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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. WELLER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 28, 1995.

I hereby designate the Honorable JERRY WELLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

May our voices, O God, rise in praise of Your gifts to us and to every person; may our faces look to Your Word to learn the way of wisdom; may our hearts experience Your presence and the joy of Your forgiving grace; may our hands reach in friendship to all people and may our very souls be touched by the depths of Your healing and by the power of Your love. O gracious God, from whom all blessings flow, from whom we have begun and to whom we shall return, be with us this day we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. NEY] come forward and lead the House in the Pledge of Allegiance.

Mr. NEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 641. An act to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be ten 1-minutes on each side.

READ THE MEDICARE REPORT

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

Mrs. MYRICK. Mr. Speaker, the Medicare trustees board, which includes three of President Clinton's Cabinet secretaries, has issued a report in which they state that Medicare ''continues to be severely out of financial balance and is projected to be exhausted in seven years.''

Mr. Speaker, President Clinton's board says that Medicare is going broke. And the Republicans say, let us save Medicare. It is that simple.

Yet, daily, Members of this House mislead the American people regarding Medicare. It is a disgrace.

Mr. Speaker, every American needs a copy of this report so they can read it, and then they will know the truth. They can get the report by simply calling 202–225–3121 and asking for their Representative.

COMMENDING THE WORK OF DR. MICHAEL FRANZBLAU

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

Ms. WOOLSEY. Mr. Speaker, I rise today to commend the heroic work of my constituent, Dr. Michael Franzblau.

Dr. Franzblau is on a crusade to expose a Nazi war criminal, Dr. Hans Sewering, pronounced ''severing,'' who sent over 900 children to their death 50 years ago.

After the war, Dr. Sewering was not punished. He was not even remembered. In fact, he thought that the world had forgotten the children he sent to death.

Thanks to Dr. Franzblau, the world does not forget.

Mr. Speaker, 2 weeks ago, Dr. Franzblau took out a full-page ad in the New York Times which asks why the German state of Bavaria is harboring an accused war criminal?

Today, I, along with Dr. Franzblau, demand justice for those 900 children.

Dr. Hans Sewering must be exposed for what he is, a Nazi war criminal.

IMPENDING MEDICARE BANKRUPTCY

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

Mr. METCALF. Mr. Speaker, as a senior citizen, I stand today to express my deep concern over the impending bankruptcy of Medicare. I feel very privileged to hold a Medicare card,

Printed on recycled paper containing 100% post consumer waste

which provides health coverage for seniors, but it will have little value if the system goes bankrupt.

According to President Clinton's Medicare board of trustees report, which I hold here, Medicare will be bankrupt in 7 years. Seniors simply cannot afford to lose their primary source of health care. We can either proceed on our current path of bankruptcy or strengthen, simplify and save Medicare.

I say we choose to save this vital program. To achieve this goal, we must slow the growth of Medicare. It is now growing at 10 to 11 percent per year annually. If we can slow the growth to between 5 and 7 percent, we can save Medicare from bankruptcy.

Mr. Speaker, let us not fall for the scare tactics. We must act carefully and thoughtfully to protect Medicare, but we must take action now.

HARLEY-DAVIDSON ON THE CUTTING EDGE

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

Mr. TRAFICANT. Mr. Speaker, Chi Chi the potbellied pig is in deep, deep trouble. Chi Chi was arrested for rape. That is right. Chi Chi, like millions of others, could not resist the most beautiful hog in the world, a Harley-Davidson motorcyle.

When interviewed by Swine Magazine Daily, Chi Chi said:

> The flowing lines of her beautiful, made-in-America full-fendered skirts and slip clutch were too much for me to handle.

Quite frankly, I lost it.

Mr. Speaker, Chi Chi lost it all right. Chi Chi is scheduled for castration, which only goes to show you; when it comes to quality, made in America, Harley-Davidson is on the cutting edge.

SUPPORT THE TRUE CONTRACT WITH AMERICA

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

Mr. LEWIS of Georgia. Mr. Speaker, 30 years ago, with Harry Truman watching, President Lyndon B. Johnson signed into a law a program to guarantee health insurance for every person over 65.

Thirty years ago, Medicare was born.

Thirty years ago, half our senior citizens did not have health insurance. Today, because of Medicare, 99 percent of our elderly have health insurance.

The Republicans are threatening the Medicare program. And they are doing it to pay for tax breaks promised in their so-called Contract With America.

But make no mistake about it, that is not the Contract With America. I have here in my pocket the true contract with America—the Medicare Act signed by President Johnson. This is our contract with our parents, with our children, with our grandchildren. This is our contract with America.

Medicare is a sacred trust with our seniors and our families. It cannot and must not be violated.

SENIORS ARE PAWNS IN THE REPUBLICAN BUDGET GAME

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

Mr. REED. Mr. Speaker, since the beginning of the 104th Congress, the American people have listened to Democrats and Republicans debate national priorities. The priorities of the Republican Party are crystal clear. They support a contract with the wealthy over our historic contract with older Americans.

Under the Republican budget resolution, the wealthiest 1.1 million Americans will receive a $20,000 tax break. In return, 37 million seniors will see their Medicare benefits cut by over $1,000 a year by the year 2002.

Let me remind my Republican colleagues that Medicare is not a welfare program, it is not a luxurious giveaway like the Republican tax cuts, and it is not a fiscal candy jar. It is an insurance program that has enabled 37 million seniors to live lives of independence and dignity.

Let us not make seniors pawns in the Republican budget game—raiding Medicare to pay for tax cuts to the wealthy is completely unacceptable.

IT IS TIME FOR AN OUTSIDE COUNSEL

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

Ms. DELAURO. Mr. Speaker, yesterday, the ranking member of the House Ethics Committee sharply criticized the committee's slow progress on investigating the numerous charges against Speaker GINGRICH.

The ranking member of the committee has charged that the committee had delayed votes, run a sloppy investigation, and was unprepared to question Speaker GINGRICH when he appeared before the committee, yesterday.

The House Ethics Committee's so-called investigation into the charges against Speaker GINGRICH is beginning to smell like a coverup. It is time to hand this case over to an outside counsel who can investigate these serious allegations in a nonpartisan and thorough fashion.

LET US BE FISCALLY RESPONSIBLE

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

Mr. SOLOMON. Mr. Speaker, we all have to live by the rules of the House. In my opinion the previous speaker violated the rules of the House. We cannot talk about ethics investigations on the floor of this House.

Mr. Speaker, we have heard a lot of rhetoric from people talking today on that side of the aisle, the Democrat side of the aisle. I just have to point out that I have been keeping track here. Just about every one of them who spoke are listed as the biggest spenders in the House over the last 5, 10, 15, 20 years.

We have a national debt that is reaching $5 trillion. It costs $250 billion today just to pay the interest on it. If we allow spending to continue like President Clinton has asked us to do, then we would be paying over $350 billion in interest on that national debt. That means less money to help those people that really need help and less money to solve the Medicare problem.

Let us get this House in order. Let us be fiscally responsible. Then we can help those people who really need help.

APPOINT AN OUTSIDE COUNSEL

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

Mr. BONIOR. Mr. Speaker, why is the Ethics Committee creating a whole new set of rules for NEWT GINGRICH?

According to this morning's press reports, the committee has made a whole series of special exceptions for Mr. GINGRICH.

Rather than following the rules and practices that have governed this committee for decades, the committee is making up new rules as they go along.

Rather than voting for a preliminary inquiry to look into the charges, which has been done in every other high-profile case, this committee has said no.

As one committee member suggested yesterday, any further delay on voting for a preliminary inquiry exposes the panel and the full House to the charge of a coverup.

Mr. Speaker, the only way we're going to get to the bottom of these very serious charges is to appoint a professional, nonpartisan, outside counsel to investigate, just as we have in every other high-profile ethics case since 1979.

No Member of this body is above the House rules. There can be no more special exceptions.

SAVING MEDICARE FOR THE NEXT 30 YEARS

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

Mrs. KELLY. Mr. Speaker, Monday is the 30th anniversary of Medicare. And yesterday to underscore my commitment to preserving Medicare for the next 30 years, I took a pledge to fight for this program.

As a former ombudsman in New York, who worked with senior citizens on a regular basis, I understand the financial pressures that senior citizens are under. Usually, they're on a fixed income. The majority of them are under a doctor's care. And some of them even permanently reside in a convalescent care center.

The point is, Mr. Speaker, that unless we act now those same individuals will be needlessly exposed to a world without adequate health care—and this group numbers close to 37 million.

Healthy, strong seniors, living independently, must be our goal. We must save Medicare. The alternative is simply unacceptable.

This isn't about politics—This is simply about the lives of 37 million people who are depending on us.

Mr. Speaker, I'm proud to say I've signed my name on the dotted line, and I will keep my promise.

DEMOCRATS ARE SILENT ON HOW TO SAVE MEDICARE

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

Mr. SCARBOROUGH. Mr. Speaker, in what should be one of most important issues on their agenda, the Democrats have come up unbelievably silent on the issue of what to do to save Medicare.

The trustees have said Medicare goes bankrupt in 7 years. Yet the Democrats are doing nothing about it. They are intellectually bankrupt on this issue. In fact the Baltimore Sun has said how the intellectual initiative has switched from the Democrats to the Republicans is visible in the fears debate over Medicare. Bill Clinton's Democrats find themselves defending the status quo.

Unfortunately, they also find themselves playing politics Richard Nixon style. Nixon once said that people vote their fears. That is what the Democrats are counting on.

The Republican Party this year is counting on the people going out and voting their hopes and dreams and rewarding those who dare to step into the arena and fight and get themselves bloodied to save Medicare for the next century.

DEMOCRATS PLAYING GAMES WITH MEDICARE

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

Mr. JONES. Mr. Speaker, day after day, the Democrats continue to play games. They are denying the underlining factor that our senior citizens need a helping hand. While seniors fear the bankruptcy of Medicare. The Democrats are threatening to ruin the pensions of hardworking Americans.

We will not use these political games and scare tactics. Instead, we will protect, preserve and improve Medicare for the American people. Our goal is to ensure Medicare for another 30 years and beyond.

We will streamline and weed out the waste and abuse of this bloated system. In doing so, spending for Medicare will increase. Let me rephrase that—Medicare will not be cut! It will continue to be the fastest growing program. Spending per senior will increase from $4,800 today to more than $6,700 in 2002.

Let us solve the matters at hand instead of making excuses. We must work for the people who made this country great.

□ 0920

IT IS WRONG TO CUT MEDICARE TO GIVE TAX BREAKS TO AMERICA'S RICHEST CITIZENS

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

Mr. BROWN of Ohio. Mr. Speaker, this Sunday all of us across the country celebrate the 30th anniversary of the signing of Medicare. Thirty years ago, leading up to President Johnson's signing Medicare in Independence, Missouri, 93 percent of Republican Members of Congress, including then Congressman BOB DOLE, a Republican from Kansas, opposed the creation of Medicare. In the 1970's and the 1980's, the far right wing of the Republican Party continued to try to dismantle and cut Medicare.

Today, in 1995, literally 99 percent of the Republican Members of this body have voted to make almost $30 billion in cuts in Medicare. The fact is, prior to Medicare's creation in the mid 1960s, more than half of older Americans did not have health care coverage. Today, 99 percent of America's elderly may have health care coverage. The fact is, Medicare works. It is simply wrong, Mr. Speaker, to cut $300 billion from Medicare in order to give tax breaks to the richest American citizens. It is simply not right.

WORDS FROM REPUBLICANS CANNOT HIDE THEIR INTENTIONS REGARDING MEDICARE

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

Mr. OBEY. Mr. Speaker, it seems to me that we hear some quite cynical remarks about Medicare this morning. Our friends on the Republican side of the aisle say they want to save Medicare, but their actions demonstrate they want to shred it. They say they want to save Medicare, but they took $90 billion out of it in their recent budget resolution. They say that they want to save Medicare, but when the Congress first passed it, they first tried to stop it, and only after they could not stop it did some of them vote for it. Their own majority leader, the gentleman from Texas [Mr. ARMEY], has indicated, very frankly, that if this world were shaped to his image, there would be no room in an entrepreneurial society for Medicare.

Pardon me, Mr. Speaker, but their words cannot hide their intentions. America's senior citizens know that.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, and the Committee on National Security.

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

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, the democratic leadership has been notified of this, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous material.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. WELLER). Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2099.

