not determine that the particular market situation in such other country prevents a proper comparison with the export price.

“(C) THIRD COUNTRY SALES.—This subparagraph applies when—

“(i) a foreign like vessel is not sold in the exporting country as described in subparagraph (B)(i), or

“(ii) the particular market situation in the exporting country does not permit a proper comparison with the export price.

“(D) CONTEMPORANEOUS SALE.—For purposes of subparagraph (A), ‘a time reasonably corresponding to the time of the sale’ means within 3 months before or after the sale of the subject vessel or, in the absence of such sales, such longer period as the administering authority determines would be appropriate.

“(2) FICTITIOUS MARKETS.—No pretended sale, and no sale intended to establish a fictitious market, shall be taken into account in determining normal value.

“(3) USE OF CONSTRUCTED VALUE.—If the administering authority determines that the normal value of the subject vessel cannot be determined under paragraph (1)(B) or (1)(C), then the normal value of the subject vessel shall be the constructed value of that vessel, as determined under subsection (e).

“(4) INDIRECT SALES.—If a foreign like vessel is sold through an affiliated party, the price at which the foreign like vessel is sold by such affiliated party may be used in determining normal value.

“(5) ADJUSTMENTS.—The price described in paragraph (1)(B) shall be—

“(A) reduced by—

“(i) the amount, if any, included in the price described in paragraph (1)(B), attributable to any costs, charges, and expenses incident to bringing the foreign like vessel from the shipyard to the place of delivery to the purchaser,

“(ii) the amount of any taxes imposed directly upon the foreign like vessel or components thereof which have been rebated, or which have not been collected, on the subject vessel, but only to the extent that such taxes are added to or included in the price of the foreign like vessel, and

“(iii) the amount of all other expenses incidental to placing the foreign like vessel in condition for delivery to the buyer, and

“(B) increased or decreased by the amount of any difference (or lack thereof) between the export price and the price described in

paragraph (1)(B) (other than a difference for which allowance is otherwise provided under this section) that is established to the satisfaction of the administering authority to be wholly or partly due to—

“(i) physical differences between the subject vessel and the vessel used in determining normal value, or

“(ii) other differences in the circumstances of sale.

“(6) ADJUSTMENTS FOR LEVEL OF TRADE.—The price described in paragraph (1)(B) shall also be increased or decreased to make due allowance for any difference (or lack thereof) between the export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise made under this section) that is shown to be wholly or partly due to a difference in level of trade between the export price and normal value, if the difference in level of trade—

“(A) involves the performance of different selling activities, and

“(B) is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.

In a case described in the preceding sentence, the amount of the adjustment shall be based on the price differences between the two levels of trade in the country in which normal value is determined.

“(7) ADJUSTMENTS TO CONSTRUCTED VALUE.—Constructed value as determined under subsection (d) may be adjusted, as appropriate, pursuant to this subsection.

“(b) SALES AT LESS THAN COST OF PRODUCTION.—

“(1) DETERMINATION; SALES DISREGARDED.—Whenever the administering authority has reasonable grounds to believe or suspect that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the foreign like vessel, the administering authority shall determine whether, in fact, such sale was made at less than the cost of production. If the administering authority determines that the sale was made at less than the cost of production and was not at a price which permits recovery of all costs within 5 years, such sale may be disregarded in the determination of normal value. Whenever such a sale is disregarded, normal value shall be based on another sale of a foreign like vessel in the ordinary course of trade. If no sales made in the ordinary course of trade remain, the normal value shall be based on the constructed value of the subject vessel.

“(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

“(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—There are reasonable grounds to believe or suspect that the sale of a foreign like vessel was made at a price that is less than the cost of production of the vessel, if an interested party described in subparagraph (C), (D), (E), or (F) of section 861(17) provides information, based upon observed prices or constructed prices or costs, that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the vessel.

“(B) RECOVERY OF COSTS.—If the price is below the cost of production at the time of sale but is above the weighted average cost of production for the period of investigation, such price shall be considered to provide for recovery of costs within 5 years.

“(3) CALCULATION OF COST OF PRODUCTION.—For purposes of this section, the cost of production shall be an amount equal to the sum of—

“(A) the cost of materials and of fabrication or other processing of any kind em-

ployed in producing the foreign like vessel, during a period which would ordinarily permit the production of that vessel in the ordinary course of business, and

“(B) an amount for selling, general, and administrative expenses based on actual data pertaining to the production and sale of the foreign like vessel by the producer in question.

For purposes of subparagraph (A), if the normal value is based on the price of the foreign like vessel sold in a country other than the exporting country, the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or on their disposition which are remitted or refunded upon exportation.

“(C) NONMARKET ECONOMY COUNTRIES.—

“(1) IN GENERAL.—If—

“(A) the subject vessel is produced in a nonmarket economy country, and

“(B) the administering authority finds that available information does not permit the normal value of the subject vessel to be determined under subsection (a),

the administering authority shall determine the normal value of the subject vessel on the basis of the value of the factors of production utilized in producing the vessel and to which shall be added an amount for general expenses and profit plus the cost of expenses incidental to placing the vessel in a condition for delivery to the buyer. Except as provided in paragraph (2), the valuation of the factors of production shall be based on the best available information regarding the values of such factors in a market economy country or countries considered to be appropriate by the administering authority.

“(2) EXCEPTION.—If the administering authority finds that the available information is inadequate for purposes of determining the normal value of the subject vessel under paragraph (1), the administering authority shall determine the normal value on the basis of the price at which a vessel that is—

“(A) comparable to the subject vessel, and

“(B) produced in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country, is sold in other countries, including the United States.

“(3) FACTORS OF PRODUCTION.—For purposes of paragraph (1), the factors of production utilized in producing the vessel include, but are not limited to—

“(A) hours of labor required,

“(B) quantities of raw materials employed,

“(C) amounts of energy and other utilities consumed, and

“(D) representative capital cost, including depreciation.

“(4) VALUATION OF FACTORS OF PRODUCTION.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

“(A) at a level of economic development comparable to that of the nonmarket economy country, and

“(B) significant producers of comparable vessels.

“(d) SPECIAL RULE FOR CERTAIN MULTINATIONAL CORPORATIONS.—Whenever, in the course of an investigation under this title, the administering authority determines that—

“(1) the subject vessel was produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of a foreign like vessel which are located in another country or countries,

“(2) subsection (a)(1)(C) applies, and

“(3) the normal value of a foreign like vessel produced in one or more of the facilities outside the exporting country is higher than the normal value of the foreign like vessel produced in the facilities located in the exporting country,

the administering authority shall determine the normal value of the subject vessel by reference to the normal value at which a foreign like vessel is sold from one or more facilities outside the exporting country. The administering authority, in making any determination under this subsection, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of the foreign like vessel produced in facilities outside the exporting country and costs of production of the foreign like vessel produced in facilities in the exporting country, if such differences are demonstrated to its satisfaction.

“(e) CONSTRUCTED VALUE.—

“(1) IN GENERAL.—For purposes of this title, the constructed value of a subject vessel shall be an amount equal to the sum of—

“(A) the cost of materials and fabrication or other processing of any kind employed in producing the subject vessel, during a period which would ordinarily permit the production of the vessel in the ordinary course of business, and

“(B)(i) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market of the country of origin of the subject vessel, or

“(ii) if actual data are not available with respect to the amounts described in clause (i), then—

“(I) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of the same general category of vessel in the domestic market of the country of origin of the subject vessel,

“(II) the weighted average of the actual amounts incurred and realized by producers in the country of origin of the subject vessel (other than the producer of the subject vessel) for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market, or

“(III) if data is not available under subclause (I) or (II), the amounts incurred and realized for selling, general, and administrative expenses, and for profits, based on any other reasonable method, except that the amount allowed for profit may not exceed the amount normally realized by foreign producers (other than the producer of the subject vessel) in connection with the sale of vessels in the same general category of vessel as the subject vessel in the domestic market of the country of origin of the subject vessel.

The profit shall, for purposes of this paragraph, be based on the average profit realized over a reasonable period of time before and after the sale of the subject vessel and shall reflect a reasonable profit at the time of such sale. For purposes of the preceding sentence, a ‘reasonable period of time’ shall not, except where otherwise appropriate, exceed 6 months before, or 6 months after, the sale of the subject vessel. In calculating profit under this paragraph, any distortion which would result in other than a profit which is reasonable at the time of the sale shall be eliminated.

“(2) COSTS AND PROFITS BASED ON OTHER REASONABLE METHODS.—When costs and profits are determined under paragraph

(1)(B)(ii)(III), such determination shall, except where otherwise appropriate, be based on appropriate export sales by the producer of the subject vessel or, absent such sales, to export sales by other producers of a foreign like vessel or the same general category of vessel as the subject vessel in the country of origin of the subject vessel.

“(3) COSTS OF MATERIALS.—For purposes of paragraph (1)(A), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition which are remitted or refunded upon exportation of the subject vessel produced from such materials.

“(f) SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND FOR CALCULATION OF CONSTRUCTED VALUE.—For purposes of subsections (b) and (e)—

“(1) COSTS.—

“(A) IN GENERAL.—Costs shall normally be calculated based on the records of the foreign producer of the subject vessel, if such records are kept in accordance with the generally accepted accounting principles of the exporting country and reasonably reflect the costs associated with the production and sale of the vessel. The administering authority shall consider all available evidence on proper allocation of costs, including that which is made available by the foreign producer on a timely basis, if such allocations have been historically used by the foreign producer, in particular for establishing appropriate amortization and depreciation periods, and allowances for capital expenditures and other development costs.

“(B) NONRECURRING COSTS.—Costs shall be adjusted appropriately for those non-recurring costs that benefit current or future production, or both.

“(C) STARTUP COSTS.—

“(i) IN GENERAL.—Costs shall be adjusted appropriately for circumstances in which costs incurred during the time period covered by the investigation are affected by startup operations.

“(ii) STARTUP OPERATIONS.—Adjustments shall be made for startup operations only where—

“(I) a producer is using new production facilities or producing a new type of vessel that requires substantial additional investment, and

“(II) production levels are limited by technical factors associated with the initial phase of commercial production.

For purposes of subclause (II), the initial phase of commercial production ends at the end of the startup period. In determining whether commercial production levels have been achieved, the administering authority shall consider factors unrelated to startup operations that might affect the volume of production processed, such as demand, seasonality, or business cycles.

“(iii) ADJUSTMENT FOR STARTUP OPERATIONS.—The adjustment for startup operations shall be made by substituting the unit production costs incurred with respect to the vessel at the end of the startup period for the unit production costs incurred during the startup period. If the startup period extends beyond the period of the investigation under this title, the administering authority shall use the most recent cost of production data that it reasonably can obtain, analyze, and verify without delaying the timely completion of the investigation. For purposes of this subparagraph, the startup period ends at the point at which the level of commercial production that is characteristic of the vessel, the producer, or the industry is achieved.

“(D) COSTS DUE TO EXTRAORDINARY CIRCUMSTANCES NOT INCLUDED.—Costs shall not include actual costs which are due to extraordinary circumstances (including, but not limited to, labor disputes, fire, and natural disasters) and which are significantly

over the cost increase which the shipbuilder could have reasonably anticipated and taken into account at the time of sale.

“(2) TRANSACTIONS DISREGARDED.—A transaction directly or indirectly through affiliated persons may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales of a like vessel in the market under consideration. If a transaction is disregarded under the preceding sentence and no other transactions are available for consideration, the determination of the amount shall be based on the information available as to what the amount would have been if the transaction had occurred between persons who are not affiliated.

“(3) MAJOR INPUT RULE.—If, in the case of a transaction between affiliated persons involving the production by one of such persons of a major input to the subject vessel, the administering authority has reasonable grounds to believe or suspect that an amount represented as the value of such input is less than the cost of production of such input, then the administering authority may determine the value of the major input on the basis of the information available regarding such cost of production, if such cost is greater than the amount that would be determined for such input under paragraph (2).

“SEC. 823. CURRENCY CONVERSION.

“(a) IN GENERAL.—In an injurious pricing proceeding under this title, the administering authority shall convert foreign currencies into United States dollars using the exchange rate in effect on the date of sale of the subject vessel, except that if it is established that a currency transaction on forward markets is directly linked to a sale under consideration, the exchange rate specified with respect to such foreign currency in the forward sale agreement shall be used to convert the foreign currency.

“(b) DATE OF SALE.—For purposes of this section, ‘date of sale’ means the date of the contract of sale or, where appropriate, the date on which the material terms of sale are otherwise established. If the material terms of sale are significantly changed after such date, the date of sale is the date of such change. In the case of such a change in the date of sale, the administering authority shall make appropriate adjustments to take into account any unreasonable effect on the injurious pricing margin due only to fluctuations in the exchange rate between the original date of sale and the new date of sale.

“Subtitle C—Procedures

“SEC. 841. HEARINGS.

“(a) UPON REQUEST.—The administering authority and the Commission shall each hold a hearing in the course of an investigation under this title, upon the request of any party to the investigation, before making a final determination under section 805.

“(b) PROCEDURES.—Any hearing required or permitted under this title shall be conducted after notice published in the Federal Register, and a transcript of the hearing shall be prepared and made available to the public. The hearing shall not be subject to the provisions of subchapter II of chapter 5 of title 5, United States Code, or to section 702 of such title.

“SEC. 842. DETERMINATIONS ON THE BASIS OF THE FACTS AVAILABLE.

“(a) IN GENERAL.—If—

“(1) necessary information is not available on the record, or

“(2) an interested party or any other person—

“(A) withholds information that has been requested by the administering authority or the Commission under this title,

“(B) fails to provide such information by the deadlines for the submission of the infor-

mation or in the form and manner requested, subject to subsections (b)(1) and (d) of section 844,

“(C) significantly impedes a proceeding under this title, or

“(D) provides such information but the information cannot be verified as provided in section 844(g),

the administering authority and the Commission shall, subject to section 844(c), use the facts otherwise available in reaching the applicable determination under this title.

“(b) ADVERSE INFERENCES.—If the administering authority or the Commission (as the case may be) finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission (as the case may be), in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Such adverse inference may include reliance on information derived from—

“(1) the petition, or

“(2) any other information placed on the record.

“(c) CORROBORATION OF SECONDARY INFORMATION.—When the administering authority or the Commission relies on secondary information rather than on information obtained in the course of an investigation under this title, the administering authority and the Commission, as the case may be, shall, to the extent practicable, corroborate that information from independent sources that are reasonably at their disposal.

“SEC. 843. ACCESS TO INFORMATION.

“(a) INFORMATION GENERALLY MADE AVAILABLE.—

“(1) PROGRESS OF INVESTIGATION REPORTS.—The administering authority and the Commission shall, from time to time upon request, inform the parties to an investigation under this title of the progress of that investigation.

“(2) EX PARTE MEETINGS.—The administering authority and the Commission shall maintain a record of any ex parte meeting between—

“(A) interested parties or other persons providing factual information in connection with a proceeding under this title, and

“(B) the person charged with making the determination, or any person charged with making a final recommendation to that person, in connection with that proceeding,

if information relating to that proceeding was presented or discussed at such meeting. The record of such an ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted. The record of the ex parte meeting shall be included in the record of the proceeding.

“(3) SUMMARIES; NON-PROPRIETARY SUBMISSIONS.—The administering authority and the Commission shall disclose—

“(A) any proprietary information received in the course of a proceeding under this title if it is disclosed in a form which cannot be associated with, or otherwise be used to identify, operations of a particular person, and

“(B) any information submitted in connection with a proceeding which is not designated as proprietary by the person submitting it.

“(4) MAINTENANCE OF PUBLIC RECORD.—The administering authority and the Commission shall maintain and make available for public inspection and copying a record of all information which is obtained by the administering authority or the Commission, as the

case may be, in a proceeding under this title to the extent that public disclosure of the information is not prohibited under this chapter or exempt from disclosure under section 552 of title 5, United States Code.

“(b) PROPRIETARY INFORMATION.—

“(1) PROPRIETARY STATUS MAINTAINED.—

“(A) IN GENERAL.—Except as provided in subsection (a)(4) and subsection (c), information submitted to the administering authority or the Commission which is designated as proprietary by the person submitting the information shall not be disclosed to any person without the consent of the person submitting the information, other than—

“(i) to an officer or employee of the administering authority or the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted or any other proceeding under this title covering the same subject vessel, or

“(ii) to an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title.

“(B) ADDITIONAL REQUIREMENTS.—The administering authority and the Commission shall require that information for which proprietary treatment is requested be accompanied by—

“(i) either—

“(I) a nonproprietary summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or

“(II) a statement that the information is not susceptible to summary, accompanied by a statement of the reasons in support of the contention, and

“(ii) either—

“(I) a statement which permits the administering authority or the Commission to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or

“(II) a statement to the administering authority or the Commission that the business proprietary information is of a type that should not be released under administrative protective order.

“(2) UNWARRANTED DESIGNATION.—If the administering authority or the Commission determines, on the basis of the nature and extent of the information or its availability from public sources, that designation of any information as proprietary is unwarranted, then it shall notify the person who submitted it and ask for an explanation of the reasons for the designation. Unless that person persuades the administering authority or the Commission that the designation is warranted, or withdraws the designation, the administering authority or the Commission, as the case may be, shall return it to the party submitting it. In a case in which the administering authority or the Commission returns the information to the person submitting it, the person may thereafter submit other material concerning the subject matter of the returned information if the submission is made within the time otherwise provided for submitting such material.

“(c) LIMITED DISCLOSURE OF CERTAIN PROPRIETARY INFORMATION UNDER PROTECTIVE ORDER.—

“(1) DISCLOSURE BY ADMINISTERING AUTHORITY OR COMMISSION.—

“(A) IN GENERAL.—Upon receipt of an application (before or after receipt of the information requested) which describes in general terms the information requested and sets forth the reasons for the request, the administering authority or the Commission shall make all business proprietary information presented to, or obtained by it, during a proceeding under this title (except privileged information, classified information, and specific information of a type for which there is

a clear and compelling need to withhold from disclosure) available to all interested parties who are parties to the proceeding under a protective order described in subparagraph (B), regardless of when the information is submitted during the proceeding. Customer names (other than the name of the United States buyer of the subject vessel) obtained during any investigation which requires a determination under section 805(b) may not be disclosed by the administering authority under protective order until either an order is published under section 806(a) as a result of the investigation or the investigation is suspended or terminated. The Commission may delay disclosure of customer names (other than the name of the United States buyer of the subject vessel) under protective order during any such investigation until a reasonable time before any hearing provided under section 841 is held.

“(B) PROTECTIVE ORDER.—The protective order under which information is made available shall contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall provide by regulation for such sanctions as the administering authority and the Commission determine to be appropriate, including disbarment from practice before the agency.

“(C) TIME LIMITATIONS ON DETERMINATIONS.—The administering authority or the Commission, as the case may be, shall determine whether to make information available under this paragraph—

“(i) not later than 14 days (7 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted, or

“(ii) if—

“(I) the person submitting the information raises objection to its release, or

“(II) the information is unusually voluminous or complex, not later than 30 days (10 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted.

“(D) AVAILABILITY AFTER DETERMINATION.—If the determination under subparagraph (C) is affirmative, then—

“(i) the business proprietary information submitted to the administering authority or the Commission on or before the date of the determination shall be made available, subject to the terms and conditions of the protective order, on such date, and

“(ii) the business proprietary information submitted to the administering authority or the Commission after the date of the determination shall be served as required by subsection (d).

“(E) FAILURE TO DISCLOSE.—If a person submitting information to the administering authority refuses to disclose business proprietary information which the administering authority determines should be released under a protective order described in subparagraph (B), the administering authority shall return the information, and any non-confidential summary thereof, to the person submitting the information and summary and shall not consider either.

“(2) DISCLOSURE UNDER COURT ORDER.—If the administering authority or the Commission denies a request for information under paragraph (1), then application may be made to the United States Court of International Trade for an order directing the administering authority or the Commission, as the case may be, to make the information available. After notification of all parties to the investigation and after an opportunity for a hearing on the record, the court may issue an order, under such conditions as the court deems appropriate, which shall not have the effect of stopping or suspending the inves-

tigation, directing the administering authority or the Commission to make all or a portion of the requested information described in the preceding sentence available under a protective order and setting forth sanctions for violation of such order if the court finds that, under the standards applicable in proceedings of the court, such an order is warranted, and that—

“(A) the administering authority or the Commission has denied access to the information under subsection (b)(1),

“(B) the person on whose behalf the information is requested is an interested party who is a party to the investigation in connection with which the information was obtained or developed, and

“(C) the party which submitted the information to which the request relates has been notified, in advance of the hearing, of the request made under this section and of its right to appear and be heard.

“(d) SERVICE.—Any party submitting written information, including business proprietary information, to the administering authority or the Commission during a proceeding shall, at the same time, serve the information upon all interested parties who are parties to the proceeding, if the information is covered by a protective order. The administering authority or the Commission shall not accept any such information that is not accompanied by a certificate of service and a copy of the protective order version of the document containing the information. Business proprietary information shall only be served upon interested parties who are parties to the proceeding that are subject to protective order, except that a nonconfidential summary thereof shall be served upon all other interested parties who are parties to the proceeding.

“(e) INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code.

“(f) OPPORTUNITY FOR COMMENT BY VESSEL BUYERS.—The administering authority and the Commission shall provide an opportunity for buyers of subject vessels to submit relevant information to the administering authority concerning a sale at less than fair value or countermeasures, and to the Commission concerning material injury by reason of the sale of a vessel at less than fair value.

“(g) PUBLICATION OF DETERMINATIONS; REQUIREMENTS FOR FINAL DETERMINATIONS.—

“(1) IN GENERAL.—Whenever the administering authority makes a determination under section 802 whether to initiate an investigation, or the administering authority or the Commission makes a preliminary determination under section 803, a final determination under section 805, a determination under subsection (b), (c), (d), (e)(3)(B)(ii), (g), or (i) of section 807, or a determination to suspend an investigation under this title, the administering authority or the Commission, as the case may be, shall publish the facts and conclusions supporting that determination, and shall publish notice of that determination in the Federal Register.

“(2) CONTENTS OF NOTICE OR DETERMINATION.—The notice or determination published under paragraph (1) shall include, to the extent applicable—

“(A) in the case of a determination of the administering authority—

“(i) the names of the foreign producer and the country of origin of the subject vessel,

“(ii) a description sufficient to identify the subject vessel,

“(iii) with respect to an injurious pricing charge, the injurious pricing margin established and a full explanation of the methodology used in establishing such margin,

“(iv) with respect to countermeasures, the scope and duration of countermeasures and, if applicable, any changes thereto, and

“(v) the primary reasons for the determination, and

“(B) in the case of a determination of the Commission—

“(i) considerations relevant to the determination of injury, and

“(ii) the primary reasons for the determination.

“(3) ADDITIONAL REQUIREMENTS FOR FINAL DETERMINATIONS.—In addition to the requirements set forth in paragraph (2)—

“(A) the administering authority shall include in a final determination under section 805 or 807(c) an explanation of the basis for its determination that addresses relevant arguments, made by interested parties who are parties to the investigation, concerning the establishment of the injurious pricing charge with respect to which the determination is made, and

“(B) the Commission shall include in a final determination of injury an explanation of the basis for its determination that addresses relevant arguments that are made by interested parties who are parties to the investigation concerning the effects and impact on the industry of the sale of the subject vessel.

“SEC. 844. CONDUCT OF INVESTIGATIONS.

“(a) CERTIFICATION OF SUBMISSIONS.—Any person providing factual information to the administering authority or the Commission in connection with a proceeding under this title on behalf of the petitioner or any other interested party shall certify that such information is accurate and complete to the best of that person's knowledge.

“(b) DIFFICULTIES IN MEETING REQUIREMENTS.—

“(1) NOTIFICATION BY INTERESTED PARTY.—If an interested party, promptly after receiving a request from the administering authority or the Commission for information, notifies the administering authority or the Commission (as the case may be) that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information, the administering authority or the Commission (as the case may be) shall consider the ability of the interested party to submit the information in the requested form and manner and may modify such requirements to the extent necessary to avoid imposing an unreasonable burden on that party.

“(2) ASSISTANCE TO INTERESTED PARTIES.—The administering authority and the Commission shall take into account any difficulties experienced by interested parties, particularly small companies, in supplying information requested by the administering authority or the Commission in connection with investigations under this title, and shall provide to such interested parties any assistance that is practicable in supplying such information.

“(c) DEFICIENT SUBMISSIONS.—If the administering authority or the Commission determines that a response to a request for information under this title does not comply with the request, the administering authority or the Commission (as the case may be) shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time lim-

its established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either—

“(1) the administering authority or the Commission (as the case may be) finds that such response is not satisfactory, or

“(2) such response is not submitted within the applicable time limits,

then the administering authority or the Commission (as the case may be) may, subject to subsection (d), disregard all or part of the original and subsequent responses.

“(d) USE OF CERTAIN INFORMATION.—In reaching a determination under section 803, 805, or 807, the administering authority and the Commission shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by the administering authority or the Commission if—

“(1) the information is submitted by the deadline established for its submission,

“(2) the information can be verified,

“(3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination,

“(4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the administering authority or the Commission with respect to the information, and

“(5) the information can be used without undue difficulties.

“(e) NONACCEPTANCE OF SUBMISSIONS.—If the administering authority or the Commission declines to accept into the record any information submitted in an investigation under this title, it shall, to the extent practicable, provide to the person submitting the information a written explanation of the reasons for not accepting the information.

“(f) PUBLIC COMMENT ON INFORMATION.—Information that is submitted on a timely basis to the administering authority or the Commission during the course of a proceeding under this title shall be subject to comment by other parties within such reasonable time as the administering authority or the Commission shall provide. The administering authority and the Commission, before making a final determination under section 805 or 807, shall cease collecting information and shall provide the parties with a final opportunity to comment on the information obtained by the administering authority or the Commission (as the case may be) upon which the parties have not previously had an opportunity to comment. Comments containing new factual information shall be disregarded.

“(g) VERIFICATION.—The administering authority shall verify all information relied upon in making a final determination under section 805.

“SEC. 845. ADMINISTRATIVE ACTION FOLLOWING SHIPBUILDING AGREEMENT PANEL REPORTS.

“(a) ACTION BY UNITED STATES INTERNATIONAL TRADE COMMISSION.—

“(1) ADVISORY REPORT.—If a dispute settlement panel under the Shipbuilding Agreement finds in a report that an action by the Commission in connection with a particular proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement, the Trade Representative may request the Commission to issue an advisory report on whether this title permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel concerning those obligations. The Trade Representative shall notify the Committee on Ways and Means of the House of

Representatives and the Committee on Finance of the Senate of such request.

“(2) TIME LIMITS FOR REPORT.—The Commission shall transmit its report under paragraph (1) to the Trade Representative within 30 calendar days after the Trade Representative requests the report.

“(3) CONSULTATIONS ON REQUEST FOR COMMISSION DETERMINATION.—If a majority of the Commissioners issues an affirmative report under paragraph (1), the Trade Representatives shall consult with the congressional committees listed in paragraph (1) concerning the matter.

“(4) COMMISSION DETERMINATION.—Notwithstanding any other provision of this title, if a majority of the Commissioners issues an affirmative report under paragraph (1), the Commission, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel. The Commission shall issue its determination not later than 120 calendar days after the request from the Trade Representative is made.

“(5) CONSULTATIONS ON IMPLEMENTATION OF COMMISSION DETERMINATION.—The Trade Representative shall consult with the congressional committees listed in paragraph (1) before the Commission's determination under paragraph (4) is implemented.

“(6) REVOCATION OF ORDER.—If, by virtue of the Commission's determination under paragraph (4), an injurious pricing order is no longer supported by an affirmative Commission determination under this title, the Trade Representative may, after consulting with the congressional committees under paragraph (5), direct the administering authority to revoke the injurious pricing order.

“(b) ACTION BY ADMINISTERING AUTHORITY.—

“(1) CONSULTATIONS WITH ADMINISTERING AUTHORITY AND CONGRESSIONAL COMMITTEES.—Promptly after a report or other determination by a dispute settlement panel under the Shipbuilding Agreement is issued that contains findings that—

“(A) an action by the administering authority in a proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement,

“(B) the due date for payment of an injurious pricing charge contained in an order issued under section 806 should be amended,

“(C) countermeasures provided for in an order issued under section 807 should be provisionally suspended or reduced pending the final decision of the panel, or

“(D) the scope or duration of countermeasures imposed under section 807 should be narrowed or shortened,

the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) on the matter.

“(2) DETERMINATION BY ADMINISTERING AUTHORITY.—Notwithstanding any other provision of this title, the administering authority shall, in response to a written request from the Trade Representative, issue a determination, or an amendment to or suspension of an injurious pricing or countermeasure order, as the case may be, in connection with the particular proceeding that would render the administering authority's action described in paragraph (1) not inconsistent with the findings of the panel.

“(3) TIME LIMITS FOR DETERMINATIONS.—The administering authority shall issue its determination, amendment, or suspension under paragraph (2)—

“(A) with respect to a matter described in subparagraph (A) of paragraph (1), within 180

calendar days after the request from the Trade Representative is made, and

“(B) with respect to a matter described in subparagraph (B), (C), or (D) of paragraph (1), within 15 calendar days after the request from the Trade Representative is made.

“(4) CONSULTATIONS BEFORE IMPLEMENTATION.—Before the administering authority implements any determination, amendment, or suspension under paragraph (2), the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) with respect to such determination, amendment, or suspension.

“(5) IMPLEMENTATION OF DETERMINATION.—The Trade Representative may, after consulting with the administering authority and the congressional committees under paragraph (4), direct the administering authority to implement, in whole or in part, the determination, amendment, or suspension made under paragraph (2).

“(6) IMPLEMENTATION OF DETERMINATION; NOTICE OF IMPLEMENTATION.—The administering authority shall implement the determination, amendment, or suspension under paragraph (2)—

“(A) with respect to a matter described in subparagraph (A) of paragraph (1), only if the injurious pricing margin determined under paragraph (2) differs from the injurious pricing margin in the determination reviewed by the panel, and

“(B) with respect to a matter described in subparagraph (B), (C), or (D) of paragraph (1), upon issuance of the determination, amendment, or suspension under paragraph (2).

The administering authority shall publish notice of such implementation in the Federal Register.

“(c) OPPORTUNITY FOR COMMENT BY INTERESTED PARTIES.—Before issuing a determination, amendment, or suspension, the administering authority, in a matter described in subsection (b)(1)(A), or the Commission, in a matter described in subsection (a)(1), as the case may be, shall provide interested parties with an opportunity to submit written comments and, in appropriate cases, may hold a hearing, with respect to the determination.

“Subtitle D—Definitions

“SEC. 861. DEFINITIONS.

“For purposes of this title:

“(1) ADMINISTERING AUTHORITY.—The term ‘administering authority’ means the Secretary of Commerce, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under this title are transferred by law.

“(2) COMMISSION.—The term ‘Commission’ means the United States International Trade Commission.

“(3) COUNTRY.—The term ‘country’ means a foreign country, a political subdivision, dependent territory, or possession of a foreign country and, except as provided in paragraph (16)(E)(iii), may not include an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a customs union outside the United States.

“(4) INDUSTRY.—

“(A) IN GENERAL.—Except as used in section 808, the term ‘industry’ means the producers as a whole of a domestic like vessel, or those producers whose collective capability to produce a domestic like vessel constitutes a major proportion of the total domestic capability to produce a domestic like vessel.

“(B) PRODUCER.—A ‘producer’ of a domestic like vessel includes an entity that is producing the domestic like vessel and an entity with the capability to produce the domestic like vessel.

“(C) CAPABILITY TO PRODUCE A DOMESTIC LIKE VESSEL.—A producer has the ‘capability to produce a domestic like vessel’ if it is capable of producing a domestic like vessel with its present facilities or could adapt its facilities in a timely manner to produce a domestic like vessel.

“(D) RELATED PARTIES.—(i) In an investigation under this title, if a producer of a domestic like vessel and the foreign producer, seller (other than the foreign producer), or United States buyer of the subject vessel are related parties, or if a producer of a domestic like vessel is also a United States buyer of the subject vessel, the domestic producer may, in appropriate circumstances, be excluded from the industry.

“(ii) For purposes of clause (i), a domestic producer and the foreign producer, seller, or United States buyer shall be considered to be related parties, if—

“(I) the domestic producer directly or indirectly controls the foreign producer, seller or United States buyer,

“(II) the foreign producer, seller, or United States buyer directly or indirectly controls the domestic producer,

“(III) a third party directly or indirectly controls the domestic producer and the foreign producer, seller, or United States buyer, or

“(IV) the domestic producer and the foreign producer, seller, or United States buyer directly or indirectly control a third party and there is reason to believe that the relationship causes the producer to act differently than a nonrelated producer.

For purposes of this subparagraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

“(E) PRODUCT LINES.—In an investigation under this title, the effect of the sale of the subject vessel shall be assessed in relation to the United States production (or production capability) of a domestic like vessel if available data permit the separate identification of production (or production capability) in terms of such criteria as the production process or the producer’s profits. If the domestic production (or production capability) of a domestic like vessel has no separate identity in terms of such criteria, then the effect of the sale shall be assessed by the examination of the production (or production capability) of the narrowest group or range of vessels, which includes a domestic like vessel, for which the necessary information can be provided.

“(5) BUYER.—The term ‘buyer’ means any person who acquires an ownership interest in a vessel, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, including an individual or company which owns or controls a buyer. There may be more than one buyer of any one vessel.

“(6) UNITED STATES BUYER.—The term ‘United States buyer’ means a buyer that is any of the following:

“(A) A United States citizen.

“(B) A juridical entity, including any corporation, company, association, or other organization, that is legally constituted under the laws and regulations of the United States or a political subdivision thereof, regardless of whether the entity is organized for pecuniary gain, privately or government owned, or organized with limited or unlimited liability.

“(C) A juridical entity that is owned or controlled by nationals or entities described in subparagraphs (A) and (B). For the purposes of this subparagraph—

“(i) the term ‘own’ means having more than a 50 percent interest, and

“(ii) the term ‘control’ means the actual ability to have substantial influence on corporate behavior, and control is presumed to exist where there is at least a 25 percent interest.

If ownership of a company is established under clause (i), other control is presumed not to exist unless it is otherwise established.

“(7) OWNERSHIP INTEREST.—An ‘ownership interest’ in a vessel includes any contractual or proprietary interest which allows the beneficiary or beneficiaries of such interest to take advantage of the operation of the vessel in a manner substantially comparable to the way in which an owner may benefit from the operation of the vessel. In determining whether such substantial comparability exists, the administering authority shall consider—

“(A) the terms and circumstances of the transaction which conveys the interest,

“(B) commercial practice,

“(C) whether the vessel subject to the transaction is integrated into the operations of the beneficiary or beneficiaries, and

“(D) whether in practice there is a likelihood that the beneficiary or beneficiaries of such interests will take advantage of and the risk for the operation of the vessel for a significant part of the life-time of the vessel.