□ 0923

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099), making appropriations for the Departments of Veterans Affairs and appropriations for the Departments of Veterans Affairs and Housing and

Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 27, 1995, title III was open for amendment at any point.

Pursuant to the order of the Committee of that day, the following amendments, and any amendments thereto, are debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment: amendment No. 48 offered by the gentleman from Massachusetts [Mr. KENNEDY], for 20 minutes; amendment No. 26 offered by the gentleman from Minnesota [Mr. VENTO], for 20 minutes; amendment No. 57 offered by the gentleman from Indiana [Mr. ROEMER], for 50 minutes; amendment No. 66 offered by either by the gentleman from Ohio [Mr. STOKES], or the gentleman from New York [Mr. BOEHLERT], for 90 minutes; amendment Nos. 55 or 56 offered by either the gentleman from Rhode Island [Mr. REED] or the gentleman from New Jersey [Mr. PALLONE], for 20 minutes; and amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN], or the gentleman from Texas [Mr. WILSON], for 40 minutes.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER:

Amendment No. 57: Page 70, lines 13 through 19, strike ''$5,449,600,000'' and all that follows through ''obligation until September 30, 1997'' and insert in lieu thereof ''$3,849,600,000, to remain available until September 30, 1997''.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, the gentleman from Indiana [Mr. ROEMER] and a Member opposed will each be recognized for 25 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from New Jersey [Mr. ZIMMER], and the gentleman from Oklahoma [Mr. LARGENT].

Mr. Chairman, the amendment is simple. It is an amendment that would cancel the space station from the NASA program, and it differs from the amendment that we dealt with yesterday, labeled the Obey amendment, in that our amendment has all of the savings go for deficit reduction. We do not intend to respend any of the remaining monies into other social programs or other sundry programs within the Government departments. This amendment is intended for deficit reduction.

Mr. Chairman, I testified the other day before the Committee on Rules of the gentleman from New York [Mr. SOLOMON], and not only asked the gentleman from New York for this opportunity to give this amendment the approval of this body, but also to testify strongly in favor of the lockbox amendment, so that we could finally get savings from these kinds of amendments go directly to the deficit, and not have these games being played that we are not saving money if we cut a program. Certainly if we cut this program, these monies will not be in future budgets.

Mr. Chairman, I want to talk a little bit about what this amendment is not about. This amendment is not about taking away Christopher Columbus' ship. We are going to hear all these grandiose promises about what the space station is capable of doing. We are not trying to wipe out past discoveries. We are not trying to take away Charles Lindburgh's plane.

We are not trying to say to Jim Lovell that he did not show a great deal of courage in this very, very good movie, ''Apollo 13.'' We are not trying to take an Oscar nomination away from Tom Hanks. We are saying, ''Judge this program on the merits, not on a movie.'' I saw ''Apollo 13.'' It is a great movie. I recommend it to everybody in the body and people watching throughout the country. However, we do not base Federal allocations of resources on money and on movies. If we felt that, I think Hoosiers was a great basketball movie about the State of Indiana, but I am not up here advocating that we spend Federal dollars on Indiana IU basketball programs. I hope that is not the justification we hear over there on Apollo 13.

Sure, it is a great movie, but look at the merits of this program. What has the space station done? When Ronald Reagan first devised this program in 1984, President Reagan said this:

This program will cost us $8 billion. It can achieve eight scientific missions here and it will be done in 10 years.

Today, in 1995, this program has gone from $8 billion to $94 billion. I thought these new Republicans coming in the new election were coming here to judge these programs on the merits, not on the movies. Here is the most recent General Accounting Office report: $94 billion, from an $8 billion start. We are going to make tough decisions in this Congress to move to a balanced budget, and certainly a program that has had that kind of cost increase does not deserve to have taxpayer dollars just thrown at it year after year.

We might say, ''OK, it has gone from $8 to $94 billion. The science is magnificent. It is truly inspiring for our country.'' The science has gone from eight scientific missions in 1984, where they had a platform to study the Earth with environmental problems, a platform to look out into the solar system, a stepping stone to help us repair Hubble; it cannot do any of those things anymore, Mr. Chairman. All this $94 billion space station can do now is help us study the effects of gravity on men and women in space.

If that is all this thing can do, let us continue to dock with the Russians at Mir and not buy a $94 billion space station. Let us continue our international efforts with the Russians and modify an existing space station, and utilize that for these efforts.

We are also off schedule, overbudget, little science, supposed to be done in 1994, and now we will be lucky if this program is completed by the year 2004. Members are going to hear a lot of claims from proponents of the space station that this is an international partnership, and we have to have these international partnerships in the future, based upon science. I wish I had the kind of international partnership for my investments that the Russians have on this international partnership. They are not putting up money; we are putting up money for the Russians. We are sending $400 million of NASA money, taxpayer money from the United States to Russia, to get their international agreement and scientific cooperation. That is not an international partnership, that is us putting all the risk and liability out there, and the Russians getting all the benefits. Also, the Europeans and the Japanese and the Canadians are thinking of pulling out of this international space station.

Members are also going to hear a lot about how great this program is to solve breast cancer, that we are going to have all these panaceas up in space. Mr. Chairman, in the NIH budget today, what we are funding to the NIH, we cannot even fund most of the approved grants on breast cancer here on Earth with the funding problems we have at the NIH. We are going to spend $94 billion up in the sky, and maybe have a 1 in a million or a 1 in 10 million chance to do this up there? Let us spend that money on Earth, at the NIH, to solve these problems.

Mr. Chairman, I think we are also going to hear a claim from the other side that we have gone so far and we might as well continue this program; we have spent $12 billion. That is not a good argument either, Mr. Chairman. How can we justify the expenditure of another $80 billion? We are not a third of the way, we are not halfway. Measure these programs on their merits. All science is not successful.

Surely Christopher Columbus was successful, and we are proud of that effort. Surely Charles Lindburgh was successful, and we are very proud of that effort. Surely we have had great successes with Neal Armstrong. Every scientific endeavor is not destined to be as successful as those, and this, on the merits, does not deserve continued Federal funding.

Before I yield some of my time to the distinguished cosponsor of this amendment, the gentleman from New Jersey [Mr. ZIMMER], let me just quote from a famous scientist. Albert Einstein said this:

It is not enough that you should understand about applied science in order that your work may increase man's blessings. Concern for the man himself and his fate must always form the chief interest of all technical endeavors. Never forget this in the midst of your diagrams and equations.

Diagrams and equations, technical endeavors, they are surely what we need to base so much of our hopes and dreams on in the future, but ask Thomas Edison how many successes he had. He did not succeed with every single invention. He was wise enough to know which ones to pursue and which ones to table.

Let us as a Congress make some decisions around this body to cut some of the programs that have had Federal funding for years and years and do not deserve continued funding. Let us make some tough decisions around here to cut spending, whether it be a B–2 bomber, whether it be a space station, whether it be a tobacco subsidy. Let us move toward a balanced budget, in the best interests and the best endeavors, as Albert Einstein said, of men and women.

Mr. ROEMER. Mr. Chairman, I yield such time as he may consume to the gentleman from the State of New Jersey [Mr. ZIMMER], the cosponsor of the amendment and somebody I have a great deal of respect for.

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

One of the arguments we have heard yesterday and we will hear today is that without the space station, there will be no space program. The proponents of the space station sincerely believe that proposition, but I think they have it exactly wrong. The space station is killing our space program.

In years past, when the budget for NASA was rising at a healthy clip, the space station's voracious appetite made it impossible for us to conduct some very important and worthwhile programs of NASA. The Advanced X-ray Astrophysics Facility was scaled down and delayed, the Comet Rendezvous/Asteroid Flyby was canceled, the Space Infrared Telescope Facility was scaled down and it was delayed, the Compton Observatory was scaled down and delayed, the Stratospheric Observatory for Infrared Astronomy was scaled down, the Cassini Saturn mission was scaled down, the Earth Observation System was scaled down. These are some of the NASA programs that have already been victims of a static budget, or a slowly increasing budget.

We now have a declining budget for NASA, and a voracious appetite for a space station which is going to consume more valuable programs in space and on Earth.

I am not alone in believing that the space station means death for a good space program. There is nobody in this House who believes more deeply in space exploration than the former chairman of the Committee on Science, the gentleman from California [Mr. BROWN]. Until this year, he was one of the most forceful, effective, and knowledgeable proponents of the Space Station as part of a comprehensive program for us to explore space and learn more from space. However, yesterday he came to the painful decision that we cannot afford the space station and still have a decent space program. He concluded, as a number of us have concluded in years past, that in a period of static and now declining NASA budgets, the space station will surely cannibalize the truly valuable aspects of the space program.

Before I yield back my time, and I would hope to have an opportunity to speak again, I do want to point out to my Republican colleagues, particularly, that there is a major difference between this amendment and the Obey amendment. Whereas the Obey amendment distributed most of the savings from cutting the space station to social programs, this amendment applies every penny of net savings to deficit reduction.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

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

Mr. Chairman, as you listen to today's space station debate you will hear the voices of fear. That's right—fear. Fear of the unknown. Throughout history there have been those who feared the future so intently that they refused to invest in it. They justified their fear by pursuing objectives closely tied to present needs with the claim that only by spending on the known can we prepare for the unknown.

Invariably those who refused to focus on the future have been wrong. History has been unkind to those peoples and nations who pursued policies tied to fear.

Today we debate the future. We debate the promise of the future against the fear of the future.

I am hopeful this Congress will come down on the side of the promise. The space station is all about vision, hope, and promise.

What we are creating in the space station is a unique laboratory environment in which scientific work, unthinkable on Earth, can be done.

The station is a unique laboratory. You cannot replicate on Earth a microgravity environment where long duration study can be done.

The work in that laboratory is scientific, meaning that we are pursuing the new knowledge needed for our economic future.

The work cannot be totally quantified at this point because some of it, perhaps most of it, is unthinkable until the new environment and the new experience has been created.

What we are doing when we build a space station is crating for ourselves and our posterity the ability to touch tomorrow.

Is there anyone among us who does not believe that at some time now or in the future men and women will go beyond the bounds of Earth and explore the plants and the universe? How can you not believe that? After all, we already have left our footprints on the Moon and sent our technology to the cosmos.

And what have we learned? We have learned exploration is very difficult with the chance of unplanned consequences. But we have also learned that exploration of the most hostile frontier humankind has ever encountered has made us more creative.

President Kennedy told us that we would go to the Moon and do the other things, not because they were easy, but because they were hard.

That's the point. If this was easy or inexpensive there would be no challenge. The hardships and the sacrifices necessary to have humans live in, work in, and explore space, make us better, stronger, and richer. We learn new things. We create new technology. We build new relationships. We prove to the world why we are capable of leading the world technologically and economically.

When the question is asked, can we afford this project, that's the wrong question. The real question should be, how can we afford not to build a space station? How can we deny the destiny of humankind? How can we not do what we are now capable of doing to push further toward gathering the new knowledge that can only be found on a distant frontier?

The only real reason for not doing what we can do and should do is fear. Space station is something we can do. The technology is feasible. The research is valuable. The potentials are enormous. And the cost is assumed within our balanced budget goal. We can do this. We should not fear it.

The space station is something we should do. As a nation that has been built by explorers and investors, we should continue to build, explore and invent. As a nation committed to pushing frontiers, we should not back away from the space frontier. As a nation that seeks to lead the world in the next century, we should demonstrate the leadership our technology, and our courage can provide us.

Only fear can stop us. Fear too often blurs vision. Fear too often results in hopelessness. Fear too often negates promise. Fear too often undermines judgment. Debilitating fear of a great unknown that we are capable of exploring and exploiting would be a modern tragedy.

Make no mistake, a vote to cancel the space station has consequences well beyond that singular decision. A cancellation of space station is a decision that ultimately will stop America's human spaceflight program. A cancellation of space station will forfeit America's established leadership in space endeavors—leadership that has paid back to our economy at a rate of more than $2 for every dollar invested.

Don't capitulate to fear of the unknown. Join us in one of humankind's

greatest endeavors. Join us in providing future generations their chance to reach beyond themselves. Join us in approving the international space station that will extend our reach into the future.

An old hymn talks about the future's broadening way. We can broaden it a little bit today by taking another step into the universe.

□ 0940

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a distinguished freshman Republican member.

Mr. GANSKE. Mr. Chairman, I rise today in support of the Roemer-Zimmer amendment.

The space program has done some wonderful things. I stood in awe when man first walked on the Moon. I stand in awe of the space shuttle every time it launches. Mr. Chairman, I also stand in awe of our nearly $5 trillion national debt.

The space station may be a grand idea, but we must face the reality of its $94 billion price tag.

We must face the reality that the entire project is based on overly ambitious goals. Costs for the space station have been rising while the target date for its completion has been slipping.

Many questions remain. To what extent will the Russians, and other international partners, participate in this project? Will the shuttle program be able to handle the increased flight schedule? Is the target cost of the space station going to skyrocket if Boeing cannot reach acceptable agreements with the subcontractors?

But the central question we must face has nothing to do with international agreements and theoretical science. The question is, How can we stand in this Chamber and heap additional debt on our children and grandchildren.

A vote for the Roemer-Zimmer amendment is not a vote against space exploration. It is a vote about economic realities.

Mr. LEWIS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. I thank the gentleman from California for yielding me the time.

Mr. Chairman, I say to the American people that President John F. Kennedy helped us dream by leading us into space exploration. How much excitement and inspiration and anticipation this country faced as we began that great historical effort, but in this era of budget cutting, some have argued that NASA has to take its share of budget cuts and the space station will have to be sacrificed as a result.

While I have great admiration for the gentleman from Indiana, I also admire the fiscal fairness that has to be done. It is imperative that we consider the efforts that NASA has already made, the cuts that it has already made and the efficiencies that it has already implemented.

The agency has been standing up and stepping ahead in the realm of cost reduction and efficiency improvements. As part of this zero-based review, NASA reduced its budget by $5 billion over the next 5 years. Over the past 3 years the agency has reduced its multiyear budget plan by 35 percent, a savings to the American taxpayer of $40 billion. To this point, the space station is on budget and on schedule.

You might say that is just something you have said; but, no, I have asked the project director directly: ''Sir, are you on schedule? Are you on budget? Will you be monitoring your contractors? Will you be ensuring the American people that you will keep this project on budget and on schedule?''

''Yes, we will.''

NASA has clearly demonstrated its commitment, to fiscal responsibility and deficit reduction. Do I see opportunities for inner city communities in the 18th Congressional District in Houston? Yes, I do. Education opportunities for children in my neighborhood schools. Frankly, I will say to the Members, jobs for minorities and women in America and business opportunities for minorities and women in America, that is the new spirit and the opportunity for NASA as it grows with space station.

Let us not forget the benefits we will all reap collectively: Research that can benefit all of us, from biotechnology, to environmental health, to cardiology, technological research in the areas of semiconductors and metal alloys, among others. We cannot ignore our international partners who have already contributeed over $9 billion in investment. We cannot ignore the potential for medical and technological breakthroughs that can result from this project.

Most importantly, Mr. Chairman, we cannot ignore the dreams and aspirations and hopes of all Americans that we too can explore. We can make the difference. Support the international space station, and do not support the Roemer amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive messages from the President.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. SENSENBRENNER) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 0950

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT OF 1996

The Committee resumed its sitting.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Roemer-Zimmer amendment to bring the space station to a halt. We need to be realistic about this project.

Let us look at the commitment that we are asking the American people to make. Through the year 2012, the space station will cost $94 billion. Yes, $94 billion with a ''b.'' The operational life of the station is only 10 years.

Mr. Chairman, in my district, the southern portion of the State of New Jersey, I go to the church halls and the fire halls, and I look at my constituents and I hear them say that they were working harder than they have ever worked before and they do not feel they are getting ahead. I listen to them say how many of them are working two and three jobs and their spouse is working two and three jobs, and they want the U.S. Government, they want this Congress, to recognize the efforts that they are making and the sacrifices that they are making.

This is a priority that we cannot afford at this time. We are being asked to make many difficult choices. We are running through that process. We are committed to balancing the budget by the year 2002. But these are Federal dollars that we cannot afford. Maybe sometime in the future. Maybe after the budget is balanced. But to those hardworking citizens who are doing their best, who are doing their part to make this democracy work, I do not think we can look them in the eye and tell them that we are willing to spend $94 billion on a program like this when we are asking them to make the sacrifices that we are.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in strong opposition to the amendment and for the space station.

Mr. ROEMER is a very fine and valued Member of this House and of the Science Committee where we serve together. But in this amendment I believe he is incorrect.

This amendment was also offered in the Science Committee authorization process, where it was defeated. During our discussion various members suggested specific benefits that may flow from the space station, including advances in the cure for cancer and the understanding of tumor growth.

These benefits may very well flow from the space station, but in speaking for the space station in committee I advanced this view: The

truth is that we don't know all of the innovations, discoveries and prosperity the space station will bring to us.

And that is the most compelling reason to enthusiastically support our space program and in particular the space station.

I remember well the first flight of humans into space by Yuri Gagarin. As a young girl in elementary school my imagination was stretched by the new horizons available to human kind. Our Nation rallied in a national effort to go to space. A young President told us that if we had the national will, we could go to the Moon. And so we did, exciting a generation about a new kind of future.

The daring men and women in the space program have served as models and heroes for our country's young. As a nation, we learned that we could accomplish what we intended to do. In the process, we saw side benefits such as the advancement of computer technology and countless other technological innovations that have transformed our world.

What will our space station bring us? We don't know, and that is good. If we knew, our dreams and horizons would be too limited.

We have problems here in our country. We have a need to attend to many of them and, quite frankly, I am opposed to the retrenchment from domestic problems that has characterized the 104th Congress. Having said that, the answer to these problems is not cutting the space station *Freedom*. Our country will not be stronger, greater, braver or more prosperous if we pull back and retrench from human space exploration.

There is a difference between spending money and investing money. The space station is an investment in our future and one that I urge our country to make. We owe it to ourselves and our children to keep faith with those who came before us, to continue to venture beyond the confines of this planet and to the great frontier of space before us.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the subcommittee dealing with NASA's budget.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Roemer-Zimmer amendment to cancel the space station. This has become an annual exercise for these gentlemen. While I admire them for their tenacity, I do not admire them for their judgment. The space station is NASA's No. 1 priority to bring us into the next millennium. It is now on time and on budget.

Mr. Chairman, I will not deny that NASA has had serious problems with the space station in the past. Not that long ago, I was prepared to vote against the station as well, not because I thought it was a bad idea but because NASA did not have a plan to deal with possible Russian withdrawal from the program. I am pleased to say that the agency has made substantial progress in addressing my concerns.

The station program NASA has under way today bears little resemblance to the program that the gentleman who would kill it describe. NASA has moved to a single prime contractor and has placed the station on a responsible management plan. It will live within an annual $2.1 billion cap and not exceed total costs of $13.1 billion for operation and assembly through completion, a far cry from the figures bandied about by the folks on the other side.

Mr. Chairman, this is less than 15 percent of the NASA budget and less than one-seventh of 1 percent of the total Federal budget. This is not the two-headed budget monster that opponents make it out to be.

I have made a career of cutting the Federal budget. The reason I came to Washington was to get the Government's hands off of the taxpayer's wallet. In the last Congress, no Member had a better voting record for spending reductions and according to the National Taxpayers Union only eight Members have voted for more spending cuts so far in this Congress.

The space station is a question about the future. It will be the focus of human space flight for the next two decades that enable us to conduct cutting-edge research in microgravity science. Numerous organizations support it because of the potential for the development of breakthroughs in medicine.

Everyone here knows that NASA's budget is $700 million smaller in fiscal year 1996 and it is going to decline in the coming years. We should also acknowledge that we can accommodate these cuts, keep the space station and bring the benefits to the taxpayer of the cutting-edge research possible only in space. The Committee on the Budget recognized the merits of this program when it included the station in developing the plan to balance the Federal budget in 7 years. In short, a vote for the space station is a vote for tomorrow. It is both technologically and scientifically advanced and fiscally responsible. I urge defeat of the Roemer-Zimmer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. I thank my friend for yielding me the time. He is doing an outstanding job as chairman of the subcommittee.

Mr. Chairman, I rise in strong opposition to the Roemer amendment to kill the space station project. I heard the argument about lack of jobs in this country.

The fact is the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science, says killing the space station will kill approximately 40,000 high-tech jobs. Despite what the critics say, this is a critical investment in our Nation's future and it results in technology transfers and spinoffs to the private sector that creates more jobs. This is seed corn for real productivity in this Nation for the next century—power generation, electrical power systems, robotics, air and water quality sensors, advanced waste processing, and recycling technology. The impact on improving health care will be tremendous.

Just since July 1992, NASA and the National Institutes of Health have signed 18 cooperative agreements for research in critical areas like neurology, cardiovascular, and cancer research. The space station will work. It is on schedule and within budget now. It has been redesignated and costs $20 billion less in development and operations than originally planned.

And, it is a real program already. It is not just a paper program. International and U.S. companies have produced over 100,000 pounds of hardware related to the station that are ready for deployment. It is a good program. We ought to abandon this amendment, not this program.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN] who has worked on this amendment in the past.

Mr. MEEHAN. Mr. Chairman, this amendment missed by one vote last year, in the last Congress, and it is kind of interesting. This Congress was going to be the one to balance the budget. We would make more progress on deficit reduction. In fact, over 300 Members of this House voted for a balanced budget amendment.

What have we done since then? Well, we have increased defense spending by $10 billion more than what the Pentagon wanted. We have left untouched about $100 billion in corporate subsidies. We have passed a tax cut that will provide $357 billion in lost revenue. This is the balanced-budget Congress. This is an easy decision.

I understand it is difficult to cut a program where in some districts it means a cut in contracts. But you do not balance the budget by not making these decisions. The Space Station is something that is long overdue to be cut. The cost overruns have been outrageous. There may be another point in time in our history where we can afford it, but we cannot afford it now. We are spending $221 billion on interest on the national debt this year alone. It is the third largest Government program. Before Members go back to their districts and talk about how they are going to balance the budget, let them look at this amendment where you really have an opportunity to cut spending and not talk about the fact that we cut student loans or we cut school lunches or we cut these trivial things.

This amendment should be a very easy vote for Members of Congress. I cannot believe that after coming within one vote in the last session and getting new Members elected to Congress committed to a balanced budget that we could lose it this year.

□ 1000

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, I rise in strong support of the international space station and in very strong opposition to this amendment by the gentleman from Indiana [Mr. ROEMER] and the gentleman from New Jersey [Mr. ZIMMER].

Mr. Chairman, we have given at the office. There is no one more committed than myself to the deficit reduction effort, to cost-effectiveness, to the prudent use of taxpayer dollars and the outright stinginess in Federal spending. But NASA has done its part for deficit reduction.

In the past 3 years, NASA has reduced its multiyear budget plan by 35 percent, over $40 billion, and for 3 consecutive years, its annual budget has been reduced.

But even in a time of extremely tight budget allocations and with a commitment to balance the budget by the year 2002, the space station remains a top funding priority, and that is what we are talking about here, spending priorities.

The budget resolution that we passed just a month ago includes the space station because of its significance to our Nation's future, because of the exploration of space that touches the core of American identity as pioneering adventurers; and the success of the space station bears directly on how our future here on Earth, in the United States, in our schools and hospitals, offices and factories will be shaped.

I understand the gentleman from New Jersey's approach; I just disagree with it. The bottom line here, cutting through all the rhetoric, is if we want a space program, we have to put man in space. We cannot do a space program on Earth. So, Mr. Chairman, what we have to do is put man in space in a space lab to do the kinds of wonderful experiments and scientific breakthroughs that come from that.

Mr. Chairman, the American people support this critical program. I believe today, as it has been for the past several years, the space station will receive the support of the majority of my colleagues.

Vote ''no'' on the Roemer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

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

Mr. HANSEN. Mr. Chairman, it would be interesting to go back and read some of the history of this Nation. When this House argued about going on the Louisiana Purchase and going to the West, the big argument was, ''Why do we want to go out there? All there is are coyotes and rattlesnakes. Who, in their right mind, would want to go there? That is not a sensible thing to do.''

But because of that pioneer spirit that was there, we moved on to the West; and out of that is where the great minerals of this country came from and the lumber and the water and the technology came from, those particular areas.

As a member of the House Committee on National Security, I remember distinctly meeting in room 2118, and our former chairman of that committee, Les Aspin, invited generals and admirals from the Soviet Union. Now, we were friends and we were buddies, and we sat down and talked as to what happened and why did they lose and why did we win the cold war? The whole conversation came down to one thing: technology. They could not run with the United States; they did not have the technology.