“(8) VESSEL.—

“(A) IN GENERAL.—Except as otherwise specifically provided under international agreements, the term ‘vessel’ means—

“(i) a self-propelled seagoing vessel of 100 gross tons or more used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredgers), and

“(ii) a tug of 365 kilowatts or more, that is produced in a Shipbuilding Agreement Party or a country that is not a Shipbuilding Agreement Party and not a WTO member.

“(B) EXCLUSIONS.—The term ‘vessel’ does not include—

“(i) any fishing vessel destined for the fishing fleet of the country in which the vessel is built,

“(ii) any military vessel,

“(iii) a military reserve vessel, and

“(iv) any vessel sold before the date that the Shipbuilding Agreement enters into force with respect to the United States, except that any vessel sold after December 21, 1994, for delivery more than 5 years after the date of the contract of sale shall be a ‘vessel’ for purposes of this title unless the shipbuilder demonstrates to the administering authority that the extended delivery date was for normal commercial reasons and not to avoid applicability of this title.

“(C) SELF-PROPELLED SEAGOING VESSEL.—A vessel is ‘self-propelled seagoing’ if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas.

“(D) MILITARY VESSEL.—A ‘military vessel’ is a vessel which, according to its basic structural characteristics and ability, is intended to be used exclusively for military purposes.

“(E) MILITARY RESERVE VESSEL.—A ‘military reserve vessel’ is a vessel that has been constructed with national defense features and characteristics required by the Secretary of Defense for the purpose of supporting the United States Armed Forces in a contingency.

“(9) LIKE VESSEL.—The term ‘like vessel’ means a vessel of the same type, same purpose, and approximate size as the subject vessel and possessing characteristics closely resembling those of the subject vessel.

“(10) DOMESTIC LIKE VESSEL.—The term ‘domestic like vessel’ means a like vessel produced in the United States.

“(11) FOREIGN LIKE VESSEL.—Except as used in section 822(e)(1)(B)(ii)(II), the term ‘foreign like vessel’ means a like vessel produced by the foreign producer of the subject vessel for sale in the producer’s domestic market or in a third country.

“(12) SAME GENERAL CATEGORY OF VESSEL.—The term ‘same general category of vessel’ means a vessel of the same type and purpose as the subject vessel, but of a significantly different size.

“(13) SUBJECT VESSEL.—The term ‘subject vessel’ means a vessel subject to investigation under section 801, 808, or 809.

“(14) FOREIGN PRODUCER.—The term ‘foreign producer’ means the producer or producers of the subject vessel.

“(15) EXPORTING COUNTRY.—The term ‘exporting country’ means the country in which the subject vessel was built.

“(16) MATERIAL INJURY.—

“(A) IN GENERAL.—The term ‘material injury’ means harm which is not inconsequential, immaterial, or unimportant.

“(B) SALE AND CONSEQUENT IMPACT.—In making determinations under sections 803(a) and 805(b), the Commission in each case—

“(i) shall consider—

“(I) the sale of the subject vessel,

“(II) the effect of the sale of the subject vessel on prices in the United States for a domestic like vessel, and

“(III) the impact of the sale of the subject vessel on domestic producers of the domestic like vessel, but only in the context of production operations within the United States, and

“(ii) may consider such other economic factors as are relevant to the determination regarding whether there is or has been material injury by reason of the sale of the subject vessel.

In the notification required under section 805(d), the Commission shall explain its analysis of each factor considered under clause (i), and identify each factor considered under clause (ii) and explain in full its relevance to the determination.

“(C) EVALUATION OF RELEVANT FACTORS.—For purposes of subparagraph (B)—

“(i) SALE OF THE SUBJECT VESSEL.—In evaluating the sale of the subject vessel, the Commission shall consider whether the sale, either in absolute terms or relative to production or demand in the United States, in terms of either volume or value, is or has been significant.

“(ii) PRICE.—In evaluating the effect of the sale of the subject vessel on prices, the Commission shall consider whether—

“(I) there has been significant price underselling of the subject vessel as compared with the price of a domestic like vessel, and

“(II) the effect of the sale of the subject vessel otherwise depresses or has depressed prices to a significant degree or prevents or has prevented price increases, which otherwise would have occurred, to a significant degree.

“(iii) IMPACT ON AFFECTED DOMESTIC INDUSTRY.—In examining the impact required to be considered under subparagraph (B)(i)(III), the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry in the United States, including, but not limited to—

“(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

“(II) factors affecting domestic prices, including with regard to sales,

“(III) actual and potential negative effects on cash flow, employment, wages, growth, ability to raise capital, and investment,

“(IV) actual and potential negative effects on the existing development and production efforts of the domestic industry, including

efforts to develop a derivative or more advanced version of a domestic like vessel, and

“(V) the magnitude of the injurious pricing margin.

The Commission shall evaluate all relevant economic factors described in this clause within the context of the business cycle and conditions of competition that are distinctive to the affected industry.

“(D) STANDARD FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury.

“(E) THREAT OF MATERIAL INJURY.—

“(i) IN GENERAL.—In determining whether an industry in the United States is threatened with material injury by reason of the sale of the subject vessel, the Commission shall consider, among other relevant economic factors—

“(I) any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased sales of a foreign like vessel to United States buyers, taking into account the availability of other export markets to absorb any additional exports,

“(II) whether the sale of a foreign like vessel or other factors indicate the likelihood of significant additional sales to United States buyers,

“(III) whether sale of the subject vessel or sale of a foreign like vessel by the foreign producer are at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further sales,

“(IV) the potential for product-shifting if production facilities in the exporting country, which can presently be used to produce a foreign like vessel or could be adapted in a timely manner to produce a foreign like vessel, are currently being used to produce other types of vessels,

“(V) the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

“(VI) any other demonstrable adverse trends that indicate the probability that there is likely to be material injury by reason of the sale of the subject vessel.

“(ii) BASIS FOR DETERMINATION.—The Commission shall consider the factors set forth in clause (i) as a whole. The presence or absence of any factor which the Commission is required to consider under clause (i) shall not necessarily give decisive guidance with respect to the determination. Such a determination may not be made on the basis of mere conjecture or supposition.

“(iii) EFFECT OF INJURIOUS PRICING IN THIRD-COUNTRY MARKETS.—

“(I) IN GENERAL.—The Commission shall consider whether injurious pricing in the markets of foreign countries (as evidenced by injurious pricing findings or injurious pricing remedies of other Shipbuilding Agreement Parties, or antidumping determinations of, or measures imposed by, other countries, against a like vessel produced by the producer under investigation) suggests a threat of material injury to the domestic industry. In the course of its investigation, the Commission shall request information from the foreign producer or United States buyer concerning this issue.

“(II) EUROPEAN COMMUNITIES.—For purposes of this clause, the European Communities as a whole shall be treated as a single foreign country.

“(F) CUMULATION FOR DETERMINING MATERIAL INJURY.—

“(i) IN GENERAL.—For purposes of clauses (i) and (ii) of subparagraph (C), and subject to clause (ii) of this subparagraph, the Commission shall cumulatively assess the effects of sales of foreign like vessels from all foreign producers with respect to which—

“(I) petitions were filed under section 802(b) on the same day,

“(II) investigations were initiated under section 802(a) on the same day, or

“(III) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

“(ii) EXCEPTIONS.—The Commission shall not cumulatively assess the effects of sales under clause (i)—

“(I) with respect to which the administering authority has made a preliminary negative determination, unless the administering authority subsequently made a final affirmative determination with respect to those sales before the Commission's final determination is made, or

“(II) from any producer with respect to which the investigation has been terminated.

“(iii) RECORDS IN FINAL INVESTIGATIONS.—In each final determination in which it cumulatively assesses the effects of sales under clause (i), the Commission may make its determinations based on the record compiled in the first investigation in which it makes a final determination, except that when the administering authority issues its final determination in a subsequently completed investigation, the Commission shall permit the parties in the subsequent investigation to submit comments concerning the significance of the administering authority's final determination, and shall include such comments and the administering authority's final determination in the record for the subsequent investigation.

“(G) CUMULATION FOR DETERMINING THREAT OF MATERIAL INJURY.—To the extent practicable and subject to subparagraph (F)(ii), for purposes of clause (i) (II) and (III) of subparagraph (E), the Commission may cumulatively assess the effects of sales of like vessels from all countries with respect to which—

“(i) petitions were filed under section 802(b) on the same day,

“(ii) investigations were initiated under section 802(a) on the same day, or

“(iii) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

“(17) INTERESTED PARTY.—The term ‘interested party’ means, in a proceeding under this title—

“(A)(i) the foreign producer, seller (other than the foreign producer), and the United States buyer of the subject vessel, or

“(ii) a trade or business association a majority of the members of which are the foreign producer, seller, or United States buyer of the subject vessel,

“(B) the government of the country in which the subject vessel is produced or manufactured,

“(C) a producer that is a member of an industry,

“(D) a certified union or recognized union or group of workers which is representative of an industry,

“(E) a trade or business association a majority of whose members are producers in an industry,

“(F) an association, a majority of whose members is composed of interested parties

described in subparagraph (C), (D), or (E), and

“(G) for purposes of section 807, a purchaser who, after the effective date of an order issued under that section, entered into a contract of sale with the foreign producer that is subject to the order.

“(18) AFFIRMATIVE DETERMINATIONS BY DIVIDED COMMISSION.—If the Commissioners voting on a determination by the Commission are evenly divided as to whether the determination should be affirmative or negative, the Commission shall be deemed to have made an affirmative determination. For the purpose of applying this paragraph when the issue before the Commission is to determine whether there is or has been—

“(A) material injury to an industry in the United States,

“(B) threat of material injury to such an industry, or

“(C) material retardation of the establishment of an industry in the United States, by reason of the sale of the subject vessel, an affirmative vote on any of the issues shall be treated as a vote that the determination should be affirmative.

“(19) ORDINARY COURSE OF TRADE.—The term ‘ordinary course of trade’ means the conditions and practices which, for a reasonable time before the sale of the subject vessel, have been normal in the shipbuilding industry with respect to a like vessel. The administering authority shall consider the following sales and transactions, among others, to be outside the ordinary course of trade:

“(A) Sales disregarded under section 822(b)(1).

“(B) Transactions disregarded under section 822(f)(2).

“(20) NONMARKET ECONOMY COUNTRY.—

“(A) IN GENERAL.—The term ‘nonmarket economy country’ means any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of vessels in such country do not reflect the fair value of the vessels.

“(B) FACTORS TO BE CONSIDERED.—In making determinations under subparagraph (A) the administering authority shall take into account—

“(i) the extent to which the currency of the foreign country is convertible into the currency of other countries,

“(ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management,

“(iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country,

“(iv) the extent of government ownership or control of the means of production,

“(v) the extent of government control over the allocation of resources and over the price and output decisions of enterprises, and

“(vi) such other factors as the administering authority considers appropriate.

“(C) DETERMINATION IN EFFECT.—

“(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until revoked by the administering authority.

“(ii) The administering authority may make a determination under subparagraph (A) with respect to any foreign country at any time.

“(D) DETERMINATIONS NOT IN ISSUE.—Notwithstanding any other provision of law, any determination made by the administering authority under subparagraph (A) shall not be subject to judicial review in any investigation conducted under subtitle A.

“(21) SHIPBUILDING AGREEMENT.—The term ‘Shipbuilding Agreement’ means The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, resulting from negotiations

under the auspices of the Organization for Economic Cooperation and Development, and entered into on December 21, 1994.

“(22) SHIPBUILDING AGREEMENT PARTY.—The term ‘Shipbuilding Agreement Party’ means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

“(23) WTO AGREEMENT.—The term ‘WTO Agreement’ means the Agreement defined in section 2(9) of the Uruguay Round Agreements Act.

“(24) WTO MEMBER.—The term ‘WTO member’ means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

“(25) TRADE REPRESENTATIVE.—The term ‘Trade Representative’ means the United States Trade Representative.

“(26) AFFILIATED PERSONS.—The following persons shall be considered to be ‘affiliated’ or ‘affiliated persons’:

“(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

“(B) Any officer or director of an organization and such organization.

“(C) Partners.

“(D) Employer and employee.

“(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization, and such organization.

“(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

“(G) Any person who controls any other person, and such other person.

For purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

“(27) INJURIOUS PRICING.—The term ‘injurious pricing’ refers to the sale of a vessel at less than fair value.

“(28) INJURIOUS PRICING MARGIN.—

“(A) IN GENERAL.—The term ‘injurious pricing margin’ means the amount by which the normal value exceeds the export price of the subject vessel.

“(B) MAGNITUDE OF THE INJURIOUS PRICING MARGIN.—The magnitude of the injurious pricing margin used by the Commission shall be—

“(i) in making a preliminary determination under section 803(a) in an investigation (including any investigation in which the Commission cumulatively assesses the effect of sales under paragraph (16)(F)(i)), the injurious pricing margin or margins published by the administering authority in its notice of initiation of the investigation; and

“(ii) in making a final determination under section 805(b), the injurious pricing margin or margins most recently published by the administering authority before the closing of the Commission’s administrative record.

“(29) COMMERCIAL INTEREST REFERENCE RATE.—The term ‘Commercial Interest Reference Rate’ or ‘CIRR’ means an interest rate that the administering authority determines to be consistent with Annex III, and appendices and notes thereto, of the Understanding on Export Credits for Ships, resulting from negotiations under the auspices of the Organization for Economic Cooperation, and entered into on December 21, 1994.

“(30) ANTIDUMPING.—

“(A) WTO MEMBERS.—In the case of a WTO member, the term ‘antidumping’ refers to action taken pursuant to the Agreement on

Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

“(B) OTHER CASES.—In the case of any country that is not a WTO member, the term ‘antidumping’ refers to action taken by the country against the sale of a vessel at less than fair value that is comparable to action described in subparagraph (A).

“(31) BROAD MULTIPLE BID.—The term ‘broad multiple bid’ means a bid in which the proposed buyer extends an invitation to at least all the producers in the industry known by the buyer to be capable of building the subject vessel.”

SEC. 102. ENFORCEMENT OF COUNTERMEASURES.

Part II of title IV of the Tariff Act of 1930 is amended by adding at the end the following:

“SEC. 468. SHIPBUILDING AGREEMENT COUNTERMEASURES.

“(a) IN GENERAL.—Notwithstanding any other provision of law, upon receiving from the Secretary of Commerce a list of vessels subject to countermeasures under section 807, the Customs Service shall deny any request for a permit to lade or unlade passengers, merchandise, or baggage from or onto those vessels so listed.

“(b) EXCEPTIONS.—Subsection (a) shall not be applied to deny a permit for the following:

“(1) To unlade any United States citizen or permanent legal resident alien from a vessel included in the list described in subsection (a), or to unlade any refugee or any alien who would otherwise be eligible to apply for asylum and withholding of deportation under the Immigration and Nationality Act.

“(2) To lade or unlade any crewmember of such vessel.

“(3) To lade or unlade coal and other fuel supplies (for the operation of the listed vessel), ships’ stores, sea stores, and the legitimate equipment of such vessel.

“(4) To lade or unlade supplies for the use or sale on such vessel.

“(5) To lade or unlade such other merchandise, baggage, or passenger as the Customs Service shall determine necessary to protect the immediate health, safety, or welfare of a human being.

“(c) CORRECTION OF MINISTERIAL OR CLERICAL ERRORS.—

“(1) PETITION FOR CORRECTION.—If the master of any vessel whose application for a permit to lade or unlade has been denied under this section believes that such denial resulted from a ministerial or clerical error, not amounting to a mistake of law, committed by any Customs officer, the master may petition the Customs Service for correction of such error, as provided by regulation.

“(2) INAPPLICABILITY OF SECTIONS 514 AND 520.—Notwithstanding paragraph (1), imposition of countermeasures under this section shall not be deemed an exclusion or other protestable decision under section 514, and shall not be subject to correction under section 520.

“(3) PETITIONS SEEKING ADMINISTRATIVE REVIEW.—Any petition seeking administrative review of any matter regarding the Secretary of Commerce’s decision to list a vessel under section 807 must be brought under that section.

“(d) PENALTIES.—In addition to any other provision of law, the Customs Service may impose a civil penalty of not to exceed \$10,000 against the master of any vessel—

“(1) who submits false information in requesting any permit to lade or unlade; or

“(2) who attempts to, or actually does, lade or unlade in violation of any denial of such permit under this section.”