I think it is interesting as we talk to people from the pharmaceutical community and they talk about in a gravity-free environment how they can make medicines that will help mankind. We have always had this pioneer spirit to move ahead, to get things done.

Mr. Chairman, the space station is the frontier for America today. This is where the pioneers will go and this will bring us a lot of money. Or we can sit back like other nations, lose this technology, lose this pioneer spirit, lose the 8-to-1 advantage that we will have and find ourselves a second-rate nation sitting here worrying about social programs, when we can look at things that will create money, create jobs, and create what our universities around America are doing. Look at the many, many universities that are putting some type of experiment on the space station.

In the little place of Logan, UT, Utah State University has put more experiments on that space station, and out of that has created many jobs. Let us not be pound foolish and let us defeat this amendment and do what is right for America.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, a generation ago, it was the dream of every child to see a man walk on the Moon. We fulfilled that dream and that was the right dream for that generation. Today's children, though, do not have a dream like that. Instead, they have a nightmare of a national debt of close to $5 trillion, and that is a debt that is not going away.

Right now is not the time to move on the space station. Right now is the time to move on the deficit and the debt. The only way we can do that is by making the difficult choices.

We hear people argue that this is a great investment, but we have already spent $12 billion on it, and we have nothing from it. It is going to cost us $94 billion in total when this is done.

That is a black hole, Mr. Chairman, and it is a black hole that this generation and, more importantly, our children's generation cannot afford. Let us stop the waste of money right now. Do the right thing. End the space station.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the Roemer amendment and in support of the space station.

The space station is an investment in exploration and science, an investment in jobs and economic growth, an investment in international cooperation, and most of all, an investment in improving life for all of us here on Earth.

The American space program has already made remarkable contributions to technology and medical research during its 35-year history. The space station is the next logical step. A permanent orbiting laboratory capable of long-duration research.

In medicine alone, space station researchers will be able to use the low-gravity environment to expand our understanding of cell culture, which will revolutionize treatment for joint diseases and injuries. It will provide a unique environment for research on the growth of protein crystals, with consequences for designing new drugs and treating diseases from cancer to diabetes.

We're already seeing the benefits of the space station even before it is built. A cell culturing device developed for the station is being used to grow ovarian tumor samples so they can be studied outside the body. Similar study is being conducted on brain tumors. This is but a hint of the work that will be done in space.

Some have argued that it would be fiscally prudent to eliminate the space station. Nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program. We have already invested more than $12 billion in the space station. Our 12 international partners have spent more than $4 billion. Actual hardware is being built. To eliminate the program now, after so much of the investment has been made, would be the height of irresponsibility by allowing our investment to be wasted.

But most of all, canceling the space station now would waste a historic opportunity to forge a partnership with Russia, our former competitor in space and our former adversary. Who would have thought as we raced to the Moon during the height of the cold war that one day an American space shuttle and a Russian space station would be linked in space. Three weeks ago, NASA and the Russian space agency showed that the international space station is not only good science, but the technology sound. Again, this recent linkup of the shuttle *Discovery* and the Russian *Mir* is but a taste of the benefits the international space station will make possible.

We have come too far and there is too much to lose if we turn our back now.

What a waste for the United States, which has led the world through the Industrial Revolution, the Jet Age, the Information Revolution, and the Space Age, to bury its head in the sand as we enter the 21st century. I urge support for the space station and opposition to this amendment.

Mr. ROEMER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, no one but no one loves what NASA has done for America and the world in advancing the limitless boundaries of our imaginations more than I do.

Mr. Chairman, as a youngster I dreamed of the day I would ride a spacecraft into the heavens, maybe even walking on a planet. Surely Dan Goldin, director of NASA, is an American hero. His service to our country is proven and unprecedented. But, Mr. Chairman, we have a greater experiment to carry out here; an experiment that involves the life and death, economically, of the American people and, yes, it is our Federal debt.

Mr. Chairman, I do not need to remind this body that we borrow nearly a billion dollars a day; that a newborn born today owes $187,000 in interest payments just on our Nation's debt. Yes, the space station would be nice, but can we really afford $94 billion, the cost to launch, maintain, and build, for the next 10 years?

Mr. Chairman, remember the B–2 bomber debate we had just a couple of weeks ago? Heck, that was only $20 billion, and I say that facetiously. This is $94 billion. I truly believe that when we look at the Federal debt and look at the children and look at what it is costing this country economically, we have to reexamine. Yes, it is a good program; unfortunately, we cannot afford it at this time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the annual Roemer-Zimmer amendment effort to kill the space station.

Mr. Chairman, I admire both of those gentlemen and have worked on the subcommittee with them for many years, I just disagree with their annual effort to knock out the space station, and I really do not understand speakers who say as a youngster they dreamed, but as an oldster they do not want other youngsters to have that same dream.

We cannot afford to lose this space station. And Mr. Chairman, we did not lose it by 1 vote. That was 2 years ago when they were going through redesign. The vote was 123-vote difference just a year ago.

I think it is obvious that we do need to cut back, and I think Mr. Goldin has cut NASA back in the last 3 years some 35 percent. I know of no other entity that has taken that same cut, and then another $5 billion.

We have taken enough hits in the NASA program. I think our Nation has weathered a lot of storms militarily, financially, politically, socially, and culturally, and throughout the rich history it has always been the American people and its leaders who have a deep and abiding belief in our future, a belief that we can and will accomplish great feats and make great discoveries.

Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] spoke earlier about placing the needs of our senior citizens above the needs of our space station. The gentleman is right to be concerned about our seniors, but what the gentleman did not point out is that our seniors are in favor of the space station.

The Seniors Coalition, a group of 2 million members, has given its support to this station. This group, like myself, is supportive of a balanced budget and fiscal responsibility, but also recognizes the dividends that such a project will likely realize for older Americans.

The Seniors Coalition notes that research on the space station could potentially lead to medical breakthroughs in cancer, arthritis, diabetes, osteoporosis, balance disorders, Alzheimer's, cardiopulmonary disease, and other afflictions that threaten senior citizens.

The coalition notes that NASA space research has already resulted in products that improved seniors' quality of life, such as instruments that measure bone density, osteoporosis, cardiac pacemakers, computer readers for the vision impaired, and on and on. I oppose this amendment.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky [Mr. WARD], a talented new freshman.

Mr. WARD. Mr. Chairman, I rise today in support of this amendment.

Mr. Chairman, I have heard a previous speaker say that this is about exploring brave new worlds and strange new worlds. Well, I submit to my colleagues that I would not have come to Congress in 1995, if I was not interested in exploring strange new worlds.

Mr. Chairman, it is a strange world. It is a world where we can see cuts in every program that help our children, where we can see the threat of cuts in programs that help our seniors, and at the same time support billions for a project which is purely, purely speculative benefits. When we hear of the notions that NASA puts forward of what this project will achieve, we hear speculation.

Mr. Chairman, I stand next to none in my support of NASA and the basic space program. We need it. I am one of those young people who can remember as if it was yesterday sitting in a classroom watching JOHN GLENN and Alan Shepherd. These things stirred me. These things told me that there were opportunities for America to explore, to expand.

But, Mr. Chairman, the space station, just the notion of putting people in space does not justify this expenditure.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

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

Mr. CRAMER. Mr. Chairman, I rise in opposition to this amendment and urge Members to oppose it.

I rise in strong opposition to the termination of the International space station.

There have been seven votes in the House to terminate the space station since I came to Congress in 1991. The space station has survived every vote. We've had a fair fight on this issue every year.

The space station is a critical investment in America's future. The Station is about life on earth.

If we give up on space station—we give up on Human Space Year.

The station will be a permanent, orbiting laboratory in low earth orbit that will provide important contributions to medical research, microgravity materials and life sciences research, and advanced technologies research.

The space program has already proven how important it is to life here on earth during its 35-year history. The space station is the next logical step in our exploration and utilization of outer space.

The space station is the largest international science project ever undertaken. The Station draws on the resources and expertise of 13 nations, including our old cold war adversary—Russia.

As the world redefines itself in this era following the end of the cold war, international cooperative projects like the space station become powerful symbols for what can be accomplished through peaceful cooperation among nations.

The United States is falling far behind the rest of the industrialized world in long-term investment in research and development.

We as a nation cannot afford to fall further behind in science and technology if we expect to be the world's technology leader into the next century.

NASA's R&D efforts provide one of the few Federal investments in our economy of 10, 20 or even 30 years from now.

These R&D investments are being made in the space station, aeronautics, high-speed computing, environmentally clean technologies, remote sensing, and miniaturization.

The investments being made in the science and technology now, will make long-term economic growth possible and provide long-term opportunities for future generations.

The space station is a critical element in this long-term investment that will ensure our Nation's future.

The station will be a testbed for a wide variety of future technologies and a unique science platform for research on advanced industrial materials, communications technologies, and medical research.

THE SPACE STATION, TOO LATE TO TURN BACK

The space station was redesigned in 1993 to incorporate Russian participation, to be cheaper, and to be more capable. These goals were accomplished.

The new design saves $5 billion in development costs, reduced annual operating costs by half, and expands the station's research capabilities.

The redesigned station has nearly twice the power, double the volume, twice the number of laboratory modules, and 50 percent more crew than the earlier design.

The new cooperative effort with Russia enables the station to be completed 15 months sooner and will save the United States almost $2 billion in development costs.

Since the redesign in 1993, the station program has proceeded smoothly and with stability.

All program cost, technical and program milestones have been met. The station is on time and on budget.

We are now less than 30 months from the launch of the first element of the space station in November 1997.

NASA has manufactured more than 42,000 pounds of actual flight hardware in 1994 and early 1995. A total of 75,000 pounds will be built by the end of 1995.

The first phase of the station program is well underway. We are gaining valuable experience with the Russian space station that reduces our technical risk.

This past February, the space shuttle flew within 37 feet of the Russian *Mir* Space Station and in March a U.S. astronaut began a 90-day stay aboard Mir.

On July 7, the shuttle *Atlantis* completed the historic docking with the Mir Station.

Several more missions to the Mir Station are planned in the next 2 years. The era of close cooperations with the Russians is well underway.

We have committed too much time and money in the space station and are too close to assembly of the station to turn our backs on this project.

I believe strongly that the space station is too important a program to abandon. I believe it is crucial to our Nation's future and to the future of our children.

I urge my colleagues to oppose the amendment to terminate the space station.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

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

Mr. CALVERT. Mr. Chairman, I rise in opposition to the Roemer amendment and in strong support for the international space station.

We have already spent billions of dollars over the years on this necessary program and I find it amazing that we are now discussing terminating funding at a time when mission launches begin next year.

The space station is needed to develop new materials and processes in industry.

This space station will accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth—and will create jobs and economic opportunities today and in the decades to come.

It would maintain U.S. leadership in space and in global competitiveness, and serve as a driving force for emerging technologies.

The space station will force new partnerships with the nations of the world.

It would inspire our children, foster the next generation of scientists, engineers, and entrepreneurs, and satisfy humanity's ancient need to explore and achieve.

We need the space station to invest for today and tomorrow.

Every dollar spent on space programs returns at least $2 in direct and indirect benefits.

And finally, the space station will help sustain and strengthen the United States' strongest export sector—aerospace technology—which in 1993 exceeded $39 billion.

We need the space station, for the present and for the future.

I urge my colleagues to oppose the Roemer amendment.

Mr. EMERSON. Mr. Chairman, I rise today in support of the international space station. Our Nation's human flight space program represents the American ideal of exploration and leadership, and the international space station carries on that tradition.

Space station opponents argue that space station funding is a fiscally irresponsible program. I believe the space station funding is a fiscally responsible and essential investment in America's future, and the dollars requested for the program will be more than returned in the coming years.

The budget for the space station is less than 15 percent of NASA's budget, and only one-seventh of 1 percent of the Federal budget. The redesigned space station is better managed under a single prime contractor and has more lab space, more power, a larger crew, and costs $20 billion less in development and operations than the previous design. The space station is on schedule and within budget and NASA's fiscal year 1996 budget authorization and appropriation meet House budget resolution targets—in line with achieving a balanced budget by fiscal year 2002.