SEC. 103. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

(a) JUDICIAL REVIEW.—Part III of title IV of the Tariff Act of 1930 is amended by inserting after section 516A the following:

“SEC. 516B. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

“(a) REVIEW OF DETERMINATION.—

“(1) IN GENERAL.—Within 30 days after the date of publication in the Federal Register of—

“(A)(i) a determination by the administering authority under section 802(c) not to initiate an investigation,

“(ii) a negative determination by the Commission under section 803(a) as to whether there is or has been reasonable indication of material injury, threat of material injury, or material retardation,

“(iii) a determination by the administering authority to suspend or revoke an injurious pricing order under section 806(d) or (e),

“(iv) a determination by the administering authority under section 807(c),

“(v) a determination by the administering authority in a review under section 807(d),

“(vi) a determination by the administering authority concerning whether to extend the scope or duration of a countermeasure order under section 807(e)(3)(B)(ii),

“(vii) a determination by the administering authority to amend a countermeasure order under section 807(e)(6),

“(viii) a determination by the administering authority in a review under section 807(g),

“(ix) a determination by the administering authority under section 807(i) to terminate proceedings, or to amend or revoke a countermeasure order,

“(x) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(D) of that section, or

“(B)(i) an injurious pricing order based on a determination described in subparagraph (A) of paragraph (2),

“(ii) notice of a determination described in subparagraph (B) of paragraph (2),

“(iii) notice of implementation of a determination described in subparagraph (C) of paragraph (2), or

“(iv) notice of revocation of an injurious pricing order based on a determination described in subparagraph (D) of paragraph (2), an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

“(2) REVIEWABLE DETERMINATIONS.—The determinations referred to in paragraph (1)(B) are—

“(A) a final affirmative determination by the administering authority or by the Commission under section 805, including any negative part of such a determination (other than a part referred to in subparagraph (B)),

“(B) a final negative determination by the administering authority or the Commission under section 805,

“(C) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(A) of that section, and

“(D) a determination by the Commission under section 845(a) that results in the revocation of an injurious pricing order.

“(3) EXCEPTION.—Notwithstanding the 30-day limitation imposed by paragraph (1) with regard to an order described in paragraph (1)(B)(i), a final affirmative determination by

the administering authority under section 805 may be contested by commencing an action, in accordance with the provisions of paragraph (1), within 30 days after the date of publication in the Federal Register of a final negative determination by the Commission under section 805.

"(4) PROCEDURES AND FEES.—The procedures and fees set forth in chapter 169 of title 28, United States Code, apply to an action under this section.

"(b) STANDARDS OF REVIEW.—

"(1) REMEDY.—The court shall hold unlawful any determination, finding, or conclusion found—

"(A) in an action brought under subparagraph (A) of subsection (a)(1), to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or

"(B) in an action brought under subparagraph (B) of subsection (a)(1), to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

"(2) RECORD FOR REVIEW.—

"(A) IN GENERAL.—For purposes of this subsection, the record, unless otherwise stipulated by the parties, shall consist of—

"(i) a copy of all information presented to or obtained by the administering authority or the Commission during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be kept by section 843(a)(2); and

"(ii) a copy of the determination, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

"(B) CONFIDENTIAL OR PRIVILEGED MATERIAL.—The confidential or privileged status accorded to any documents, comments, or information shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, and may disclose such material under such terms and conditions as it may order.

"(c) STANDING.—Any interested party who was a party to the proceeding under title VIII shall have the right to appear and be heard as a party in interest before the United States Court of International Trade in an action under this section. The party filing the action shall notify all such interested parties of the filing of an action under this section, in the form, manner, and within the time prescribed by rules of the court.

"(d) DEFINITIONS.—For purposes of this section:

"(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 861(1).

"(2) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(3) INTERESTED PARTY.—The term 'interested party' means any person described in section 861(17)."

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION OF THE COURT.—Section 1581(c) of title 28, United States Code, is amended by inserting "or 516B" after "section 516A".

(2) RELIEF.—Section 2643 of title 28, United States Code, is amended—

(A) in subsection (c)(1) by striking "(5)" and inserting "(5), and (6)"; and

(B) in subsection (c) by adding at the end the following new paragraph:

"(6) In any civil action under section 516B of the Tariff Act of 1930, the Court of International Trade may not issue injunctions or any other form of equitable relief, except with regard to implementation of a countermeasure order under section 468 of that Act, upon a proper showing that such relief is warranted."

TITLE II—OTHER PROVISIONS

SEC. 201. EQUIPMENT AND REPAIR OF VESSELS.

Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466), is amended by adding at the end the following new subsection:

"(i) The duty imposed by subsection (a) shall not apply with respect to activities occurring in a Shipbuilding Agreement Party, as defined in section 861(22), with respect to—

"(1) self-propelled seagoing vessels of 100 gross tons or more that are used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredges), and

"(2) tugs of 365 kilowatts or more. A vessel shall be considered 'self-propelled seagoing' if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas."

SEC. 202. EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.

No person other than the United States—

(1) shall have any cause of action or defense under the Shipbuilding Agreement or by virtue of congressional approval of the agreement, or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, the District of Columbia, any State, any political subdivision of a State, or any territory or possession of the United States on the ground that such action or inaction is inconsistent with such agreement.

SEC. 203. IMPLEMENTING REGULATIONS.

After the date of the enactment of this Act, the heads of agencies with functions under this Act and the amendments made by this Act may issue such regulations as may be necessary to ensure that this Act is appropriately implemented on the date the Shipbuilding Agreement enters into force with respect to the United States.

SEC. 204. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.

The Merchant Marine Act, 1936, is amended as follows:

(1) Section 511(a)(2) (46 App. U.S.C. 1161(a)(2)) is amended by inserting after "1939," the following: "or, if the vessel is a Shipbuilding Agreement vessel, constructed in a Shipbuilding Agreement Party, but only with regard to moneys deposited, on or after the date on which the Shipbuilding Trade Agreement Act takes effect, into a construction reserve fund established under subsection (b)".

(2) Section 601(a) (46 App. U.S.C. 1171(a)) is amended by striking "and that such vessel or vessels were built in the United States, or have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date" and inserting "and that such vessel or vessels were built in the United States, or, if the vessel or vessels are Shipbuilding Agreement vessels, in a Shipbuilding Agreement Party".

(3) Section 606(6) (46 App. U.S.C. 1176(6)) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party or in the United States" before "or, except in an emergency."

(4) Section 607 (46 App. U.S.C. 1177) is amended as follows:

(A) Subsection (a) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party," after "built in the United States".

(B) Subsection (k) is amended as follows:

(i) Paragraph (1) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the

United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States."

(ii) Paragraph (2)(A) is amended to read as follows:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States, but only with regard to moneys deposited into the fund on or after the date on which the Shipbuilding Trade Agreement Act takes effect."

(5) Section 610 (46 App. U.S.C. 1180) is amended by striking "shall be built in a domestic yard or shall have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date," and inserting "shall be built in the United States or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party."

(6) Section 901(b)(1) (46 App. U.S.C. 1241(b)(1)) is amended by striking the third sentence and inserting the following:

"For purposes of this section, the term 'privately owned United States-flag commercial vessels' shall be deemed to include—

"(A) any privately owned United States-flag commercial vessel constructed in the United States, and if rebuilt, rebuilt in the United States or in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and

"(B) any privately owned vessel constructed in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and if rebuilt, rebuilt in a Shipbuilding Agreement Party or in the United States, that is documented pursuant to chapter 121 of title 46, United States Code.

The term 'privately owned United States-flag commercial vessels' shall also be deemed to include any cargo vessel that so qualified pursuant to section 615 of this Act or this paragraph before the date on which the Shipbuilding Trade Agreement Act takes effect. The term 'privately owned United States-flag commercial vessels' shall not be deemed to include any liquid bulk cargo vessel that does not meet the requirements of section 3703a of title 46, United States Code."

(7) Section 905 (46 App. U.S.C. 1244) is amended by adding at the end the following:

"(h) The term 'Shipbuilding Agreement' means the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

"(i) The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(j) The term 'Shipbuilding Agreement vessel' means a vessel to which the Secretary determines Article 2.1 of the Shipbuilding Agreement applies.

"(k) The term 'Export Credit Understanding' means the Understanding on Export Credits for Ships which resulted from negotiations under the auspices of the Organization for Economic Cooperation and De-

velopment and was entered into on December 21, 1994.

"(l) The term 'Export Credit Understanding vessel' means a vessel to which the Secretary determines the Export Credit Understanding applies."

(8) Section 1104A (46 App. U.S.C. 1274) is amended as follows:

(A) Paragraph (5) of subsection (b) is amended to read as follows:

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such percent per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary, except that, with respect to Export Credit Understanding vessels, and Shipbuilding Agreement vessels, the obligations shall bear interest at a rate the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be;"

(B) Subsection (i) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), the Secretary may not, with respect to—

"(A) the general 75 percent or less limitation contained in subsection (b)(2),

"(B) the 87½ percent or less limitation contained in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or in section 1112(b), or

"(C) the 80 percent or less limitation in the 3rd proviso to such subsection,

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantors or commitments to guarantee made under this section that are subject to the limitation.

"(2) With respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be."

(C) Section 1104B(b) (46 App. U.S.C. 1274a(b)) is amended by striking the period at the end and inserting the following:

" , except that, with respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be."

SEC. 205. WITHDRAWAL FROM THE AGREEMENT.

(a) WITHDRAWAL.—

(1) NOTICE.—The President shall give notice, under Article 14 of the Shipbuilding Agreement, of intent of the United States to withdraw from the Shipbuilding Agreement, as soon as is practicable after one or more Shipbuilding Agreement Parties give notice, under such article, of intent to withdraw from the Shipbuilding Agreement, if paragraph (2) applies.

(2) TONNAGE OF NEW CONSTRUCTION IN WITHDRAWING PARTIES.—This paragraph applies if the combined gross tonnage of new Shipbuilding Agreement vessels constructed in all Shipbuilding Agreement Parties who have given notice to withdraw from the Shipbuilding Agreement, which were delivered in the calendar year preceding the calendar year in which the notice is given, is 15 percent or more of the gross tonnage of new Shipbuilding Agreement vessels that were constructed in all Shipbuilding Agreement Parties and were delivered in the calendar

year preceding the calendar year in which the notice is given.

(3) TERMINATION OF WITHDRAWAL.—If a Shipbuilding Agreement Party described in paragraph (2) takes action to terminate its withdrawal from the Shipbuilding Agreement, so that paragraph (2) would not apply if that Party had not given the notice to withdraw, the President may take the necessary steps to terminate the notice of withdrawal of the United States from the Shipbuilding Agreement.

(b) REINSTATEMENT OF LAWS.—If the United States withdraws from the Shipbuilding Agreement, on the date on which such withdrawal becomes effective, the amendments made by section 204 shall be deemed not to have been made, and the provisions of law amended by section 204 shall, on and after such date, be effective as if this Act had not been enacted.

SEC. 206. APPLICABILITY OF TITLE XI AMENDMENTS.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding any provision of the Shipbuilding Agreement or the Export Credit Understanding, the amendments made by paragraph (8) of section 204 shall not apply with respect to any commitment to guarantee made under title XI of the Merchant Marine Act, 1936, before January 1, 1999, with respect to a vessel delivered—

(A) before January 1, 2002, or

(B) in the case of unusual circumstances to which paragraph (2) applies, as soon after January 1, 2002, as is practicable.

(2) UNUSUAL CIRCUMSTANCES.—This paragraph applies in a case in which unusual circumstances beyond the control of the parties concerned prevent the delivery of a vessel by January 1, 2002. As used in this paragraph, the term "unusual circumstances" means acts of God (other than ordinary storms or inclement weather conditions), labor strikes, acts of sabotage, explosions, fires, or vandalism, and similar circumstances.

SEC. 207. OTHER LAWS NOT AFFECTED.

The Shipbuilding Agreement shall not affect, directly or indirectly, the Merchant Marine Act, 1920, the Act of June 19, 1886 (46 U.S.C. App. 289), or any other provision of law set forth in Accompanying Note 2 to Annex II to the Shipbuilding Agreement, and shall not provide any mechanism to subject any producer of vessels in the United States to financial penalties, duties, bid restrictions, unfavorable bid preferences, or withdrawal of concessions under the GATT 1994 or other Uruguay Round Agreements, in the competition for international commercial vessel construction or reconstruction orders because of construction of vessels by United States shipbuilders for operation in the coastwise trade of the United States.

SEC. 208. PROTECTION OF UNITED STATES INTERESTS.

Nothing in the Shipbuilding Agreement shall be construed to prevent the United States from taking any action which it considers necessary for the protection of essential security interests or from invoking its sovereign authority to define, for purposes of exclusion from coverage under the Shipbuilding Agreement and from any dispute or challenge based on Annex I to the Shipbuilding Agreement, "military vessel", "military reserve vessel", or "essential security interest" on a case by case basis, as determined by the Secretary of Defense.

SEC. 209. DEFINITIONS.

As used in this title—

(1) the terms "Shipbuilding Agreement", "Shipbuilding Agreement Party", "Shipbuilding Agreement vessel", and "Export Credit Understanding" have the meanings given those terms in subsections (h), (i), (j), and (k), respectively, of section 905 of the Merchant Marine Act, 1936, as added by section 204(7) of this Act; and

(2) the terms "GATT 1994" and "Uruguay Round Agreements" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act.

TITLE III—REVENUE OFFSET

SEC. 301. PENALTIES FOR FAILURE TO DISCLOSE POSITION THAT CERTAIN INTERNATIONAL SHIPPING INCOME IS NOT INCLUDE IN GROSS INCOME.

(a) IN GENERAL.—Section 883 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) PENALTIES FOR FAILURE TO DISCLOSE POSITION THAT CERTAIN INTERNATIONAL SHIPPING INCOME IS NOT INCLUDE IN GROSS INCOME.—

"(1) IN GENERAL.—A taxpayer who, with respect to any tax imposed by this title, takes the position that any of its gross income derived from the international operation of a ship or ships is not includible in gross income by reason of subsection (a)(1) or section 872(b)(1) shall be entitled to such treatment only if such position is disclosed (in such manner as the Secretary may prescribe) on the return of tax for such tax (or any statement attached to such return).

"(2) ADDITIONAL PENALTIES FOR FAILING TO DISCLOSE POSITION.—If a taxpayer fails to meet the requirement of paragraph (1) with respect to any taxable year—

"(A) the amount of the income from the international operation of a ship or ships—

"(i) which is from sources without the United States, and

"(ii) which is attributable to a fixed place of business in the United States, shall be treated for purposes of this title as effectively connected with the conduct of a trade or business within the United States, and

"(B) no deductions or credits shall be allowed which are attributable to income from the international operation of a ship or ships.

"(3) REASONABLE CAUSE EXCEPTION.—This subsection shall not apply to a failure to disclose a position if it is shown that such failure is due to reasonable cause and not due to willful neglect."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 872(b) of such Code is amended by striking "Gross income" and inserting "Except as provided in section 883(d), gross income".

(2) Paragraph (1) of section 883(a) of such Code is amended by striking "Gross income" and inserting "Except as provided in subsection (d), gross income".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding section 3, the amendments made by this section shall apply to taxable years beginning after the later of—

(A) December 31, 1996, or

(B) the date that the Shipbuilding Agreement enters into force with respect to the United States.

(2) COORDINATION WITH TREATIES.—The amendments made by this section shall not apply in any case where their application would be contrary to any treaty obligation of the United States.

(d) INFORMATION TO BE PROVIDED BY CUSTOMS SERVICE.—The United States Custom Service shall provide the Secretary of the Treasury or his delegate with such information as may be specified by such Secretary in order to enable such Secretary to determine whether ships which are not registered in the United States are engaged in transportation to or from the United States.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. DAVIS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 325
affirmative { Nays 100

¶74.7

[Roll No. 238]
AYES—325

Ackerman	Engel	Kim
Allard	Ensign	King
Andrews	Eshoo	Klecza
Baesler	Ewing	Knollenberg
Baker (LA)	Farr	LaFalce
Baldacci	Fattah	LaHood
Balenger	Fawell	Largent
Barcia	Fazio	Latham
Barrett (NE)	Fields (LA)	LaTourette
Barrett (WI)	Fields (TX)	Lazio
Bartlett	Filner	Leach
Bass	Flake	Levin
Bateman	Flanagan	Lewis (CA)
Becerra	Foglietta	Lewis (GA)
Beilenson	Forbes	Lightfoot
Bentsen	Ford	Linder
Bereuter	Fox	Lipinski
Berman	Frank (MA)	Livingston
Bilbray	Franks (CT)	Lofgren
Bilirakis	Franks (NJ)	Lowe
Bishop	Frelinghuysen	Lucas
Bliley	Frisa	Luther
Blumenauer	Frost	Maloney
Blute	Funderburk	Manton
Boehrlert	Furse	Manzullo
Bonior	Galleghy	Markey
Bono	Ganske	Martinez
Borski	Gejdenson	Martini
Boucher	Gekas	Mascara
Brewster	Gephardt	Matsui
Brown (CA)	Geren	McCarthy
Brown (FL)	Gibbons	McCollum
Brown (OH)	Gilchrest	McHale
Brownback	Gilman	McHugh
Bryant (TN)	Gonzalez	McInnis
Bryant (TX)	Goodlatte	McIntosh
Bunn	Goodling	McKeon
Burr	Gordon	McKinney
Calvert	Goss	McNulty
Campbell	Greene (UT)	Meehan
Canady	Greenwood	Meek
Cardin	Gutierrez	Menendez
Castle	Gutknecht	Metcalf
Chabot	Hall (OH)	Mica
Chambliss	Hamilton	Millender-
Chapman	Hancock	McDonald
Christensen	Hansen	Miller (CA)
Clay	Harman	Miller (FL)
Clayton	Hastings (FL)	Minge
Clement	Hayes	Mink
Clinger	Hayworth	Moakley
Clyburn	Hefley	Molinari
Coble	Hefner	Moorhead
Coburn	Heineman	Moran
Coleman	Herger	Morella
Collins (MI)	Hinche	Murtha
Condit	Hoekstra	Myers
Conyers	Hoke	Myrick
Crane	Horn	Nadler
Creameans	Hostettler	Neal
Cummings	Hoyer	Ney
Cunningham	Hutchinson	Norwood
Danner	Hyde	Olver
Davis	Inglis	Ortiz
Deal	Istook	Orton
DeFazio	Jackson (IL)	Owens
DeLauro	Jackson-Lee	Packard
Dellums	(TX)	Pallone
Deutsch	Jefferson	Parker
Dickey	Johnson (SD)	Pastor
Dingell	Johnson, E. B.	Paxon
Dixon	Johnston	Payne (NJ)
Doggett	Jones	Payne (VA)
Dooley	Kanjorski	Pelosi
Doyle	Kaptur	Peterson (FL)
Dreier	Kasich	Peterson (MN)
Duncan	Kelly	Petri
Durbin	Kennedy (MA)	Pickett
Ehlers	Kennedy (RI)	Pomeroy
Ehrlich	Kennelly	Porter
Emerson	Kildee	Pryce