Mr. Speaker, the space station is a vital part of America's role in shaping the future. I urge a ''no'' vote on the amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, achievements in space set the United States apart from other nations with greater distinction than any other endeavor. Indeed, our space program has become the very symbol of American ingenuity, daring, and innovation. It has been more than three decades since Americans walked on the Moon, and no other nation today is even remotely close to duplicating that feat.

The space station will be a symbol of U.S. international leadership and preeminence in space science. It brings together many nations to work on this single project, who have, to date, invested billions of dollars. Russia, Canada, the European Space Agency—whose participation includes 9 of its 15 member nations, and Japan are all contributing partners.

I would not argue that our agreements with these international partners are, in and of themselves, a compelling reason to proceed with the program. I would, however, emphasize that this is an unprecedented level of international cooperation, undertaken at our initiative, and its abandonment would say nothing positive about our willingness to live up to our commitments.

A decision to terminate the space station program will likely put a period at the end of this Nation's manned space program—there will be nowhere else to go, and we will have missed our one opportunity to impel mankind toward a better future. If we continue to move forward, however, we will keep alive our Nation's hope for a better, greater future.

Yes, we have social and economic problems all around us. But the problems of the future will surely be worse. For our children and grandchildren, and subsequent generations of Americans to prosper, they will require new ideas, new knowledge, new technology, new products, new jobs, and new worlds to conquer. Your vote for space station is a vote for a stronger America and a better world.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I am starting to feel like a broken record player. It seems as if nearly every time I make a trip to the floor this Congress I have the same message. Apparently, however, I need to say it one more time.

Simply put, good public policy means looking farther ahead than the next election.

Mr. Chairman, the international space station is all about long-term vision. It is about a vision of national unity. It is about a vision of U.S. competitiveness. And, it is about a vision of international cooperation.

There is no question that the space station has a high price tag in the near future. But, Mr. Chairman, this is the U.S. House of Representatives, not some for-profit corporation. It is, in fact, our job to consolidate public resources and invest them for the future.

The space station offers huge dividends. Our Nation's gains from space flight in the areas of general technological capability and specific spinoff inventions is well documented. The lives of thousands of Americans have been improved and in fact saved by technologies discovered during manned space flight.

And, Mr. Chairman, manned space flight bring this Nation together. One need only see ''Apollo 13,'' or hear the roar of a shuttle launch, or listen to the old tapes of man's first walk on the Moon to understand this phenomenon.

Finally, we must consider the long-term value of working toward common goals with members of the international community. Mr. Chairman, I ask you what the dollar value is of a strong working relationship with our friends in Russia? How much money do we save by avoiding another cold war?

Mr. Chairman, I do not understand how anyone claiming to be a policymaker can ignore these benefits in favor of short term political gain. I urge my colleagues to vote ''no'' on this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STOCKMAN], whose district makes a great contribution to space station.

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

Mr. STOCKMAN. Mr. Chairman, speaker after speaker will get up here and say, ''I remember as a child, I remember as a child the great things that astronauts used to do.''

□ 1015

But do you know what they are saying? ''We want to kill the dream for the next generation so they cannot stand up here a generation from now and say, 'I remember space station, I remember how it thrilled me.' ''

They want to rob that. We are going to rob the next generation of that.

They say, ''Well, what is it going to produce?'' I have never heard a scientist predict what he is going to find in space. I never knew so many scientists were in Congress. My wife

worked on it, and time after time again they would say, ''Redesign it.''

I ask: How many rocket scientists do we have here? I have not heard them speak. I have not heard a thing.

You know, when we were discussing Alaska, it was an icebox, and on this very floor they denigrated it. Why get Alaska? There is nothing in Alaska. Where are those voices today? They are gone.

Where are the voices for science? The doctors, the naysayers? They are all out here robbing our children of the future. ''No, we cannot have a space station. No, we cannot have a future.'' It is because we do not have a vision in this country anymore that we are willing to kill the space station. We cannot allow that to happen.

Queen Isabella, she had lots of problems. I am sure she had potholes and social problems, but she went forth, spent the money, and it was expensive and found this country. That was probably a waste, in many of my colleagues' eyes.

I think it is wrong and shortsighted what we are doing here today, or trying to do, and this annual amendment is shortsighted.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER], the distinguished cosponsor of the amendment.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding.

My friend from Texas talks about the thrill of having a space station in orbit. Just think about it. Will our children really be thrilled 30 years after a man walked on the Moon to have a space station in low Earth orbit, something the Russians have been doing for 10 years, at a cost of our entire space program, including plans to get us back to the Moon and on to Mars? I think not.

Simply put, the space station is not worth the money, whether you agree with NASA's unrealistic $37.5 billion sticker price or the far more realistic General Accounting Office $94 billion estimate. The National Taxpayers' Union strongly supports the Roemer-Zimmer amendment. So does Citizens Against Government Waste. Citizens Against Government Waste has scored this vote year after year, as well they should. The Office of Technology Assessment has said placing the Russian contribution in the critical path to completion poses unprecedented programmatic and political risks. The Congressional Research Service points out the many, many challenges and threats to the budget and the timetable of the space station: Huge increases in the number of space walks, having to launch 73 missions exactly on time, some of them within a 5-minute launch window.

We may be technically within budget and on time at this point. I predict and I assure you that next year we will not be.

Let us cut our losses and the losses of our foreign partners and terminate this program now.

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

I would conclude with summing our position up on this amendment by saying that this amendment is about the dreams of America. It is about the hopes of Americans. It is about new frontiers, but it is more complicated than saying that these new frontiers are only limited to a space station in space.

Our dreams and our hopes and our new frontiers are also on Earth. They are about a $4.8 trillion debt that is killing our children's futures and dreams. They are about programs that are being offered in this Congress to kick children off of Head Start.

Our dreams from Alabama to Indiana, from California to New Jersey are about Congressmen and women making the difficult decisions at times based on the merits of programs, not on the movies and theaters. We are not assessing the merits of a space station based upon Tom Hanks' performance in ''Apollo 13''. If we were, I think you have a 435-to-0 vote in favor of Tom Hanks.

What we are assessing today is a space station that has gone from $8 billion in costs to $94 billion. What we are assessing today is a space station that has gone from eight scientific nations to one. What we are assessing today is a Congress. Does it have the will and the tenacity and the courage to start moving toward a balanced budget for the hopes and the dreams of all Americans.

Mr. Chairman, all science is not successful. I wish it was. Thank goodness Christopher Columbus was successful. Thank goodness Charles Lindbergh and thank goodness Jim Lovell were, but the space station is not the same kind of science or merit that those previous programs were.

Vote to cut the space station now before it eats up the rest of the seed corn for a precious NASA budget and science budget.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Roemer amendment, and I just wanted to make one thing very, very clear to our fellow Members here. There are a lot of figures being thrown around about the space station, some claiming that it is going to cost $94 billion, a GAO study that claims that that is for the full cost of the station. Well, there are $8 billion spent on redesigns that were commissioned by this Congress in redesigning this program over and over again, and now you have the program finalized, you have international partners in it, it is on budget, it is on time, it is good science.

There are 14 different programs from NIH that are going up on this space station. There are seven different pharmaceutical companies interested in doing significant research in areas like diabetes, osteoporosis, that are going to go up on this space station. Included in that supposed $94 billion is $47 billion in shuttle operations over the next 15 years.

The supporters of this amendment, are they claiming they want to ground the shuttle, that they want to completely end our manned space program? I think the American people say no, and they have said no consistently for the past 5 years. Repeatedly this body has voted in support of this program.

Now we are about the business of trying to kill it one more time. Now while we have the Japanese investing $1 billion in their part of the program, we have our European partners investing $2 billion in their part of the program, while we are in the process of bending metal and finalizing this and ready to put it up in the air, the dream is about to become a reality, one more time the naysayers are coming forward and saying no, no, no, we cannot have a space station, we cannot afford it.

Well, I submit to my colleagues that if that type of attitude had existed in the past, Jefferson would never have purchased the Louisiana Purchase.

Mr. LEWIS of California. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, there was a lot of conversation yesterday and today about whether man should be in space. There are those on the floor who really do not believe in our manned space mission, as well as a great deal of discussion regarding the role of NASA and the impact it might have upon our economy.

I have done some calculating here this morning. We have a $1.4 trillion national budget. NASA's entire budget represents .01 percent of our national commitment to a variety of domestic programs. Within the NASA budget only 15 percent goes to station, and yet station is the centerpiece of all of NASA's work.

Without a doubt, the American people have expressed themselves. They support strongly man's work in space and our future in space.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Indiana [Mr. ROEMER] will be postponed.

The point of order of no quorum is considered withdrawn.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the Chairman's indulgence to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS, I want to applaud your efforts in agreeing to work to provide funding for an outpatient clinic to help meet the critical medical needs of the 450,000 northern California veterans. I strongly support this proposal and I appreciate the fact that you have gone out of your way to try and accommodate the concerns of Mr. RIGGS and myself on this issue.

The problem still remains, however, that we are still in dire need of inpatient services for these veterans north of San Francisco as a result of the closure of the Martinez Veterans Hospital damaged in the Loma Prieta earthquake. I want to ask the Chairman's further assurances to continue to work with the northern California delegation in pursuing more low-cost alternatives to providing this needed inpatient hospital care. Would the Chairman be willing to work with myself and Mr. RIGGS to find solutions to this ongoing problem?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague from California [Mr. FAZIO] raising this question.

We did discuss it to some extent yesterday on the floor. There is no question about the need in northern California for advanced services available to the veterans who live in that region. You and I know, serving on the Committee on Appropriations, the difficulties that we face.

I am not only pleased with the level of contact and communication I have had from all of your delegation regarding this matter, I certainly look forward to working with you in the months and years ahead.

Mr. FAZIO of California. I appreciate the help the gentleman may be able to offer us.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment, No. 48, that I was intending on offering this morning. It is an amendment dealing with the community development financial institutions. But as a result of conversations that took place initially between the gentleman from New York [Mr. FLAKE] and the distinguished chairman of the full Housing Committee, the gentleman from New York [Mr. LAZIO], last evening and then further conversation that I was able to have with the chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from California [Mr. LEWIS] this morning, it appears as though we can avoid the timely debate on this issue and go to, I hope, a commitment to try to find some funding for the important community development financial institutions as we move this bill through the process.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York, who has done a tremendous job leading the community development institutions through the last couple of Congresses. He does tremendous work on the Housing Committee and other issues pertaining to investment in low income communities.

□ 1030

Mr. FLAKE. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY], and certainly we want to thank him for having been one of the most vocal of individuals as it relates to the development of the communities, particularly these urban communities where we have had a great deal of stress as it relates to trying to make sure that we turn these communities around.

Mr. Chairman, I would like to enter into a colloquy with my colleague from Long Island, NY [Mr. LAZIO], who has worked diligently both as a member of the Subcommittee on Housing and Community Opportunity and now as the chairperson of housing as it relates to our concerns about community development financial institutions, and in our discussion, Mr. Chairman, one of the concerns that the gentleman knows that is passionately a part of my responsibility here and my work in New York has been to try to assure that we find means by which we get funds into communities where we cannot invest the funds, investment funds that allows for us to have an opportunity to generate jobs, to generate the means by which we rebuild those commercial strips.

As the gentleman knows, Tom Ridge and I started out in 1991 with the Bank Enterprise Act which we got passed by this body. The Bank Enterprise Act sort of served as a foundation for the community development financial institutions where we would give banks an opportunity to be able to participate in communities that they had ignored and then by helping to put resources in those communities to turn them around, and, Mr. Chairman, what I am asking of the gentleman is that, as we move forward and understand these distressed communities still have needs and yet in this particular budget the $104 million that was originally asked for CDFI is zeroed out, I am asking the gentleman's support, if he will, to allow us in understanding what the need is, and understand that America can never be strong if a part of America is still distressed, if a part of America does not have an opportunity to create means by which we can create jobs, if a part of America does not have the means by which it can build its commercial strips and on those commercial strips be able to turn them around and generate opportunities for those young people who may otherwise end up in jail.

I would like the gentleman's support in assuring that, when we get this bill together, when we move into the conference stages, that he will assist us because I know that he and I in our discussions understand that this is a reality of a need for America.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. I would like to respond to my friend, the gentleman from New York [Mr. FLAKE], and say first of all that no Member of this body has done more for his district than the gentleman has in fostering partnerships and leveraging public funds and private funds together to make life better, and this Member also believes that, as the gentleman does, that access to credit and an increase in entrepreneurship is one of the foundations of turning some of our most underserved communities around and that we do need to do more and commit ourselves to do more in terms of access to capital for young, budding entrepreneurs, especially in our underserved areas, and the gentleman has the commitment from this chairman, from this Member, that I will work with him to find ways both through CDFI and other means to ensure that we have better access to capital in some of our most underserved areas.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. I want to say to all the gentlemen involved that I have the deepest respect for the work that they are involved with here. If we can provide opportunity to enter our marketplace in a way that allows for growth and job opportunity——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Access to capital is very fundamental to the success of the kind that the gentleman is talking about. I want all of my colleagues to know that, while the committee did zero CDFI by way of $104 million, that this was in no small part because there is in the bill the President signed yesterday a $50 million pool for this activity that is to be run through the Department of the Treasury. Frankly, I am scratching my head about whether that is the right approach. As we go toward the Senate for a conference, I want to be discussing this in depth with the gentleman and very much appreciate the commitment that all the gentlemen have to this very important work.

Mr. KENNEDY of Massachusetts. Reclaiming my time, I appreciate both gentlemen's commitment to this program, and I just want to say I talked with the Treasury Department earlier this morning. They are looking forward to entering into a dialog with the gentleman from California [Mr. LEWIS] and the gentleman from New York [Mr. LAZIO] with regard to exactly what funds should be utilized for the purposes, but I am glad to hear that both chairmen have committed themselves to making certain that community development financial institutions maintains the level of funding going into the next year.

Mr. LEWIS of California. Let me add just one more thing, if I may.

The gentleman from New York [Mr. FLAKE] and the gentleman from Massachusetts [Mr. KENNEDY] have a deep commitment to this work, as my chairman from the committee does here as well. We have time pressures today. We are going to have an extended debate, but we will have that discussion in the months ahead, and hopefully it will be very fruitful. I appreciate very much my colleagues' cooperation with the Members' problem on the floor today as we make this very important point.

Mr. KENNEDY of Massachusetts. I appreciate very much the gentleman's cooperation, and I want to just tell the gentleman from New York [Mr. LAZIO] that I look forward to working with him on this and a number of other issues. We had some differences on the floor yesterday, but I look very much forward to working with him in the future.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I submit my remarks in strong opposition to the amendment offered by the gentleman from Indiana [Mr. ROEMER] and in support of the space station.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of July 27, 1995, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: On unprinted amendment offered by the gentlewoman from Ohio [Ms. KAPTUR]; amendment No. 34 offered by the gentleman from Oregon [Mr. DEFAZIO]; amendment No. 57 offered by the gentleman from Indiana [Mr. ROEMER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR: Page 20, line 25, after the dollar amount insert the following: ''(increased by $234,000,000)''.

Page 21, line 15, after the dollar amount insert the following: ''(increased by $234,000,000)''.

Page 64, line 16, after the dollar amount insert the following: ''(reduced by $234,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 222, not voting 20, as follows:

[Roll No. 596]

AYES—192

Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bevill
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hinchey
Holden
Hunter
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weller
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates

NOES—222

Abercrombie
Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Woolsey
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Bateman
Berman
Brown (CA)
Collins (MI)
Condit
Crane
Filner
Hall (OH)
Hilliard
Istook
Jefferson
Johnston
Largent
McKinney
Meyers
Moakley
Reynolds
Tucker
Volkmer
Young (AK)

☐ 1055

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

Mr. BENTSEN and Mrs. ROUKEMA changed their vote from ''aye'' to ''no.''

Mr. JOHNSON of South Dakota, Mr. MANZULLO, and Mrs. MORELLA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TUCKER. Mr. chairman, earlier this morning there were three votes. I missed two. Had I been present I would have voted ''yes'' on the Kaptur

amendment, rollcall 596, and ''yes'' on the DeFazio amendment, rollcall 597.

AMENDMENT OFFERED BY MR. DEFAZIO

The CHAIRMAN. The unfinished business is the request for a recorded vote on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

Amendment No. 34: Page 8, line 9, strike ''$16,713,521,000'' and insert ''$16, 725,521,000''.

Page 79, line 23, strike ''$22,930,000'' and insert ''$6,000,000''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 242, not voting 17, as follows:

[Roll No. 597]

AYES—175

Ackerman
Andrews
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Bilbray
Blute
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Brownback
Bunn
Camp
Cardin
Chapman
Chrysler
Clay
Clayton
Coburn
Collins (IL)
Conyers
Cox
Coyne
DeFazio
Dellums
Dingell
Dixon
Dooley
Doyle
Duncan
Durbin
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fields (LA)
Foglietta
Foley
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gephardt
Gibbons
Gilchrest
Gonzalez
Goodlatte
Goodling
Hall (TX)
Hastings (FL)
Hayes
Hayworth
Hilliard
Hinchey
Hoke
Horn
Hutchinson
Jackson-Lee
Jacobs
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Klug
LaFalce
Leach
Levin
Lewis (GA)
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Matsui
McDermott
McHale
McHugh
Meehan
Metcalf
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Portman
Quinn
Rahall
Ramstad
Rangel
Reed
Riggs
Rivers
Rohrabacher
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Slaughter
Souder
Spratt
Stark
Stockman
Stokes
Studds
Tauzin
Thompson
Thurman
Tiahrt
Towns
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—242

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Bartlett
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Dreier
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Forbes
Ford
Fowler
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gillmor
Gilman
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Johnson (CT)
Johnson (SD)
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lucas
Mascara
McCarthy
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Mica
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Poshard
Pryce
Quillen
Radanovich
Regula
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Rush
Sanford
Saxton
Schaefer
Schiff
Scott
Shaw
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—17

Bateman
Berman
Clement
Collins (MI)
Crane
Filner
Hall (OH)
Istook
Jefferson
Johnston
Largent
McKinney
Meyers
Moakley
Reynolds
Tucker
Volkmer

□ 1104

Mr. FAZIO of California and Mr. RUSH changed their vote from ''aye'' to ''no.''

Messrs. COYNE, ENGLISH of Pennsylvania, WATTS of Oklahoma, and FOX of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. ROEMER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 598]

AYES—132

Ackerman
Barcia
Barrett (WI)
Bass
Bereuter
Blute
Brown (CA)
Brown (OH)
Camp
Chabot
Christensen
Coble
Collins (GA)
Collins (IL)
Conyers
Costello
Coyne
Cremeans
Danner
DeFazio
Dellums
Dingell
Doyle
Duncan
Durbin
Ensign
Evans
Fattah
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gibbons
Goodlatte
Goodling
Gordon
Gunderson
Gutierrez
Hamilton
Herger
Hilleary
Hoekstra
Holden
Hutchinson
Inglis
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
Latham
Lazio
Leach
Levin
Lincoln
Lipinski
LoBiondo
Longley
Lowey
Luther
Maloney
Manzullo
Markey
Martini
McCarthy
McDermott
McHugh
McNulty
Meehan
Menendez
Miller (CA)
Minge
Mink
Montgomery
Myers
Nadler
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Ramstad
Rangel
Reed
Rivers
Roemer
Roukema
Rush
Sabo
Sanders
Sanford
Schroeder
Schumer
Serrano
Shays
Shuster
Slaughter
Smith (MI)
Spratt
Stark
Studds
Stupak
Thompson
Upton
Velazquez
Vento
Wamp
Ward
Waxman
Woolsey
Wyden
Yates
Zimmer

NOES—287

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Beilenson
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chambliss
Chapman

Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Combest
Condit
Cooley
Cox
Cramer
Crapo
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Green
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kennedy (RI)
Kennelly
Kim
King
Knollenberg
Kolbe
LaHood
Lantos
LaTourette
Laughlin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Meek
Metcalf
Mfume
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Peterson (FL)
Petri
Pickett
Pombo
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Salmon
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—15

Bateman
Berman
Collins (MI)
Crane
Filner
Hall (OH)
Istook
Jefferson
Johnston
Largent
McKinney
Meyers
Moakley
Reynolds
Volkmer

□ 1113

The Clerk announced the following pair:

On this vote:

Mr. Largent for, with Mr. Johnston of Florida against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, I was unavoidably detained during rollcall No. 597 on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO]. I would like the RECORD to indicate that I would have voted "no."

□ 1115

Mr. TALENT. Mr. Chairman, I move to strike the last word.

I would ask the gentleman from California if he would be kind enough to yield time to me for a little informal discussion here?

Mr. Chairman, I wanted to say to the gentleman that something happened in my office, and I wanted to ask if this is happening to other Members, as far as he knew. My Washington office staff got a call late last night from one of the regional EPA staffers from my area saying they had done a quick and dirty study of the bill, and that was their words, quick and dirty study of the bill, in the superfund section of it, and they thought if the bill passed they would not be able to do cleanup on a site in my district.

This is the night before the vote on the bill. I took it, at best, as an attempt to lobby me, and, at worst, an attempt to threaten me, and I wanted to know if this had been happening to any other Members, as far as you know, and what is going on about it?

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, is he suggesting that EPA staff called his office last night essentially to imply that unless they got all the money they wanted that in some way they would not deal with a cleanup problem at a Superfund site in his district; is that what he is saying?

Mr. TALENT. That is right. The site they mentioned, as far as I know, is not listed as a site yet, but the staffer said this was done on the basis of a quick and dirt study. When my staff pressed her on it, she said she is a foot soldier and that this is headquarters telling them to do this.

Mr. LEWIS of California. If the gentleman would yield further, I must say to my colleague, Mr. TALENT, that such a phone call does not surprise this Member. I have had similar calls in my own district which suggested that if work at a Superfund site that is ongoing, it might be in trouble if they do not get the kind of funding that they would expect.

This bill provides for over $6 billion of funding for ongoing work at Superfund sites. Those sorts of phone calls do not surprise me. I consider the EPA to be a regulatory agency out of control.

Mr. TALENT. I have had other bad experiences with them. It is kind of ironic they are moving forward on another site in my area, and I do not want them to, and now they say they will not move forward on something that is not even a site yet.

I would say to the chairman, and I am sure he would share this, an objective study with a written analysis that is documented and circulated to the Members, I want to know the facts. I want to know what their opinion is on the outcome of legislation, however, a last minute phone call based on an admittedly ''quick and dirty study'' is out of bounds. I do not react well to that.

I hear the gentleman, and I just wanted to let him know about it and to see if other people were subject to the same thing.

Mr. LEWIS of California. If the gentleman would yield further, I certainly would not want to overstate the case, but it is very apparent that a number of Members have been suggesting we need further legislation relative to agencies that would use federal funds for lobbying purposes. I am not sure how I could exactly describe this one, but it is very apparent that this is an agency that believes it should do whatever is necessary to have its view be reflected in our law and our work regardless of how the Members may feel.

Mr. TALENT. Mr. Chairman, I thank the gentleman for his fine work in this area.

AMENDMENT NO. 66 OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment No. 66.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 66 offered by Mr. STOKES:

Page 53, line 18, strike ''*Provided*'' and all that follows through ''appropriate'' on page 55, line 9.

Page 55, line 19, strike ''*Provided*'' and all that follows through ''concerns'' on page 59, line 3.

The CHAIRMAN. Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Ohio [Mr. STOKES] will be recognized for 45 minutes, and a Member opposed will be recognized for 45 minutes.

Mr. STOKES. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

Mr. Chairman, at the outset I want to express my appreciation to a distinguished Member on the other side of the aisle, Mr. BOEHLERT, for being the coauthor of this amendment. I welcome Chairman BOEHLERT's cosponsorship since he is chairman of a subcommittee with jurisdiction over this subject.

Mr. Chairman, as we have discussed with regard to other titles of this bill, we are today considering a bill that does create revolutionary harm to our veterans and to the poorest of the poor. Now we are considering another series of radical changes, this time to the Nation's environmental laws.

It is no exaggeration to say, Mr. Chairman, that title III of this bill represents the biggest step backward in environmental protection that this body has considered since the original Earth Day, 25 years ago. Let there be no mistake about what this bill is about, this bill rolls back environmental protections.

The bill does this through a one-third reduction in the funds available to the Environmental Protection Agency for implementing the laws that protect our waters, lands, and air. Environmental enforcement is slashed by more than 50 percent. Reductions in the superfund program total more than $550 million.