Quillen	Shays	Torres
Quinn	Shuster	Towns
Radanovich	Sisisky	Upton
Rangel	Skaggs	Velazquez
Reed	Skeen	Vento
Regula	Skelton	Visclosky
Richardson	Slaughter	Volkmmer
Riggs	Smith (MI)	Vucanovich
Rivers	Smith (TX)	Walker
Roberts	Solomon	Walsh
Roemer	Souder	Wamp
Rogers	Spence	Ward
Roth	Spratt	Waters
Roukema	Stark	Watt (NC)
Roybal-Allard	Stenholm	Watts (OK)
Sabo	Stokes	Waxman
Sanders	Studds	Weldon (FL)
Sawyer	Stupak	Weldon (PA)
Saxton	Talent	Weller
Scarborough	Tate	Wicker
Schaefer	Tauzin	Williams
Schiff	Taylor (NC)	Wilson
Schumer	Tejeda	Wolf
Scott	Thomas	Woolsey
Seastrand	Thornberry	Wynn
Sensenbrenner	Thornton	Young (AK)
Serrano	Thurman	Young (FL)
Shaw	Torkildsen	Zeliff

NOES—100

Abercrombie	English	Oberstar
Archer	Evans	Obey
Armye	Everett	Pombo
Bachus	Foley	Portman
Baker (CA)	Fowler	Poshard
Barr	Graham	Rahall
Barton	Gunderson	Ramstad
Bevill	Hall (TX)	Rohrabacher
Boehner	Hastert	Ros-Lehtinen
Bonilla	Hastings (WA)	Rose
Browder	Hilleary	Royce
Bunning	Hilliard	Rush
Burton	Hobson	Salmon
Callahan	Holden	Sanford
Campaigne	Hunter	Schroeder
Chenoweth	Jacobs	Shadegg
Chrysler	Johnson (CT)	Smith (NJ)
Collins (GA)	Johnson, Sam	Smith (WA)
Collins (IL)	Kingston	Stearns
Combest	Klink	Stockman
Cooley	Klug	Stump
Costello	Kolbe	Tanner
Cox	Lantos	Taylor (MS)
Coyne	Laughlin	Thompson
Cramer	Lewis (KY)	Tiahrt
Crapo	LoBiondo	Torricelli
Cubin	Longley	Traficant
de la Garza	McCrery	White
DeLay	McDermott	Whitfield
Diaz-Balart	Mollohan	Wise
Dicks	Montgomery	Yates
Doolittle	Nethercutt	Zimmer
Dornan	Neumann	
Dunn	Nussle	

NOT VOTING—9

Buyer	Green (TX)	McDade
Edwards	Houghton	Meyers
Gillmor	Lincoln	Oxley

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.8 PROVIDING FOR THE CONSIDERATION OF H.R. 3610

Mr. SOLOMON, by direction of the Committee on Rules, called up the following resolution (H. Res. 453):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI, clause 7 of rule XXI, or section 302(c) of the Congressional Budget Act of 1974

are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. Before consideration of any other amendment it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Young of Florida or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. After disposition of that amendment, during further consideration of the bill pursuant to this resolution, the appropriate allocation of new discretionary budget authority within the meaning of section 302(f)(1) of the Congressional Budget Act of 1974 shall be \$245,065,000,000. The corresponding level of budget outlays shall be \$243,372,000,000. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.9 DOD APPROPRIATIONS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to

House Resolution 453 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, designated Mr. CAMP as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. MCCRERY, assumed the Chair.

¶74.10 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 178) "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002."

The Committee resumed its sitting; and after some further time spent therein,

¶74.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by MR. YOUNG of Florida:

On page 17, line 9, strike "\$1,044,767,000" and insert "\$988,567,000".

On page 17, line 10, strike all after "1999" through the end of line 12, except the period.

On page 22, line 6, strike "\$4,719,930,000" and insert "\$4,469,930,000".

On page 24, line 17, strike "\$7,326,628,000" and insert "\$7,274,628,000".

On page 24, line 19, strike "\$54,700,000" and insert "\$2,700,000".

On page 29, line 10, strike "\$14,969,573,000" and insert "\$14,869,573,000".

On page 29, line 15, strike "\$1,698,486,000" and insert "\$1,598,486,000".

On page 82, line 6, strike "\$350,000,000" and insert "\$400,000,000".

On page 82, line 11, strike "\$226,400,000" and insert "\$276,400,000".

It was decided in the { Yeas 396
affirmative Nays 25

¶74.12 [Roll No. 239]
AYES—396

Abercrombie	Beilenson	Brown (OH)
Ackerman	Bentsen	Brownback
Allard	Bereuter	Bryant (TN)
Andrews	Berman	Bryant (TX)
Archer	Bevill	Bunn
Armey	Bilirakis	Bunning
Bachus	Bliley	Burr
Baesler	Blumenauer	Burton
Baker (CA)	Blute	Buyer
Baker (LA)	Boehlert	Calvert
Baldacci	Boehner	Camp
Ballenger	Boniilla	Campbell
Barcia	Bono	Canady
Barrett (NE)	Borski	Cardin
Barrett (WI)	Boucher	Castle
Barton	Brewster	Chabot
Bass	Browder	Chambliss
Bateman	Brown (CA)	Chapman
Becerra	Brown (FL)	Chenoweth

Christensen	Hamilton	Mollohan
Chrysler	Hancock	Moorhead
Clay	Harman	Morella
Clayton	Hastert	Murtha
Clement	Hastings (FL)	Myers
Clinger	Hastings (WA)	Myrick
Coble	Hayworth	Nadler
Coburn	Hefner	Neal
Coleman	Heineman	Nethercutt
Collins (GA)	Herger	Neumann
Collins (IL)	Hilleary	Ney
Collins (MI)	Hilliard	Norwood
Combest	Hinchee	Nussle
Condit	Hobson	Oberstar
Conyers	Hoekstra	Obey
Cooley	Hoke	Olver
Costello	Holden	Ortiz
Cox	Horn	Orton
Coyne	Hoyer	Owens
Cramer	Hutchinson	Oxley
Crane	Hyde	Packard
Crapo	Inglis	Pallone
Creameans	Istook	Parker
Cubin	Jackson (IL)	Pastor
Cummings	Jackson-Lee	Paxon
Cunningham	(TX)	Payne (NJ)
Danner	Jacobs	Payne (VA)
Davis	Jefferson	Pelosi
de la Garza	Johnson (CT)	Peterson (FL)
Deal	Johnson (SD)	Peterson (MN)
DeFazio	Johnson, E. B.	Petri
DeLay	Johnston	Pombo
Dellums	Jones	Pomeroy
Deutsch	Kanjorski	Porter
Diaz-Balart	Kaptur	Portman
Dick	Kasich	Poshard
Dicks	Kelly	Pryce
Dingell	Kennedy (MA)	Quillen
Dixon	Kildee	Quinn
Doggett	Kim	Radanovich
Dooley	King	Rahall
Doolittle	Kingston	Ramstad
Dornan	Klecza	Rangel
Doyle	Klink	Regula
Dreier	Klug	Richardson
Duncan	Knollenberg	Riggs
Dunn	Kolbe	Rivers
Durbin	LaFalce	Roberts
Edwards	LaHood	Roemer
Ehlers	Lantos	Rogers
Ehrlich	Largent	Rohrabacher
Emerson	Latham	Ros-Lehtinen
Engel	LaTourrette	Rose
English	Laughlin	Roth
Ensign	Lazio	Roukema
Eshoo	Leach	Roybal-Allard
Evans	Levin	Royce
Farr	Lewis (CA)	Rush
Fattah	Lewis (GA)	Sabo
Fawell	Lewis (KY)	Salmon
Fazio	Lightfoot	Sanders
Fields (LA)	Linder	Sanford
Fields (TX)	Lipinski	Sawyer
Filner	Livingston	Saxton
Flake	LoBiondo	Scarborough
Flanagan	Lofgren	Schaefer
Foglietta	Longley	Schiff
Foley	Lucas	Schroeder
Ford	Luther	Scott
Fowler	Maloney	Seastrand
Fox	Manton	Sensenbrenner
Frank (MA)	Manzullo	Serrano
Franks (CT)	Markey	Shadegg
Franks (NJ)	Martinez	Shaw
Frelinghuysen	Martini	Shays
Frisa	Mascara	Shuster
Frost	Matsui	Skaggs
Funderburk	McCarthy	Skeen
Furse	McCollum	Slaughter
Galleghy	McCrery	Smith (MI)
Ganske	McDermott	Smith (NJ)
Gekas	McHale	Smith (TX)
Gephardt	McHugh	Smith (WA)
Gibbons	McInnis	Solomon
Gilchrest	McKeon	Souder
Gilman	McKinney	Spence
Gonzalez	McNulty	Spratt
Goodlatte	Meehan	Stark
Goodling	Menendez	Stearns
Gordon	Metcalf	Stenholm
Goss	Meyers	Stokman
Graham	Mica	Stokes
Green (TX)	Millender	Studds
Greene (UT)	McDonald	Stupak
Greenwood	Miller (CA)	Tanner
Gunderson	Miller (FL)	Tate
Gutierrez	Minge	Tauzin
Gutknecht	Mink	Taylor (NC)
Hall (OH)	Moakley	Tejeda
Hall (TX)	Molinari	Thomas

Thompson	Volkmer	Whitfield
Thornberry	Vucanovich	Wicker
Thornton	Walker	Williams
Thurman	Walsh	Wilson
Tiahrt	Wamp	Wise
Torkildsen	Ward	Wolf
Torres	Waters	Woolsey
Torricelli	Watt (NC)	Wynn
Towns	Watts (OK)	Yates
Traficant	Waxman	Young (AK)
Upton	Weldon (FL)	Young (FL)
Velazquez	Weldon (PA)	Zeliff
Vento	Weller	Zimmer
Visclosky	White	

NOES—25

Barr	Hefley	Pickett
Bartlett	Hostettler	Reed
Bishop	Hunter	Sisisky
Clyburn	Johnson, Sam	Skelton
DeLauro	Kennedy (RI)	Stump
Everett	Kennelly	Talent
Gejdenson	McIntosh	Taylor (MS)
Geren	Meek	
Hansen	Montgomery	

NOT VOTING—13

Bilbray	Gillmor	McDade
Bonior	Hayes	Moran
Callahan	Houghton	Schumer
Ewing	Lincoln	
Forbes	Lowe	

So the amendment was agreed to.
After some further time,

¶74.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OBEY:

Page 22, line 6, after the dollar amount, insert the following: "(reduced by \$404,000,000)".

It was decided in the { Yeas 143
negative Nays 285

¶74.14 [Roll No. 240]
AYES—143

Barrett (WI)	Franks (NJ)	Olver
Becerra	Furse	Owens
Beilenson	Ganske	Pallone
Berman	Gejdenson	Pastor
Blumenauer	Gibbons	Payne (NJ)
Boucher	Gunderson	Pelosi
Brown (CA)	Gutierrez	Peterson (MN)
Brown (OH)	Gutknecht	Petri
Brownback	Heineman	Pomeroy
Bryant (TX)	Hinchee	Porter
Bunn	Hoekstra	Poshard
Campbell	Inglis	Ramstad
Castle	Jackson (IL)	Rangel
Chabot	Jacobs	Reed
Chapman	Johnson (SD)	Riggs
Clay	Kennedy (MA)	Rivers
Clayton	Kennedy (RI)	Rohrabacher
Coble	Kennelly	Roukema
Coburn	Klug	Roybal-Allard
Collins (IL)	LaFalce	Royce
Collins (MI)	Levin	Rush
Condit	Linder	Sanders
Conyers	Lipinski	Sanford
Coyne	LoBiondo	Sawyer
Cummings	Lofgren	Schroeder
Danner	Lowe	Sensenbrenner
DeFazio	Luther	Serrano
DeLauro	Maloney	Shays
Dellums	Markey	Skaggs
Dingell	Matsui	Smith (MI)
Doggett	McCarthy	Stark
Dooley	McDermott	Stenholm
Duncan	McKinney	Stockman
Durbin	Meehan	Stokes
Ehlers	Menendez	Studds
Engel	Meyers	Stupak
Ensign	Miller (CA)	Thurman
Eshoo	Minge	Torres
Evans	Mink	Towns
Fattah	Moakley	Upton
Filner	Morella	Velazquez
Flake	Nadler	Vento
Foglietta	Neal	Volkmer
Foley	Neumann	Waters
Ford	Oberstar	Watt (NC)
Frank (MA)	Obey	

Waxman
Williams

Woolsey
Wynn

Yates
Zimmer

NOT VOTING—6

Bilbray Gillmor Hayes Lincoln McDade Schumer

So the amendment was not agreed to.

74.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OBEY:

Page 24, line 17, after the dollar amount, insert the following: "(reduced by \$314,100,000)".

It was decided in the { Yeas 126 negative } Nays 299

74.16 [Roll No. 241] AYES—126

Baldacci Ford Neal
Barrett (WI) Frank (MA) Neumann
Becerra Franks (NJ) Obey
Beilenson Furse Olver
Bentsen Ganske Owens
Berman Gephardt Payne (NJ)
Blumenauer Gibbons Pelosi
Borski Goodlatte Porter
Brown (CA) Green (TX) Ramstad
Brown (OH) Gutierrez Rangel
Brownback Heinenman Rivers
Bryant (TX) Hilliard Rohrabacher
Bunn Hoekstra Roukema
Campbell Jackson (IL) Roybal-Allard
Clay Jackson-Lee Royce
Coble (TX) Rush
Coburn Jacobs Sanders
Collins (IL) Johnson (SD) Schroeder
Collins (MI) Johnston Sensenbrenner
Conyers Kanjorski Serrano
Cooley Kennedy (MA) Shays
Coyne Kleczka Slaughter
Cummings Klug Smith (MI)
Danner Lantos Stark
DeFazio Levin Stockman
DeLauro Lewis (GA) Stokes
Dellums LoBiondo Studds
Deutsch Lofgren Tiahrt
Dingell Lowey Torres
Doggett Luther Towns
Doyle Maloney Upton
Duncan Markey Velazquez
Durbin Martini Vento
Ehlers McCarthy Visclosky
Engel McDermott Waters
English McKinney Watt (NC)
Eshoo Meehan Waxman
Evans Miller (CA) Woolsey
Farr Minge Wynn
Fattah Mink Yates
Filner Moakley Zimmer
Flake Morella
Foglietta Nadler

NOES—299

Abercrombie Brown (FL) Cubin
Ackerman Bryant (TN) Cunningham
Allard Bunning Davis
Andrews Burr de la Garza
Archer Burton Deal
Armey Buyer DeLay
Bachus Callahan Diaz-Balart
Baesler Calvert Dickey
Baker (CA) Camp Dicks
Baker (LA) Canady Dixon
Ballenger Cardin Doolittle
Barcia Castle Dornan
Barr Chabot Dreier
Barrett (NE) Chambliss Dunn
Bartlett Chapman Edwards
Bass Chenoweth Ehrlich
Bateman Christensen Emerson
Bereuter Clayton Ensign
Bevill Everett
Bilirakis Clement Ewing
Bishop Clinger Fawell
Bliley Coleman Fazio
Blute Collins (GA) Fields (LA)
Boehlert Combest Fields (TX)
Boehner Condit Flanagan
Bonilla Costello Foley
Bonior Cox Forbes
Bono Cramer Fowler
Boucher Crane Fox
Brewster Crapo Franks (CT)
Browder Cremeans Frelinghuysen

Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildeer
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio

Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Longley
Lucas
Manton
Manzullo
Mascara
Matsui
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Millender-
McDonald
Miller (FL)
Molinar
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Reed
Richardson
Riggs

NOT VOTING—9

Bilbray Johnson (CT) McDade
Gillmor Lincoln Schumer
Hayes Martinez Williams

So the amendment was not agreed to.

74.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OBEY:

Page 29, line 10, after the dollar amount, insert the following: "(reduced by \$1,000,000,000)".