But besides these environmental disasters that stem from a frontal assault on EPA's budget, the bill also contains page upon page of fine print that amount to a second, sneak attack on the Nation's environment. These are what we in Washington call legislative riders. These riders have been crafted by an Appropriations Subcommittee to take legislative action that has not been considered by authorizing committees, that has not been the subject of full debate, that really has not seen the light of day. And when our constituents find out how radical, how extreme, how special-interest-oriented these riders are, they will certainly hold us accountable.

Among the legislative provisions that have been tacked onto this bill, Mr. Chairman, are measures that stop implementation and enforcement of this Nation's clean water laws—as Mr. BOEHLERT the cosponsor of this bill and chairman of the subcommittee with jurisdiction over this issue—will describe more fully. Also included are more than a dozen other environmental insults including:

A rider which creates an exemption for a single special interest, the refinery industry, from a toxic emissions standard due out shortly for that industry. Unfortunately, while efforts to control refinery toxic emissions go into suspended animation, the lungs of our citizens will not—the many citizens of this country that live near refineries, including many urban citizens, will continue to breath refinery emissions that include known carcinogens and other hazardous substances.

Another rider creates a special exemption for the oil and gas exploration and production industry. This time the exemption is from EPA's rules on the prevention of accidental releases of hazardous substances. Unfortunately for our citizens, some of the worst industrial accidents are associated with gas processing facilities and over 700 of these facilities will be exempted from this accident prevention program.

A fourth provision bars EPA from promulgating, implementing or enforcing a title V operating permit program for large stationary sources in any State ''involved in litigation regarding provisions of title V.'' These operating permits are vital for implementing other parts of the Clean Air Act such as the air toxics, acid rain and nonattainment programs, yet the filing in any state of any suit involving any part of title V, no matter how meritless, will block EPA's ability to implement this program in that State.

Yet another rider mandates specific statutory interpretations and procedural hoops all designed to prevent EPA from creating protective toxic emissions standards for cement kilns that burn hazardous waste.

Another rider strips EPA of its ability to gather additional information from chemical manufacturers and other industrial sites under the Community-Right-to-Know Act and other statutes. What is especially ironic here is that the information that the EPA was after is vital for the development of risk analyses for these source categories.

Finally, another rider guts enforcement of any environmental provisions left standing by allowing polluters to hide behind a new ''environmental audit'' privilege. This provision allows states to shield polluters from civil actions and even criminal enforcement, regardless of how egregious their conduct and regardless of whether the privilege is relevant to their environmental wrong.

Mr. Chairman, we can probably debate for many hours the exact scope and impact of these riders and the numerous others that clutter this bill. But there is no doubt that they make significant changes in the implementation of the Clean Air Act, Clean Water Act and other environmental statutes. Yet they will be adopted without full public consideration and debate by the legislative committee and with only a few minutes of debate on the House floor.

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

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

Mr. BOEHLERT. I thank my colleague for yielding.

Mr. Chairman, the issue we are debating right now comes down to this: Should we be undermining the Nation's most fundamental environmental statutes as part of an appropriation process that robs the public of a chance to weigh in on vital issues affecting their health and safety?

Should we be weakening environmental safeguards as part of an appropriations process that prevents Members from having the time to adequately understand and review the implications of their actions? Should we be subjecting the public to environmental dangers as part of an appropriations process that limits the ability of Members to fully debate these issues and to vote their conscience?

The answer is clearly ''no.''

The House rules discourage legislating on an appropriations bill, and for good reason. Appropriation bills are a back-door tactic that is chosen when the direct, healthy, open approach is likely to fail. That is why for 40 years, two generations, the Republican Party has complained bitterly about the use of appropriations bills in this manner.

So what do we do now that we are in power? We place more riders on an appropriation than anyone remembers seeing in recent history. Why do we not just append volumes of the United States Code to future appropriations?

I am incensed about this violation of the process, and the process is the issue. Do not misunderstand that. If is the process here that is the issue.

I would vote for a number of these riders if they came up through the correct process. But I cannot sanction handling environmental issues in such a cavalier manner.

A Member of Congress who is a very diligent, hardworking, responsible colleague came up to me and had just learned that one of these riders could have a disastrous consequence on his congressional district. He just learned about it. Had no idea. That is a prime example of why we should not be operating in this manner. These riders block regulations, effectively repeal basic statutes, and create all manner of mischief. It would be hard to think of legislation that is more deserving of full and open debate and investigation. Presumably that is precisely why some people are trying to circumvent the process.

I urge my colleagues in the interest of their constituents and their families and their kids and future generations to support Stokes-Boehlert.

Mr. STOKES. Mr. Chairman, reclaiming my time, let me just say, before I reserve the balance of my time, that I agree totally with the gentleman from New York [Mr. BOEHLERT].

Mr. Chairman, this process betrays the exhaustive discussions and debates that led to the bipartisan passage of the 1990 clean air amendments and the other environmental statutes at issue. These drastic changes have no place in this appropriations bill. I urge my colleagues to support the Stokes-Boehlert amendment to strike them.

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

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 45 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER] chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in the strongest opposition to this amendment. Make no mistake about it. As chairman of the Committee on Transportation and Infrastructure, I tell you today this is one of the most important votes that we will cast in this Congress. This amendment should be defeated.

The effect of this amendment will simply be to kill the clean water and the wetlands reforms that this House has already passed, and passed by a comfortable margin of 55 votes. Make no mistake about it, this is a back-door strategy to undo the reform to clean water and wetlands.

Some of the liberal Members of the other body who do not want to see reform have made it clear that what they would like to do is not have an authorization this year. They would like to not take up an authorization, and then simply appropriate funds against the old clean water bill, and by doing that, there would be no reform. But the money would continue to be spent to overregulate, the money would continue to be spent under the old law. That is the strategy here today, to undo what this House has already done.

Further evidence of this is the way EPA has been lobbying, and yes, I use the word ''lobbying,'' and we heard from the gentleman from Missouri just a few moments ago, how they are lobbying. I say this is a violation of the law that should be looked into and will be looked into by our investigators. EPA over the past several weeks has spent countless hours, if not days, time, taxpayers' money in putting together a scare package which they claim purports to show all the terrible things that will happen if the clean water bill that already passed this House is enacted into law.

Interestingly, they have blatantly delivered this package only to the opponents of this legislation. This is one quote of their political rhetoric:

> The appropriations proposal dismisses the critical role that clean water plays in every aspect of life. By choosing to disinvest in the protection of our most vital resource, the committee gambles with the well-being and the economic prosperity of the entire Nation for generations to come.

That is our EPA speaking, lobbying against legislation that already passed this House by a comfortable margin.

Indeed, I have informed our counterparts in the other body that we are quite prepared to go to the table to compromise. We recognize there has got to be compromise with the other body from the legislation that passed this House. We want to sit down at the table and negotiate in good faith a compromise. But what is being attempted here today is to block us from being able to do that. By saying that we lift the requirement that there can be no appropriations without an authorization, we are saying that the same old unreformed bill will be in place.

□ 1130

Many of my colleagues have come to me and talked about the hypocrisy of this amendment. I will not use the word ''hypocrisy''; I will let my colleagues decide what word they want to use.

Last year on June 29, the gentleman from Ohio [Mr. STOKES], my good friend, took the floor in an appropriations bill and stood and offered an amendment requiring that provisions be made subject to an authorization, the same approach that we are taking here today.

Not only did the gentleman last year offer an amendment saying that the appropriations bill should be subject to an authorization, my other good friend, the gentleman from California [Mr. MINETA] said, ''I rise in support of the amendment by Mr. STOKES.''

My other good friend, the gentleman from New York [Mr. BOEHLERT], took the floor and said, ''Mr. Chairman, I rise in strong support of the Stokes amendment,'' adding what a refreshing change it is from last year.

So last year, we had these distinguished Members of Congress taking the floor and arguing in favor of authorization on an appropriations bill; not just any appropriations bill, but the clean water bill. I do not call that hypocrisy. My colleagues will have to decide what to call that.

This should be defeated, or all our reforms simply go down the tube.

Mr. STOKES. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I think the gentleman, Mr. SHUSTER, would agree that when he makes reference to where I said, subject to authorization, I was talking about money. I was not changing substantive law in an appropriations bill, that what we are moving to strike here is substantive changes in the law.

Mr. SHUSTER. Mr. Chairman, that is not what the gentleman's amendment does.

Mr. STOKES. Mr. Chairman, that is what this language is about.

Mr. SHUSTER. Mr. Chairman, perhaps the gentleman would like to restructure his amendment and provide that the Clean Water bill is subject to an authorization. If that is what the gentleman wants to do, I will be happy to support that, but that is not what this gentleman's language does. This is subject to authorization.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. KELLY], a tireless champion of the environment.

Mrs. KELLY. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Mr. STOKES of Ohio and Mr. BOEHLERT of New York.

Mr. Chairman, this amendment would strike 17 provisions in the bill which would prohibit the funding of important environmental programs.

I voted for the Clean Water Act but, Mr. Chairman, I am concerned over the prospect of holding funding for programs that protect our air and water hostage to the appropriations process.

As we work to enact authorizing legislation, we must not jeopardize the flow of Federal funds for important environmental programs that control combined sewer overflows, protect important wetlands, or clean our drinking water. Unfortunately, this legislation may do just that.

In the event that a clean water reauthorization bill, or superfund reform legislation, is not enacted this year, the funding for several crucial programs will be cut off. We can improve our environmental laws, but let's do it responsibly. Environmental policy should not be set through the appropriations process. Vote in favor of the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Chairman, the bill before us establishes a very bad precedent. One of the ancient rules of this body is that we should legislate in the legislative committees and appropriate in the appropriation committees.

The bill makes a series of decisions that are unwise. It has more than 20 riders affecting different clean air, clean water, safe drinking water, and other environmental statutes. It removes a number of capabilities of EPA to protect the environment and the health of the people under a series of laws written and supported overwhelmingly on the floor of this House by the legislative committees and by the House itself.

It has provisions in these riders that are so badly written, that it is impossible to tell what they mean.

For example, in its provision for protection of whole agricultural plants, the provision is so badly written that it protects either a stalk of wheat or a grain miller from action by EPA. It protects a sugar beet or a sugar processor. Clearly that is not good and that is not right.

It goes further. It says if there is some kind of an audit involving production of information, that the environmental actions by EPA are either severely impaired or made impossible.

It goes to another point. Any State which is in litigation under title V, Operating Permits, is literally assured that there can be no Federal enforcement action, even if it involves matters on that point other than those which are involved in the enforcement action, thus stripping EPA of the ability to protect the American people and stripping the American people of very important enforcement actions.

The amendment is a good one; the bill is a bad one. Legislative riders on Committee on Appropriations work should be avoided at all costs.

I urge my colleagues to support the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY], the chairman of the Committee on Commerce.

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

Mr. BLILEY. Mr. Chairman, I would like to take just a moment to address the allegations that this bill contains legislative provisions and other spending limitations that are somehow illegitimate or unnecessary.

First of all, let me say that under ordinary circumstances, I would not choose to attach legislative provisions and other types of spending limitations to appropriations bills. One of the reasons we have authorizing committees in the House is to focus on complicated policy issues, to make informed policy decisions, and to understand the consequences of our policy choices.

Unfortunately, these are not normal times. During the past 6 months, we have found numerous instances in which the regulatory agencies, especially EPA, have been exercising their authority beyond what is appropriate. Let me give just one example.

Over the past 6 months, the Commerce Committee's Subcommittee on Oversight and Investigations, chaired by Congressman JOE BARTON, has conducted an extensive series of hearings on EPA's implementation of the Clean Air Act Amendments of 1990.

The committee has held hearings on the employee commute mandate in the Clean Air Act and also on the auto emissions inspection program. The committee has held hearings on EPA's operating permit program and also on the provisions of the Clean Air Act that require reductions in emissions of toxic air pollutants.

These hearings have given the committee an understanding of a number of problems with the Clean Air Act, several of them very serious. For example, States and businesses are required by the Clean Air Act to begin to implement employee commute programs. But our hearings have shown that these programs have minimal environmental benefits and impose significant costs on employers.

As another example, EPA is under a court-ordered deadline to impose new regulations for hazardous air emissions from refineries by the end of this month. In our hearings, however, we have discovered that there are serious problems with the information EPA has used to develop these regulations. If this regulation goes forward, several small refineries could be forced to shut down.