It was decided in the { Yeas 119 negative } Nays 307

74.18 [Roll No. 242] AYES—119

Barrett (WI) Brown (OH) Collins (MI)
Becerra Brownback Conyers
Beilenson Campbell Cooley
Blumenauer Cardin Coyne
Bonior Chapman Cummings
Borski Clay Danner
Brown (CA) Collins (IL) DeFazio

NOES—285
Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (FL)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combust
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa

Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildeer
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Livingston
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Metcalf
Mica
Millender-
McDonald

Miller (FL)
Molinar
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Sabo
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torikildsen
Torricelli
Traficant
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

Dellums
Deusch
Dingell
Doyle
Duncan
Durbín
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Gephardt
Gunderson
Gutiérrez
Hilliard
Hoekstra
Holden
Jackson (IL)
Jacobs
Johnston
Kanjorski
Kennedy (MA)
Klecza
Klink

NOES—307

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Cramer

Hastings (FL)

Ramstad
Rangel
Rivers
Roukema
Roybal-Allard
Rush
Sabó
Sanders
Sawyer
Schroeder
Sensenbrenner
Serrano
Shays
Skaggs
Smith (MI)
Stark
Stokes
Studds
Stupak
Torres
Towns
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates
Zimmer

Hastings (WA)

Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh

McKeon
McNulty
Meek
Metcalf
Meyers
Mica
Millender-
Moran
Murtha
Myers
Myrick
Nethercutt
Ney
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen

NOT VOTING—8

Bilbray
de la Garza
Gillmor

Hayes
Lincoln
McDade

NOES—319

Quinn
Radanovich
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm

Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Duncan
Durbín
Ehlers
Evans
Fattah
Filner
Flake
Foglietta
Lofgren
Lowey
Luther
Maloney
Markey
McCarthy

McDermott
McKinney
Meehan
Menendez
Miller (CA)
Minge
Mink
Nadler
Neal
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Petri
Poshard

Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.

Stokes
Studds
Stupak
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates
Zimmer

Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
McNulty
Meek
Metcalf
Meyers
Mica
Millender-
McDonald
Miller (FL)
Moakley
Mollinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy

So the amendment was not agreed to.
After some further time,

¶74.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OBEY:

Page 87, after line 3, insert the following new section:

PROHIBITION AGAINST UNNEEDED AND HIGH COST ACQUISITIONS

SEC. 8095. None of the funds in this Act may be made available for any acquisition program, project or activity under Title III of this Act (except under the appropriation "National Guard and Reserve Equipment") if it is made known to the Federal official having authority to obligate or expend such funds that such acquisition—

(a) has no documented military requirement under established Department of Defense procedures; and

(b) has a cost per job created of more than \$100,000 according to documentation submitted to the staff of the House National Security Committee by the military services.

It was decided in the { Yeas 101
negative } Nays 319

¶74.20 [Roll No. 243]
AYES—101

Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Bryant (TX)
Filner
Flake
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Danner

Hilliard
Hinchey
Jackson (IL)
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Klecza
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
McCarthy

Porter	Seastrand	Thornberry
Portman	Shadegg	Thurman
Pryce	Shaw	Tiahrt
Quillen	Shuster	Torkildsen
Quinn	Sisisky	Torricelli
Radanovich	Skaggs	Trafigant
Rahall	Skeen	Upton
Regula	Skelton	Volkmer
Richardson	Smith (MI)	Vucanovich
Riggs	Smith (TX)	Walker
Roberts	Smith (WA)	Walsh
Roemer	Solomon	Wamp
Rogers	Souder	Ward
Rohrabacher	Spence	Watts (OK)
Ros-Lehtinen	Spratt	Weldon (FL)
Rose	Stenholm	Weldon (PA)
Roth	Stump	Weller
Royce	Talent	White
Sabo	Tanner	Whitfield
Salmon	Tate	Wicker
Sanford	Tauzin	Wilson
Sawyer	Taylor (MS)	Wise
Scarborough	Taylor (NC)	Wolf
Schaefer	Tejeda	Young (AK)
Schiff	Thomas	Young (FL)
Scott	Thompson	Zeliff

NOT VOTING—14

Berman	Gillmor	Moran
Bevill	Hayes	Saxton
Bilbray	Lincoln	Smith (NJ)
Cardin	McDade	Thornton
English	McIntosh	

So the amendment was not agreed to.

74.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. SCHROEDER:

At the end of the bill (before the short title), add the following new section.

SEC. . The amount of appropriations provided by this Act is hereby reduced by \$6,572,000.

It was decided in the { Yeas 148 negative } Nays 265

74.22 [Roll No. 244] AYES—148

Ackerman	Foglietta	Minge
Allard	Ford	Mink
Baessler	Frank (MA)	Moakley
Baldacci	Franks (NJ)	Morella
Barrett (WI)	Furse	Nadler
Becerra	Gephardt	Neal
Beilenson	Green (TX)	Neumann
Bentsen	Gutierrez	Oberstar
Berman	Hall (TX)	Obey
Blumenauer	Hilliard	Olver
Blute	Hinchev	Orton
Bonior	Holden	Owens
Borski	Jackson (IL)	Pallone
Brown (CA)	Jackson-Lee	Pastor
Brown (OH)	(TX)	Payne (NJ)
Bryant (TX)	Jacobs	Pelosi
Campbell	Johnson (SD)	Peterson (MN)
Chrysler	Johnston	Petri
Clay	Kanjorski	Pomeroy
Clayton	Kaptur	Poshard
Collins (IL)	Kennedy (MA)	Ramstad
Collins (MI)	Klecza	Rangel
Condit	Klink	Rivers
Conyers	Klug	Roemer
Coyne	LaFalce	Roukema
Cummings	Lantos	Roybal-Allard
Danner	Levin	Rush
DeFazio	Lewis (GA)	Sabo
Dellums	Lipinski	Sanders
Deutsch	LoBiondo	Sawyer
Dingell	Lofgren	Schroeder
Doggett	Dooley	Schumer
Dooley	Luther	Sensenbrenner
Doyle	Maloney	Serrano
Duncan	Manton	Shays
Durbin	Markey	Skaggs
Ehlers	Martini	Slaughter
Engel	Mascara	Stark
Eshoo	McCarthy	Stenholm
Evans	McDermott	Stokes
Farr	McHale	Studds
Fattah	McKinney	Stupak
Fazio	Meehan	Thurman
Filner	Menendez	Torres
Flake	Miller (CA)	Torricelli

Towns	Waters
Velazquez	Watt (NC)
Vento	Waxman
Visclosky	Williams
Volkmer	Wise

NOES—265

Abercrombie	Funderburk
Andrews	Galleghy
Archer	Ganske
Armey	Gejdenson
Bachus	Gekas
Baker (CA)	Geren
Baker (LA)	Gibbons
Ballenger	Gilchrest
Barcia	Gilman
Barr	Goodlatte
Barrett (NE)	Goodling
Bartlett	Gordon
Barton	Goss
Bass	Graham
Bateman	Greene (UT)
Bereuter	Greenwood
Bilirakis	Gunderson
Bishop	Gutknecht
Bliley	Hall (OH)
Boehlert	Hamilton
Boehner	Hancock
Bonilla	Hansen
Bono	Harman
Boucher	Hastert
Brewster	Hastings (FL)
Browder	Hastings (WA)
Brown (FL)	Hayworth
Brownback	Hefley
Bryant (TN)	Hefner
Bunn	Heineman
Bunning	Herger
Burr	Hilleary
Burton	Hobson
Buyer	Hoekstra
Callahan	Hoke
Calvert	Horn
Camp	Hostettler
Canady	Houghton
Castle	Hoyer
Chabot	Hunter
Chambliss	Hutchinson
Chapman	Hyde
Chenoweth	Inglis
Christensen	Istook
Clement	Jefferson
Clyburn	Johnson (CT)
Coble	Johnson, E. B.
Coburn	Johnson, Sam
Coleman	Jones
Collins (GA)	Kasich
Combest	Kelly
Cooley	Kennedy (RI)
Costello	Kennelly
Cramer	Kildee
Crane	Kim
Crapo	Kingston
Cremeans	Knollenberg
Cubie	Kolbe
Cunningham	LaHood
de la Garza	Largent
Deal	Latham
DeLauro	LaTourette
DeLay	Laughlin
Diaz-Balart	Lazio
Dickey	Leach
Dicks	Lewis (CA)
Dixon	Lewis (KY)
Doolittle	Lightfoot
Dornan	Linder
Dreier	Livingston
Dunn	Longley
Edwards	Lucas
Ehrlich	Manzullo
Emerson	Martinez
Ensign	Matsui
Everett	McCollum
Ewing	McCery
Fawell	McInnis
Fields (LA)	McKeon
Fields (TX)	McNulty
Flanagan	Metcalf
Foley	Meyers
Forbes	Mica
Fowler	Millender-McDonald
Fox	Miller (FL)
Franks (CT)	Molinar
Frelinghuysen	Mollohan
Frist	Montgomery

NOT VOTING—21

Bevill	Cardin
Bilbray	Clinger

Woolsey	Wynn
Yates	Zimmer

English	Gillmor
Gonzalez	Hayes
King	

Lincoln	McDade
McHugh	McIntosh
Meek	

Moran	Quinn
Saxton	Smith (NJ)
Thornton	

So the amendment was not agreed to.

74.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SHAYS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . New budget authority provided in this Act shall be available for obligation in fiscal year 1997 only to the extent that obligation thereof will not cause the total obligation of new budget authority provided in this Act for all operations and agencies to exceed \$243,251,297,000, which amount corresponds to the new budget authority that was provided in the Department of Defense Appropriations Act, 1996.

It was decided in the { Yeas 194 negative } Nays 219

74.24 [Roll No. 245] AYES—194

Andrews	Furse	Morella
Baessler	Ganske	Nadler
Baldacci	Gephardt	Neal
Barcia	Gilchrest	Neumann
Barrett (WI)	Goodlatte	Ney
Bass	Gordon	Nussle
Becerra	Green (TX)	Oberstar
Beilenson	Greenwood	Obey
Bentsen	Gunderson	Olver
Berman	Gutierrez	Orton
Blumenauer	Gutknecht	Owens
Blute	Hall (TX)	Pallone
Bonior	Hilliard	Pastor
Borski	Hinchev	Payne (NJ)
Brown (CA)	Hoekstra	Pelosi
Brown (OH)	Hoke	Peterson (MN)
Bryant (TX)	Holden	Petri
Bunn	Jackson (IL)	Pomeroy
Camp	Jackson-Lee	Porter
Campbell	(TX)	Portman
Castle	Jacobs	Poshard
Chabot	Johnson (SD)	Ramstad
Chapman	Johnston	Rangel
Chrysler	Kanjorski	Riggs
Clay	Kaptur	Rivers
Clayton	Kelly	Roemer
Collins (IL)	Kennedy (MA)	Rohrabacher
Collins (MI)	Kingston	Roth
Condit	Klecza	Roukema
Costello	Klug	Roybal-Allard
Coyne	LaFalce	Rush
Cummings	LaHood	Sabo
Danner	Lantos	Sanders
Deal	Latham	Sanford
DeFazio	LaTourette	Leach
Dellums	Leach	Schroeder
Deutsch	Levin	Sensenbrenner
Dingell	Lewis (GA)	Serrano
Dixon	Lipinski	Shays
Doggett	LoBiondo	Skaggs
Dooley	Lofgren	Slaughter
Doyle	Lowey	Smith (MI)
Duncan	Luther	Smith (WA)
Durbin	Maloney	Spratt
Ehlers	Manton	Stark
Engel	Markey	Stokes
Eshoo	Martini	Studds
Evans	Mascara	Stupak
Farr	McCarthy	Thurman
Fattah	McDermott	Tiahrt
Fazio	McHale	Torres
Filner	McInnis	Torricelli
Flake	McKinney	Towns
	McNulty	Upton
	Meehan	Velazquez
	Menendez	Vento
	Metcalf	Volkmer
	Millender-McDonald	Wamp
	Miller (CA)	Waters
	Miller (FL)	Watt (NC)
	Minge	Waxman
	Mink	Weller
	Moakley	

Williams
Wise

Woolsey
Wynn

Yates
Zimmer

NOES—219

Abercrombie
Allard
Archer
Army
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Creameans
Cubin
de la Garza
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
Everett
Fields (TX)
Forbes
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk

SEC. . None of the funds provided in this Act for the National Missile Defense program may be obligated for the deployment of space-based interceptors or space-based directed-energy weapons.

It was decided in the { Yeas 190
negative } Nays 208

¶74.26 [Roll No. 246]
AYES—190

Abercrombie
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Blumenauer
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins (IL)
Collins (MI)
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
Leach
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehlers
Engel
Farr
Fattah
Fazio
Fields (LA)
Finler
Flake
Foglietta
Ford
Fong
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske

Gejdenson
Gephardt
Goodling
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hoekstra
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecza
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leahy
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Manton
Martini
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Ney
Nussle
Oberstar
Obey

Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Whitfield
Williams
Wise
Woolsey
Wynn
Zimmer

Forbes
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodlatte
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston

Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
McCollum
McCrery
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Neumann
Norwood
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Riggs
Roberts

Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Bevill
Bilbray
Cardin
Clinger
Conyers
Cunningham

Davis
English
Gillmor
Hayes
Johnson, E.B.
King
Lincoln

McDade
McHugh
McIntosh
Quinn
Saxton
Souder
Thornton

So the amendment was not agreed to.
After some further time,

¶74.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, as amended, submitted by Mr. DEFAZIO:

At the end of the bill (before the short title), insert the following new section:

NOES—208

Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox

Crane
Crapo
Creameans
Cubin
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley

NOT VOTING—37

Ackerman
Bevill
Bilbray
Bunning
Cardin
Clinger
Coleman
Conyers
Cunningham
Davis
Doyle
English
Geren

Gillmor
Hayes
Holden
Johnson, E. B.
King
Lincoln
Maloney
Markey
McCarthy
McDade
McHugh
Moakley
Myers

Neal
Quinn
Saxton
Souder
Thornton
Torricelli
Walsh
Waxman
Wilson
Yates
Zeliff

So the amendment, as amended, was not agreed to.

The SPEAKER pro tempore, Mr. JONES of North Carolina, assumed the Chair.

When Mr. CAMP, Chairman, pursuant to House Resolution 453, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

On page 17, line 9, strike "\$1,044,767,000" and insert "\$988,567,000".

On page 17, line 10, strike all after "1999" through the end of line 12, except the period.

On page 22, line 6, strike "\$4,719,930,000" and insert "\$4,469,930,000".

On page 24, line 17, strike "\$7,326,628,000" and insert "\$7,274,628,000".

On page 24, line 19, strike "\$54,700,000" and insert "\$2,700,000".

On page 29, line 10, strike "\$14,969,573,000" and insert "\$14,869,573,000".

On page 29, line 15, strike "\$1,698,486,000" and insert "\$1,598,486,000".

On page 82, line 6, strike "\$350,000,000" and insert "\$400,000,000".

On page 82, line 11, strike "\$226,400,000" and insert "\$276,400,000".

At the end of title II (page 16, after line 3), add the following new paragraph:

REDUCTION OF FUNDS

Amounts appropriated in other paragraphs of this title are hereby reduced as follows:

From OPERATION AND MAINTENANCE, ARMY, \$12,950,000.

From OPERATION AND MAINTENANCE, NAVY, \$3,500,000.

From OPERATION AND MAINTENANCE, MARINE CORPS, \$1,750,000.

From OPERATION AND MAINTENANCE, AIR FORCE, \$7,700,000.

From OPERATION AND MAINTENANCE, DEFENSE-WIDE, \$9,100,000.

Page 87, after line 3, insert the following new section:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

At the end of the bill (before the short title), insert the following new section:

SEC. 8095. None of the funds available to the Department of Defense under this Act may be obligated or expended to procure landing gear for aircraft except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the manufacturer of the item is part of the national technology and industrial base;

(2) the landing gear is manufactured and assembled in the United States; and

(3) the contract through which the procurement is made is entered into more than 30 days after the date of the enactment of this Act: Provided, That contracts existing on the date of enactment of this Act and existing or subsequent options in such contracts through January 1, 2000 are not covered by this section if the Secretary of the military department which issued the aircraft production contract certifies to the Appropriations Committees of the House and Senate that purchasing landing gear under the terms of this section will create a significant adverse technical, cost, or schedule impact on the aircraft production program.

Page 87, after line 3, insert the following new section:

SEC. . (a) None of the funds appropriated or otherwise made available by this Act for the Department of Defense specimen repository described in subsection (b) may be used for any purpose except in accordance with the requirement in paragraph numbered 3 of the covered Department of Defense policy memorandum that specifically provides that permissible uses of specimen samples in the repository are limited to the following purposes:

(1) Identification of human remains.

(2) Internal quality assurance activities to validate processes for collection, maintenance and analysis of samples.

(3) A purpose for which the donor of the sample (or surviving next-of-kin) provides consent.

(4) As compelled by other applicable law in a case in which all of the following conditions are present:

(A) The responsible Department of Defense official has received a proper judicial order or judicial authorization.

(B) The specimen sample is needed for the investigation or prosecution of a crime punishable by one year or more of confinement.

(C) No reasonable alternative means for obtaining a specimen for DNA profile analysis is available.

(b) The specimen repository referred to in subsection (a) is the repository that was established pursuant to Deputy Secretary of Defense Memorandum 47803, dated December 16, 1991, and designated as the "Armed Forces Repository of Specimen Samples for the Identification of Remains" by paragraph numbered 4 in the covered Department of Defense policy memorandum.

(c) For purposes of this section, the covered Department of Defense policy memorandum is the memorandum of the Assistant Secretary of Defense (Health Affairs) for the Secretary of the Army, dated April 2, 1996, issued pursuant to law which states as its subject "Policy Refinements for the Armed Forces Repository of Specimen Samples for the Identification of Remains".

Page 87, after line 3, insert the following new section:

SEC. 8095: Hereafter, the Air National Guard may assume responsibility for providing fire fighting and rescue services in response to all aircraft-related emergencies at the Lincoln Municipal Airport in Lincoln, Nebraska.

At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds made available to the Department of Defense under this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. JONES of North Carolina, announced that pursuant to clause 7 of rule XV the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 278 affirmative } Nays 126

- Edwards Kelly Quinn
Ehrlich Kennedy (RI) Radanovich
Emerson Kennelly Reed
Ensign Kildee Regula
Everett Kim Roberts
Ewing King Roemer
Fawell Kingston Rogers
Fazio Klink Rohrabacher
Fields (LA) Knollenberg Schiff
Fields (TX) Kolbe Rose
Flake LaHood Roth
Forbes Largent Royce
Fowler Latham Salmon
Fox LaTourrette Scarborough
Franks (CT) Laughlin Schaefer
Frelinghuysen Lazio Schiff
Frisa Leach Scott
Frost Lewis (CA) Seastrand
Funderburk Lewis (KY) Shadegg
Gallegly Lightfoot Shaw
Gejdenson Linder Shuster
Gekas Livingston Sisisky
Gephardt Longley Skeen
Gibbons Lucas Skelton
Gilchrist Manton Slaughter
Gilman Manzullo Smith (NJ)
Gonzalez Martinez Smith (TX)
Goodlatte Matsui Smith (WA)
Goodling McCollum Solomon
Gordon McCrery Souder
Goss McHale Spence
Graham McInnis Spratt
Green (TX) McIntosh Stearns
Greene (UT) McKeon Stenholm
Greenwood McNulty Stokes
Hall (OH) Meek Stump
Hall (TX) Metcalf Talent
Hamilton Meyers Tanner
Hancock Mica Tate
Hansen Millender-Tauzin
Harman McDonald Taylor (MS)
Hastert Miller (FL) Taylor (NC)
Hastings (FL) Mink Tejeda
Hastings (WA) Molinari Thomas
Hayworth Mollohan Thompson
Hefley Montgomery Thornberry
Hefner Moorhead Thurman
Heineman Moran Tiaht
Herger Murtha Torkildsen
Hilleary Myrick Torres
Hobson Nethercutt Traficant
Hoke Norwood Visclosky
Holden Nussle Vucanovich
Horn Ortiz Walker
Hostettler Orton Wamp
Houghton Oxley Ward
Hoyer Packard Watts (OK)
Hunter Parker Weldon (FL)
Hutchinson Pastor Weldon (PA)
Hyde Paxon Weller
Inglis Payne (VA) White
Istook Peterson (FL) Whitfield
Jackson-Lee Pickett Wicker
(TX) Pomb Wolf
Jacobs Pomeroy Wynn
Jefferson Porter Young (AK)
Johnson, Sam Portman Young (FL)
Jones Pryce
Kasich Quillen

- Baesler Doyle Kennedy (MA)
Baldacci Durbin Kleczka
Barrett (WI) Ehlers Klug
Becerra Engel LaFalce
Beilenson Eshoo Lantos
Berman Evans Levin
Blumenauer Farr Lewis (GA)
Blute Fattah Lipinski
Bonior Filner LoBiondo
Borski Flanagan Lofgren
Brown (CA) Foglietta Lowey
Brown (OH) Foley Luther
Bryant (TX) Ford Markey
Bunn Frank (MA) Martini
Camp Franks (NJ) Mascara
Campbell Furse McDermott
Castle Ganske McKinney
Chabot Gunderson Menendez
Chrysler Gutierrez Miller (CA)
Collins (IL) Gutknecht Minge
Collins (MI) Hilliard Morella
Costello Hinchey Nadler
Coyne Hoekstra Neumann
Danner Jackson (IL) Ney
DeFazio Johnson (CT) Oberstar
Dellums Johnson (SD) Obey
Dingell Johnston Olver
Doggett Kanjorski Owens
Dooley Kaptur Pallone

74.27 [Roll No. 247] YEAS—278

- Abercrombie Boucher Combest
Allard Brewster Condit
Andrews Browder Cooley
Archer Brown (FL) Cox
Army Brownback Cramer
Bachus Bryant (TN) Crane
Baker (CA) Bunning Crapo
Baker (LA) Burr Creameans
Ballenger Burton Cubin
Barcia Buyer Cummings
Barr Callahan Davis
Barrett (NE) Calvert de la Garza
Bartlett Canady Deal
Barton Chambliss DeLauro
Bass Chapman DeLay
Bateman Chenoweth Deutsch
Bentsen Christensen Diaz-Balart
Bereuter Clay Dickey
Billrakis Clayton Dicks
Bishop Clement Dixon
Biley Clyburn Doolittle
Boehlert Coble Dorman
Boehner Coburn Dreier
Bonilla Coleman Duncan
Bono Collins (GA) Dunn

Payne (NJ)	Sabo	Studds
Pelosi	Sanders	Stupak
Peterson (MN)	Sanford	Towns
Petri	Sawyer	Upton
Poshard	Schroeder	Velazquez
Rahall	Schumer	Vento
Ramstad	Sensenbrenner	Volkmer
Rangel	Serrano	Waters
Riggs	Shays	Watt (NC)
Rivers	Skaggs	Williams
Roukema	Smith (MI)	Wise
Roybal-Allard	Stark	Woolsey
Rush	Stockman	Zimmer

NOT VOTING—30

Ackerman	Hayes	Neal
Bevill	Johnson, E. B.	Richardson
Bilbray	Lincoln	Saxton
Cardin	Maloney	Thornton
Clinger	McCarthy	Torricelli
Conyers	McDade	Walsh
Cunningham	McHugh	Waxman
English	Meehan	Wilson
Geren	Moakley	Yates
Gillmor	Myers	Zeliff

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.28 ADJOURNMENT OVER

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 17, 1996, at 2 o'clock p.m.

¶74.29 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 19, 1996, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶74.30 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JONES of North Carolina, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, June 12, 1996.

The question being put, *viva voce*,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. JONES of North Carolina, announced that the yeas had it.

So the Journal was approved.

¶74.31 SUBPOENA

The SPEAKER pro tempore, Mr. JONES of North Carolina, laid before the House the following communication from Mr. THOMAS:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, June 10, 1996.

Hon. NEWT GINGRICH,
Speaker, of the House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the House Franking Commission has been served with a subpoena issued by the United States District Court for the Eastern District of Michigan.

After consultation with the General Counsel, I have determined that compliance with

the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BILL THOMAS, *Chairman.*

¶74.32 SUBPOENA

The SPEAKER pro tempore, Mr. JONES of North Carolina, laid before the House the following communication from the Chief Administrative Officer of the House:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, June 12, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the Eastern District of Michigan.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER.

¶74.33 ORDER OF BUSINESS—

CONSIDERATION OF H. CON. RES. 187

On motion of Mr. WATTS of Oklahoma, by unanimous consent,

Ordered, That it may be in order to discharge the Committee on the Judiciary from further consideration of the concurrent resolution (H. Con. Res. 187) expressing the sense of Congress with respect to recent church burnings, and that it be immediately considered in the House; that debate be limited to fifty minutes, equally divided and controlled by Mr. Watts and Mrs. Clayton; and that the previous question be considered as ordered on the concurrent resolution final adoption without intervening motion.

¶74.34 CHURCH ARSON PREVENTION

On motion of Mr. WATTS of Oklahoma, pursuant to the foregoing order of the House, the Committee on the Judiciary was discharged from further consideration of the following concurrent resolution (H. Con. Res. 187):

Whereas more than 30 African-American churches have been burned over the last 18 months;

Whereas arrests have been made in only 5 of the cases currently under investigation;

Whereas the African-American community deserves the full support of Congress in solving these cases in an expeditious manner and it is important for Congress to speak out against the recent incidents of arson; and

Whereas several measures which would expedite the investigation into these incidents and assist in the prosecution of individuals found guilty of involvement in these incidents are now pending before Congress: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) attacks on places of worship because of the race, color, denomination, or ethnicity of the congregation undermine fundamental American ideals;

(2) these fires appear to be hate crimes and also implicitly interfere with the First Amendment rights and other civil rights of the victims;

(3) the arson of a place of worship is repulsive to us as a society;

(4) the Congress condemns, in the strongest possible terms, these abhorrent actions against freely worshipping American citizens and the African-American community in particular;

(5) the Congress sends its sincere condolences to those individuals who have been affected by these acts of cowardice;

(6) the Congress fully supports the activities of local law enforcement officials, the Department of Justice, and the Department of the Treasury in investigating these incidents;

(7) the Congress urges the United States Attorney General and local prosecutors to seek the maximum penalty available under law to punish the perpetrators of these crimes;

(8) it is important that Congress enact appropriate legislation to ensure that Federal law enforcement has the necessary tools to punish and deter these shameful, vile acts, including the bipartisan legislation introduced by Representatives Hyde and Conyers which would facilitate the prosecution of persons responsible for these acts;

(9) the President is urged to make the fullest possible use of all available law enforcement resources to bring the culprits in these crimes to justice;

(10) Congress encourages the people of the United States to work within their own communities to prevent arson against African-American or any other house of worship; and

(11) Congress encourages American citizens to observe a national week of prayer beginning June 16, 1996, and ending June 23, 1996, in their churches, synagogues, mosques and other places of worship for racial harmony, religious tolerance and respect for the civil and human rights of all Americans.

When said concurrent resolution was considered.

After debate,

Pursuant to the order of the House, the previous question was considered as ordered on the concurrent resolution.

The question being put, *viva voce*,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JONES of North Carolina, announced that the yeas had it.

So, the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶74.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HOUGHTON, for today until 3 p.m.;

To Mr. CUNNINGHAM, for today after 7 p.m. and balance of the week;

To Mr. MYERS of Indiana, for today from 8 p.m. through June 18; and

To Ms. Eddie Bernice JOHNSON of Texas, for today after 7:30 p.m. and balance of the week.

And then,

¶74.36 ADJOURNMENT

On motion of Mr. FIELDS of Louisiana, pursuant to the special order

heretofore agreed to, at 12 o'clock midnight, the House adjourned until 2:00 p.m. on Monday, June 17, 1996.

74.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3237. Referral to the Committee on National Security extended for a period ending not later than July 23, 1996.

74.38 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 3237. A bill to provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than July 23, 1996, for consideration of such provisions of the bill and the amendments recommended by the Permanent Select Committee on Intelligence as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. No. 104-620, Pt. 1). Ordered to be printed.

74.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRAZER (for himself, Mr. BALDACCIO, Mr. BISHOP, Mr. THOMPSON, Ms. NORTON, Mr. MORAN, Mr. WYNN, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. LUTHER, Mr. ROMERO-BARCELO, Mr. HILLIARD, Ms. MCKINNEY, Mrs. CLAYTON, Mr. RANGEL, Mr. DORNAN, Ms. JACKSON-LEE, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. HAYWORTH, and Mr. MENENDEZ):

H.R. 3634. A bill to amend provisions of the Revised Organic Act of the Virgin Islands which relate to the temporary absence of executive officials and the priority payment of certain bonds and other obligations; to the Committee on Resources.

H.R. 3635. A bill to direct the Secretary of the Interior to enter into an agreement with the Governor of the Virgin Islands, upon request, that provides for the transfer of the authority to manage Christiansted National Historic site; to the Committee on Resources.

By Mr. NEUMANN (for himself, Mr. MCINTOSH, Mr. BASS, Mr. BONO, Mr. BROWNBACK, Mr. BURR, Mr. CAMPBELL, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COOLEY, Mr. CREMEANS, Mrs. CUBIN, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOLEY, Mr. FORBES, Mr. FOX, Mr. FRISA, Mr. FUNDERBURK, Mr. GRAHAM, Ms. GREENE of Utah, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOSTETTLER, Mr. JONES, Mr. LAHOOD, Mr. LARGENT, Mr. LATOURETTE, Mr. MARTINI, Mr. METCALF, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. RADANOVICH, Mr. RIGGS, Mr. SALMON, Mr. SCAR-

BOROUGH, Mrs. SEASTRAND, Mr. SHAD-EGG, Mr. SOUDER, Mr. STOCKMAN, Mr. TIAHRT, Mr. THORNBERRY, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. WELLER):

H.R. 3636. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. HORN (for himself and Mr. FOX):

H.R. 3637. A bill to amend chapter 57 of title 5, United States Code, and title 31, United States Code, to provide employees who transfer in the interest of the Government more effective and efficient delivery of relocation allowances by reducing administrative costs and improving services, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BEREUTER (for himself, Mr. HOUGHTON, Mr. HASTINGS of Florida, and Mr. PAYNE of New Jersey):

H.R. 3638. A bill to reauthorize the Development Fund for Africa under chapter 10 of part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mr. BLUTE (for himself and Mr. FRANK of Massachusetts):

H.R. 3639. A bill to amend the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mr. BONO (for himself, Mr. HUNTER, Mr. BROWN of California, Mr. CALVERT, and Mr. BURTON of Indiana):

H.R. 3640. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Resources.

By Mr. GALLEGLY (for himself, Mr. FARR, Mr. FAZIO of California, and Mrs. SEASTRAND):

H.R. 3641. A bill to amend the Federal Power Act to provide for the delegation of dam safety authority to State government; to the Committee on Commerce.

By Mr. GALLEGLY:

H.R. 3642. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 3643. A bill to amend title 38, United States Code, to extend through December 31, 1998, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to Agent Orange or who served in the Persian Gulf war and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY of Massachusetts (for himself, Mr. HANSEN, Mr. CONYERS, Mr. KASICH, Mr. HINCHEY, Ms. NORTON, Mr. HOKE, Mr. MORAN, Mr. SMITH of New Jersey, Mr. FATTAH and Mr. FALCOMA):

H.R. 3644. A bill to prohibit the advertising of distilled spirits on radio and television; to the Committee on Commerce.

By Mr. KLUG (for himself, Mr. WALSH, Mr. BARTON of Texas, Mr. PALLONE, and Mr. PETE GEREN of Texas):

H.R. 3645. A bill to amend the National Environmental Education Act to extend the programs under the act, and for other pur-

poses; to the Committee on Economic and Educational Opportunities.

By Mrs. LOWEY (for herself, Ms. NORTON, Mr. CONYERS, Mr. WATT of North Carolina, Ms. JACKSON-LEE, Ms. WOOLSEY, Ms. PELOSI, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mrs. CLAYTON, Ms. RIVERS, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BROWN of California, Mr. DOOLEY, Mr. FROST, Mr. GUTIERREZ, Mr. HILLIARD, Mr. LANTOS, and Mr. THOMPSON):

H.R. 3646. A bill to provide remedies for certain instances of sexual harassment, and to provide additional funding for the Equal Employment Opportunity Commission; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. SOLOMON, Mr. COLEMAN, Mr. COBLE, Mr. EVANS, Mr. DIAZ-BALART, Mr. FROST, and Mr. JACOBS):

H.R. 3647. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive benefits; to the Committee on the Judiciary.

By Mr. MARKEY:

H.R. 3648. A bill to reestablish the National Science Scholars Program; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3649. A bill to provide for a demonstration project to assess the feasibility and desirability of temporarily placing Federal employees with another agency or other potential employer so as to facilitate the re-employment of individuals facing separation pursuant to a reduction in force; to the Committee on Government Reform and Oversight.

By Mrs. MORELLA (for herself, Mr. KENNEDY of Massachusetts, Mr. WOLF, Ms. NORTON, Mr. SABO, and Mr. JOHNSTON of Florida):

H.R. 3650. A bill to amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 3651. A bill to amend the Federal Election Campaign Act of 1971 to limit expenditures in House of Representatives elections; to the Committee on House Oversight.

By Mr. REED (for himself, Mr. SCHUMER, Mrs. ROUKEMA, Mr. BERMAN, Mr. ENGEL, Mr. NADLER, Mr. WAXMAN, Mr. YATES, Mr. KENNEDY of Rhode Island, Ms. PELOSI, Mr. MCDERMOTT, Mr. HORN, Ms. NORTON, Mr. CLAY, Mr. OWENS, Ms. LOFGREN, Mr. MANTON, and Mr. TORRICELLI):

H.R. 3652. A bill to apply equal standards to certain foreign made and domestically produced handguns; to the Committee on the Judiciary.

By Ms. RIVERS:

H.R. 3653. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for the House of Representatives or the Senate to file information included in quarterly candidate reports with the Federal Election Commission within 48 hours of the time the information becomes available, to require all reports filed with the Federal Election Commission to be filed electronically, to require the information contained in such reports to be made available through the Internet, and for other purposes; to the Committee on House Oversight.

By Mr. SPRATT (for himself, Mr. COBLE, Mr. PAYNE of Virginia, Mr. BURR, Mr. COLLINS of Georgia, Mr. RANGEL, Mr. ROGERS, Mr. CARDIN, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. FORD, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. MATSUI, Mr. HUNTER, Mr. FLANAGAN, Mr. BAKER of California, Mr. CHAMBLISS, Mr. BROWDER, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. QUILLEN, Ms. KAPTUR, Mr. SPENCE, Mr. MONTGOMERY, Mr. LEWIS of Kentucky, Mr. GRAHAM, Mr. DEAL of Georgia, Mr. FUNDERBURK, Mr. JONES, Mr. CLYBURN, Mr. WATT of North Carolina, Mr. BALLENGER, Mr. HEINEMAN, Mr. RAHALL, Mr. ANDREWS, Mr. THOMPSON, Mr. ROSE, Mr. PETERSON of Minnesota, Mr. SISISKY, Mr. GORDON, Mr. MCHALE, Mr. HOLDEN, Mr. BISHOP, Mr. BOUCHER, Mr. WOLF, Mr. CRAMER, Mr. ENGEL, Mr. CONDIT, Mr. STENHOLM, Mr. REED, Mr. WHITFIELD, Mr. HALL of Texas, Mr. INGLIS of South Carolina, Mr. NADLER, Mr. DEFAZIO, Mr. MILLER of California, Mrs. MYRICK, Mrs. CLAYTON, Mr. STUPAK, Mr. NORWOOD, Ms. JACKSON-LEE, Mr. KINGSTON, Mr. LINDER, Mr. TANNER, Ms. SLAUGHTER, and Ms. DANNER):

H.R. 3654. A bill to ensure the competitiveness of the U.S. textile and apparel industry; to the Committee on Ways and Means.

By Mr. TATE:

H.R. 3655. A bill to amend title 18, United States Code, to reform Federal prisons; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. PALLONE):

H.R. 3656. A bill to amend the Safe Drinking Water Act to require persons contributing to drinking water contamination to reimburse public water systems for the costs of decontamination; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 3657. A bill to provide pay equity and labor protection for contingent workers, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VOLKMER:

H.R. 3658. A bill to amend the Federal Election Campaign Act of 1971 to provide for campaign spending limits, and for other purposes; to the Committee on House Oversight.

By Mr. YOUNG of Alaska:

H.R. 3659. A bill to amend the Tongass Timber Reform Act to ensure the proper stewardship of publicly owned assets in the Tongass National Forest in the State of Alaska, a fair return to the United States for public timber in the Tongass, and a proper

balance among multiple use interests in the Tongass to enhance forest health, sustainable harvest, and the general economic health and growth in southeast Alaska and the United States; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRBACHER (for himself, Mr. SOLOMON, Mr. GILMAN, Ms. PELOSI, Mr. COX, Mr. WOLF, Mr. LANTOS, Mr. HUNTER, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. FAZIO of California, Mr. TRAFICANT, Mr. DORNAN, Mr. FUNDERBURK, Mr. LIPINSKI, Mr. BUNNING of Kentucky, Mr. PALLONE, Mr. SCARBOROUGH, Mr. DIAZ-BALART, Mr. ROSE, Mr. STOCKMAN, Mr. BROWN of Ohio, Ms. ROS-LEHTINEN, Ms. MCKINNEY, Mr. STEARNS, Mr. DEFAZIO, Mr. STARK, Mrs. SCHROEDER, Mr. EVANS, Mr. MARKEY, Mr. MILLER of California, Mr. BAKER of California, and Mr. FRANK of Massachusetts):

H.J. Res. 182. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. WHITE (for himself and Mr. BOUCHER):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that Members should understand and use the Internet to improve the democratic process, communicate with the Internet community; to the Committee on House Oversight.

By Mr. WATTS of Oklahoma (for himself, Mrs. CLAYTON, Mr. HYDE, Mr. LAUGHLIN, Mr. WICKER, Mr. LARGENT, Mr. BONILLA, Mrs. MYRICK, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. HEINEMAN, Mr. NORWOOD, Mr. HUTCHINSON, Mr. CONDIT, Mr. BAESLER, Mr. WAMP, Mr. FIELDS of Texas, Mr. SOUDER, Mr. HILLEARY, Mr. ARCHER, Mr. TALENT, Ms. JACKSON-LEE, Mr. GRAHAM, Mr. BONIOR, Mr. RICHARDSON, Ms. DELAURO, Mr. KING, Mr. PAYNE of New Jersey, Mr. SANDERS, Mr. WARD, Mr. FRAZER, Mr. FORD, Mr. BROWDER, Mr. HILLIARD, Mr. HINCHEY, Mr. OWENS, Mr. HALL of Ohio, Mr. FIELDS of Louisiana, Mr. MEEHAN, Mr. FROST, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. LANTOS, Mr. DELLUMS, Mr. FRANKS of Connecticut, Mr. WAXMAN, Mr. CLYBURN, Mr. ABERCROMBIE, Mr. FARR, Mr. JACKSON, Mr. GILCHREST, Ms. NORTON, Ms. WOOLSEY, Ms. FURSE, Ms. ESHOO, Mr. PALLONE, Mrs. THURMAN, Mrs. KENNELLY, Mr. SHAYS, Mr. CLAY, Ms. KAPTUR, Mr. WATT of North Carolina, Mr. FOGLETTA, Mr. THOMPSON, Mr. MILLER of California, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. WYNN, Mr. EDWARDS, Mr. CLEMENT, Mrs. SCHROEDER, Miss COLLINS of Michigan, Mr. RUSH, Mr. TORRICELLI, Mr. STOKES, Mr. ROSE, Mr. CUMMINGS, Mr. HEFNER, Mrs. MEEK of Florida, Mr. FLAKE, Ms. PRYCE, Mr. SERRANO, Mr. BISHOP, Mr. FATTAH, Ms. SLAUGHTER, Ms. RIVERS, Mr. NADLER, Mr. FRANK of Massachusetts, Ms. VELAZQUEZ, Ms. WATERS, Mrs. COLLINS of Illinois, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. SANFORD, Mr. ARMEY, Mr. ZELIFF, Mr. BAKER of California, Mr. STOCKMAN, Mr. PAXON, Mr. SHADEGG, Mr. ENSIGN, and Mr. COBURN):

H. Con. Res. 186. Concurrent resolution expressing the sense of Congress with respect to recent church burnings; to the Committee on the Judiciary.

By Mr. WATTS of Oklahoma (for himself, Mrs. CLAYTON, Mr. HYDE, Mr. LAUGHLIN, Mr. WICKER, Mr. LARGENT, Mr. BONILLA, Mrs. MYRICK, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. HEINEMAN, Mr. NORWOOD, Mr. HUTCHINSON, Mr. CONDIT, Mr. BAESLER, Mr. WAMP, Mr. FIELDS of Texas, Mr. SOUDER, Mr. HILLEARY, Mr. ARCHER, Mr. TALENT, Ms. JACKSON-LEE, Mr. GRAHAM, Mr. BONIOR, Mr. RICHARDSON, Ms. DELAURO, Mr. KING, Mr. PAYNE of New Jersey, Mr. SANDERS, Mr. WARD, Mr. FRAZER, Mr. FORD, Mr. BROWDER, Mr. HILLIARD, Mr. HINCHEY, Mr. OWENS, Mr. HALL of Ohio, Mr. FIELDS of Louisiana, Mr. MEEHAN, Mr. FROST, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. LANTOS, Mr. DELLUMS, Mr. FRANKS of Connecticut, Mr. WAXMAN, Mr. CLYBURN, Mr. ABERCROMBIE, Mr. FARR, Mr. JACKSON, Mr. GILCHREST, Ms. NORTON, Ms. WOOLSEY, Ms. FURSE, Ms. ESHOO, Mr. PALLONE, Mrs. THURMAN, Mrs. KENNELLY, Mr. SHAYS, Mr. CLAY, Ms. KAPTUR, Mr. WATT of North Carolina, Mr. FOGLETTA, Mr. THOMPSON, Mr. MILLER of California, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. WYNN, Mr. EDWARDS, Mr. CLEMENT, Mrs. SCHROEDER, Miss COLLINS of Michigan, Mr. RUSH, Mr. TORRICELLI, Mr. STOKES, Mr. ROSE, Mr. CUMMINGS, Mr. HEFNER, Mrs. MEEK of Florida, Mr. FLAKE, Ms. PRYCE, Mr. SERRANO, Mr. BISHOP, Mr. FATTAH, Ms. SLAUGHTER, Ms. RIVERS, Mr. NADLER, Mr. FRANK of Massachusetts, Ms. VELAZQUEZ, Ms. WATERS, Mrs. COLLINS of Illinois, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. SANFORD, Mr. ARMEY, Mr. ZELIFF, Mr. BAKER of California, Mr. STOCKMAN, Mr. PAXON, Mr. SHADEGG, Mr. ENSIGN, Mr. COBURN, Mr. TIAHRT, Mr. INGLIS of South Carolina, and Mr. ROEMER):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress with respect to recent church burnings; to the Committee on the Judiciary.

By Mr. ROHRBACHER:

H. Con. Res. 188. Concurrent resolution expressing the sense of the Congress with respect to increasing political oppression in Burma; to the Committee on International Relations.

74.40 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

224. By the SPEAKER: Memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 48 to memorialize the U.S. Congress to take such actions as are necessary to designate U.S. Highway 90 as part of the Interstate System as an expansion of Interstate 49; to the Committee on Transportation and Infrastructure.

225. Also, memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 54 to memorialize the U.S. Congress to authorize the concurrent receipt of full retirement pay and disability compensation benefits for disabled veterans; to the Committee on Veterans' Affairs.

74.41 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. PRYCE.
 H.R. 103: Mr. KANJORSKI.
 H.R. 123: Mr. PORTMAN.
 H.R. 127: Mr. JONES and Mr. DELLUMS.
 H.R. 248: Mr. HOBSON.
 H.R. 303: Ms. PRYCE.
 H.R. 468: Mrs. KELLY.
 H.R. 878: Mr. LOBIONDO, Mr. HAMILTON, Mr. EVANS, Mr. ACKERMAN, and Mr. RICHARDSON.
 H.R. 941: Mr. FRELINGHUYSEN.
 H.R. 1073: Mr. HAMILTON and Mrs. COLLINS of Illinois.
 H.R. 1074: Mr. HAMILTON and Mrs. COLLINS of Illinois.
 H.R. 1090: Mrs. VUCANOVICH.
 H.R. 1171: Mr. BEVILL and Mr. BENTSEN.
 H.R. 1352: Mr. DICKS.
 H.R. 1514: Mr. HOYER, Mr. COOLEY, Mr. LUTHER, and Mr. MATSUI.
 H.R. 1661: Mr. NORWOOD.
 H.R. 1662: Mr. GOODLATTE.
 H.R. 1797: Mr. NADLER.
 H.R. 1805: Mr. LOBIONDO and Mr. HAMILTON.
 H.R. 2008: Ms. ROS-LEHTINEN.
 H.R. 2026: Mr. SHUSTER, Mr. MCINTOSH, Mr. HILLIARD, Mr. BEVILL, Mr. BLUMENAUER, and Mr. EHLERS.
 H.R. 2128: Mr. RIGGS and Mr. MCKEON.
 H.R. 2138: Mr. SAXTON.
 H.R. 2152: Mr. PAYNE of Virginia.
 H.R. 2246: Mr. NADLER.
 H.R. 2247: Mrs. MALONEY and Ms. RIVERS.
 H.R. 2333: Mr. BISHOP and Mr. RIGGS.
 H.R. 2462: Mr. DUNCAN.
 H.R. 2536: Mr. SHAYS and Mr. TATE.
 H.R. 2566: Mr. TORRICELLI.
 H.R. 2705: Mrs. CLAYTON, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. SABO, Mr. SANDERS, and Mr. WISE.
 H.R. 2757: Mr. MATSUI, Mr. TAYLOR of North Carolina, Mr. FARR, and Mr. GUTKNECHT.
 H.R. 2807: Mr. DEFAZIO.
 H.R. 2911: Mr. RIGGS.
 H.R. 2925: Mr. HILLEARY and Ms. KAPTUR.
 H.R. 2976: Mr. BERMAN, Mr. CASTLE, Ms. FURSE, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 2997: Mr. CALVERT.
 H.R. 3047: Mr. HAYES.
 H.R. 3114: Mr. CASTLE, Mr. SOUDER, and Mr. LIGHTFOOT.
 H.R. 3125: Mr. CANADY.
 H.R. 3126: Mr. WATTS of Oklahoma.
 H.R. 3142: Mr. COMBEST, Mr. SMITH of Texas, Mr. TIAHRT, Mr. LATOURETTE, Mr. CHRISTENSEN, Mr. CRAMER, and Mr. SCOTT.
 H.R. 3187: Mr. DOYLE, Mr. BARCIA of Michigan, Mr. SCHAEFER, and Mr. MASCARA.
 H.R. 3217: Mr. WALSH, Mr. LIPINSKI, and Mr. EVANS.
 H.R. 3226: Mr. HOLDEN.
 H.R. 3280: Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, and Mr. OLVER.
 H.R. 3338: Mr. PORTMAN, Mr. MINGE, Mr. POMEROY, Mrs. CHENOWETH, Mrs. VUCANOVICH, Mr. TANNER, Mr. COBLE, Mr. KLUG, and Mr. COLLINS of Georgia.
 H.R. 3362: Ms. MCKINNEY, Ms. NORTON, Ms. RIVERS, and Ms. FURSE.
 H.R. 3396: Mr. BILIRAKIS, Mr. HANSEN, Mr. CALLAHAN, Mr. PACKARD, Mr. PORTMAN, Mr. STENHOLM, and Mr. PETE GEREN of Texas.
 H.R. 3416: Mr. GREEN of Texas and Mr. STEARNS.
 H.R. 3427: Mr. DICKEY.
 H.R. 3447: Mrs. KELLY and Ms. PRYCE.
 H.R. 3467: Mr. LUCAS.
 H.R. 3477: Mr. MINGE.
 H.R. 3480: Mr. BARR, Mr. FUNDERBURK, Mr. TAYLOR of North Carolina, Mr. ROSE, and Mr. CANADY.
 H.R. 3514: Mr. HALL of Texas, Mr. BARTON of Texas, and Mrs. SEASTRAND.

H.R. 3521: Mr. GREEN of Texas, Ms. RIVERS, Ms. LOFGREN, Ms. NORTON, Mr. ACKERMAN, and Ms. MCKINNEY.

H.R. 3525: Mr. INGLIS of South Carolina, Mr. DAVIS, Mr. GILCHREST, Miss. COLLINS of Michigan, and Mr. BLUTE.

H.R. 3559: Mr. TIAHRT, Mr. BEREUTER, and Mr. COOLEY.

H.R. 3571: Mr. HAYWORTH, Mr. MCHUGH, Mr. LIPINSKI, Mr. FORBES, Mr. QUINN, Mr. KENNEDY of Massachusetts, Mrs. KELLY, and Mr. DELLUMS.

H.R. 3601: Mr. MCINTOSH and Mr. HOSTETTLER.

H.R. 3622: Mr. BASS, Mr. ENSIGN, Mr. EWING, Mr. MANZULLO, Mr. HALL of Texas, and Mr. ENGLISH of Pennsylvania.

H.R. 3630: Mr. LONGLEY.

H.J. Res. 173: Mr. ROYCE, Ms. ROS-LEHTINEN, Mr. STEARNS, and Mr. SHADEGG.

H.J. Res. 174: Mr. ROYCE, Ms. ROS-LEHTINEN, Mr. CONDIT, and Mr. FOLEY.

H. Con. Res. 151: Mr. BENTSEN, Ms. SLAUGHTER, Mr. DURBIN, Mr. CUMMINGS, Ms. VELAZQUEZ, Mrs. MALONEY, Mr. ACKERMAN, Mr. DOYLE, and Mrs. SCHROEDER.

H. Con. Res. 156: Mr. NADLER.

H. Res. 172: Mr. FLAKE, Mr. POSHARD, Mr. DEFAZIO, and Mr. ACKERMAN.

H. Res. 452: Ms. LOFGREN.

MONDAY, JUNE 17, 1996 (75)

75.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. GOSS, who laid before the House the following communication:

WASHINGTON, DC,

June 17, 1996.

I hereby designate the Honorable PORTER J. GOSS to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

75.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GOSS, announced he had examined and approved the Journal of the proceedings of Thursday, June 13, 1996.

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

75.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3612. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of quarantined Areas [APHIS Docket No. 91-155-19] received June 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3613. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1996, pursuant to 2 U.S.C. 685 (H.Doc. No. 104-233); to the Committee on Appropriations and ordered to be printed.

3614. A letter from the Directors of Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) outlays for fiscal year 1997, pursuant to Public Law 101-189, section 5(a) (103 Stat. 1364); to the Committee on National Security.

3615. A letter from the General Counsel, Department of Housing and Urban Develop-

ment, transmitting the Department's final rule—Amendments to Regulation X, the Real Estate Settlement Procedures Act: Withdrawal of Employer-Employee and Computer Loan Origination Systems (CLOs) Exemptions (Office of the Assistant Secretary for Housing—Federal Housing Commissioner) [Docket No. FR-3638-F-06] (RIN: 2502-AG26) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3616. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3136 and H.R. 1266, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

3617. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Personal Protection Equipment in Shipyards—Correction Notice (Occupational Safety and Health Administration) [Docket No. S-045] (RIN: 1218-AA74) (AB06) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3618. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Personal Protective Equipment in Shipyards (Occupational Safety and Health Administration) [Docket No. S-045] (RIN: 1218-AA74) (AB06) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3619. A letter from the John F. Kennedy Center for the Performing Arts, transmitting the 1995 annual report of operations for the John F. Kennedy Center for the Performing Arts and the National Symphony Orchestra, pursuant to 20 U.S.C. 761(c); to the Committee on Economic and Educational Opportunities.

3620. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Regulation of International Accounting Rates [CC Docket No. 90-337, Phase II] received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3621. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Subsidiary Accounting Requirements Concerning Video Dialtone Costs and Revenues for Local Exchange Carriers Offering Video Dialtone Services [AAD No. 95-59] (FCC No. 96-240) received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3622. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tillamook, Oregon) [MM Docket No. 95-153] received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3623. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wellsville, New York) [MM Docket No. 95-162] received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3624. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Garberville and Hydesville, California) [MM Docket No. 94-61] received June 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.