So by virtue of problems with the Clean Air Act itself, and with EPA's implementation of the act, there are situations that need immediate attention. That's why I did not object to the provisions in the bill. I can assure the Members that there were many, many other proposed riders that did not make it into this bill. While almost all of these provisions were well-considered and identified real problems, they are problems that the Commerce Committee can deal with through its normal procedures and so I could not agree to include them in the bill.

I share the hope of the chairman of the VA, HUD Appropriations Subcommittee that we will not have to do legislation and spending limitations on this appropriations bill in the future. The Commerce Committee will work hard to address problems that develop with the implementation of the various environmental laws within its jurisdiction. But I must say that the possibility of future riders will depend in large part on whether EPA takes a more responsible approach to the way it implements the laws within its jurisdiction.

Mr. Chairman, I find it interesting that the previous speaker in the well, the gentleman from Michigan [Mr. DINGELL], did not object to a rider that is in this bill dealing with CAFE. I find that, in fact, he supported it very vigorously.

Mr. Chairman, I say this amendment should be defeated, and I hope that it will be.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from New York [Mr. BOEHLERT] mentions that he would have voted if it went through the due process. He did not vote for the Clean Water Act that passed out of our committee. That is a true process.

If my colleagues realize what is occurring here, if we accept this amendment today, any reform that we seek to have in the wetlands for this Nation will not occur. If we cut off the money, it will occur. It gives us the leverage that is necessary.

Why do I believe so strongly in wetlands reform? My State is about 90 percent wetlands, according to Bill Riley and George Bush; yes, another administration, and implemented by the EPA today, and their tactics and their regulations are destroying my State and the ability of my people to progress and be economically sound.

Two cases: Nome, AK, my daughter is in Alaska today, was built by mining. It is a mining community. It has always been. We have an Eskimo lady up there that the ground is seeping away underneath her house. Her house. An elderly lady that cannot fill the ground under her house because the EPA says it is wetlands. That is our Government in action.

It is the most illogical group of individuals I have ever seen. They have told me we cannot build a school on the side of a mountain for the children of Juneau, because it has been declared wetlands. This is pure nonsense.

Mr. Chairman, the Stokes-Boehlert amendment today would continue those programs, because they finance those programs. If you want true reform as we pass through this House, we should, in fact turn down this amendment overwhelmingly.

We have followed the process. We have done the process correctly for this House. We, in fact, are doing what is right for this House. We must not let another body stop the progress we have made. We must use this for leverage. We must say, There will be no longer unrealistic application of wetlands as seen through the eyes of the EPA.

A sound ''no'' vote is so important for this body today, I think, for very truly if we do not vote no, we have set back the intent of this House concerning the reform of wetlands.

Mr. Chairman, I urge a strong ''no'' vote on the Boehlert-Stokes amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Boehlert-Stokes amendment, which seeks to eliminate a multitude of legislative provisions which prohibit the Environmental Protection Agency from enforcing current Federal law, and in doing so, preserving and protecting our Nation's environment.

I support this amendment for two reasons: H.R. 2099 abuses the legislative process, and seeks to achieve harmful policy objectives.

With respect to my concerns about the process, the manner in which some of EPA's opponents are seeking to handcuff the agency is flat-out wrong.

The Appropriations Committee should not be including some legislative language regarding EPA in its HUD–VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

Second, I strongly disagree with the underlying policy objectives of these legislative provisions.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

And speaking of grandchildren—there's that old adage ''out of the mouths of babes.'' My grandson Jimmy Kuhn and his kindergarten class in Littleton, CO, were so concerned about changes in the Clean Water Act that they wrote to me and President Clinton. One line says it all: ''Congresswoman, dirty water can hurt you too.''

This bill includes an unprecedented number of legislative riders which will severely restrict or even eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Food, Drug, and Cosmetic Act. Many of

these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for business trying to plan the future and make appropriate investments. H.R. 2099 includes riders that:

Stops enforcement of existing programs addressing stormwater runoff. The effect on my State alone would be that raw sewage would continue to pour into local waters from outdated or inadequate sewage treatment and collection systems at 281 locations in New Jersey. Stormwater controls would be eliminated for many urban areas. The result would be widespread degradation of water quality, which would threaten the State's $96.3 million commercial fishing and shellfishing industry and $12.1 billion coastal tourism industry.

Stops enforcement of the wetlands protection program. My State has worked hard to develop the special area management plan that would provide new developers streamlined wetlands permit procedures in exchange for environmental improvements. Permits to develop these wetlands will be required with or without this budget provision. However, this bill would jeopardize the whole project. Without the project, permits would be piecemeal and subject to many more administrative transactions hurting both environmental and developmental interests.

Blocks enforcement of permits to prevent raw sewage overflow. The need for continued sewer overflows enforcement is strongly evidenced in the New Jersey-New York metropolitan area where there are over 780 discharge points which directly convey untreated overflows to the New York-New Jersey Harbor.

Threatens community's-right-to-know about toxic emissions. This rider would stop efforts by EPA to make the toxics release inventory—a nonregulatory program which requires public disclosure of toxic discharges to the environment—more comprehensive, by including chemical mass balance information which would promote source reduction of toxic chemicals.

Prohibits action to avoid childhood lead poisoning: This effectively will prohibit EPA from issuing rules under recent Housing Act provisions intended to reduce the likelihood of childhood lead poisoning by requiring certain notices and disclosures to be provided to prospective purchases and renters by imposing certification and training standards for lead removal contractors, and by controlling lead levels in dust, paint, and soil.

Prohibits EPA from issuing a tap water standard for arsenic—a known carcinogen—and radon and other radionucleides.

Have we lost our senses? Unbridled zeal. Health and safety first.

Remember—arsenic poisons can hurt you, too.

These are just some of the 17 objectionable riders that have been included in this bill. These provisions represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

In conclusion: This amendment does not involve the expenditure of any additional funds. It simply allows the EPA to enforce the laws that have been enacted. For those who want to change the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Again, my colleagues, in the words of my grandson's kindergarten class—in a letter to me in support for clean water—''Dirty water can hurt you too, Congresswoman.''

Those 6-year-olds were writing to me, but speaking to all of us, my colleagues.

Support the Boehlert amendment.

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Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA], the ranking minority member of the Committee on Transportation and Infrastructure.

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

Mr. MINETA. Mr. Chairman, I rise in very strong support for the amendment offered by the ranking Democrat on the Appropriations Subcommittee on VA, HUD and Independent Agencies, Mr. STOKES, and the Republican Chair of the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, Mr. BOEHLERT of New York.

This amendment would eliminate the riders and restrictions which permeate this bill and which would assure less environmental protection and increased risk to the health and safety of our constituents.

The restrictions and riders which this amendment would eliminate have no business in this bill. The restrictions and riders serve as a backdoor attempt to circumvent the Nation's environmental laws.

While I clearly did not agree with large parts of the substance of H.R. 961, the Clean Water Amendments of 1995, when it was considered on the floor of the House, opponents were allowed to fully consider and debate that bill. Now, with little public input, and without the opportunity for the authorizing committees to consider the issues, H.R. 2099 will enact restrictions upon EPA which gut large portions of the Clean Water Act. And, it does so in a way far beyond what was contemplated in H.R. 961.

This bill does not tread lightly upon the programs of the Environmental Protection Agency, it stomps on them—even some of the more successful aspects of programs. And, it does so indiscriminately.

Without the Stokes-Boehlert amendment, EPA would be prohibited from conducting research on or developing new effluent limitations guidelines and standards, pretreatment standards or new source performance standards. Yet it is these very provisions which have led to the large degree of success over the past 20 years in addressing water pollution. Without EPA's assistance, the States will be unable to move forward on their programs should they choose to do so. This restriction abandons the States and the commitment to clean water. This restriction, as currently written, demonstrates contempt for the desires of the public and the needs of the States for the wastewater program.

Without the Stokes-Boehlert amendment, upstream property owners will be able to drain or fill wetlands with little fear of enforcement. These property owners will be able to cause flooding downstream, to destroy wildlife habitat, and degrade water quality, knowing that EPA is powerless to affect their actions. I agree that the wetlands program needs reform, but we cannot abandon our 20-year commitment to protecting water quality for ourselves and for our children.

With these restrictions and riders the Clean Water Program would be stopped dead in its tracks, and for what? To put pressure on the Senate so that special interests would have the time to pursue additional special interest legislation to create permanent waivers, loopholes, and rollbacks in water pollution control programs.

And how does this bill go about creating an environment for the enactment of the waivers, loopholes, and rollbacks? It provides that none of the funds which the cities and States need for their clean water programs are to be available until the Clean Water Act is reauthorized, presumably through enactment of H.R. 961.

Mr. Chairman, when one examines H.R. 961 for its essence, you find that cities and States were supportive of the bill because of increased funding amounts and an increase in State flexibility in addressing water quality issues. Industrial dischargers were supportive of the bill because it contained numerous opportunities for polluters to obtain waivers, loopholes, and rollbacks.

Here we are in this bill, holding back funding for cities and States so that industrial dischargers can receive the special treatment which they received in H.R. 961. The result is that the cities and States continue to have their responsibilities as partners with the Federal Government in protecting water quality, yet it is the interests of the industrial dischargers which are causing cities and States to not receive any

funding. It appears to me as though the monetary gun is pointed in the wrong direction. Those who stand to gain the least in H.R. 961, cities and States, are the very ones who are being made to suffer for the desires of the industrial polluters.

Mr. Chairman, just 2 months ago we were on the floor of this House debating proposed changes to the Clean Water Act. The special interests which did so well in the House version of clean water reform are now trying to circumvent the regular process, and avoid close public scrutiny of their amendments.

The Stokes-Boehlert amendment is about getting the House on the correct side of an environmental issue for a change. It is about allowing the authorizers the opportunity to carefully consider and make necessary changes to environmental laws. It is about fair and open Government.

If Stokes-Boehlert is defeated, we will be saying that the authorizing committees might as well close up shop and go home. We have not been represented at the Appropriations Committee, and we will not be represented at the House-Senate conference.

We should adopt the Stokes-Boehlert amendment to preserve the role of the authorizing committees, and to preserve the protection of human health and the environment.

Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in opposition to this amendment.

I agree totally with the assessment of the gentleman from Pennsylvania [Mr. SHUSTER] this is a back door strategy to undo the work that this Congress has done not only in the Clean Water Act but in the regulatory moratorium and the Regulatory Relief Act that we passed as part of the Contract With America.

EPA is led by a team of individuals who, in the name of their ideology, are pushing forward these regulations that actually in some ways harm the environment and certainly cost us jobs throughout this Nation.

Let me give an example from my home district in Indiana. In Dunkirk, there is a glass factory that wanted to rebuild the ovens; they wanted to make an environmentally cleaner glass oven that would reduce the amount of emissions they put into the air. But EPA and their local enforcement agents came in and said, ''You cannot do this unless you meet every single new requirement that we have.'' The result was it was extremely cost prohibitive. The company nearly decided to shut down the factory.

Who would have lost if they had decided to do that? The workers in that factory in Dunkirk and the environment, because they would never have gotten a cleaner, more efficient oven built.

We need to oppose this amendment in order to keep these restrictions on regulations that do not make any sense. There are regulations that EPA is trying to require us to enter into car pooling. There are regulations on States, forcing them to have inspection and maintenance operations that most States have rejected and said they do not want, they do not see the environmental benefits.

Mr. Chairman, this amendment would undo all of the good work that this Congress has done to fight needless, senseless regulations. We have a better way of protecting the environment.

I urge my colleagues to vote ''no.''

The EPA funding plan represents a significant step toward improving its efficiency and proper management. Moreover, this budget plan makes urgent the need for reallocating limited resources through fundamental regulatory reform.

The EPA rulemakings that this bill targets are costly and unnecessary. This bill sends a strong signal that Congress is serious about dealing with burdensome and cost-ineffective regulations that can impede economic growth and less global competitiveness. In the current budget climate, we cannot afford to expend limited resources without achieving commensurate environmental or public health gains.

This bill calls upon EPA to reevaluate its rulemaking activities in order to set priorities for the expenditure of public funds—to limit regulations only to those that serve a compelling public need, are based on sound science, and are cost effective.

This bill will prompt much-needed regulatory reform by necessitating the allocation of limited resources in the most cost-effective and productive manner. The bill is a clarion call for rational and realistic regulations—regulations that are based on sound science and subjected to risk assessment and cost-benefit analysis; regulations that are tailored to the magnitude of the problem addressed; and regulations that not only seek to achieve worthwhile goals, but also allow regulated sources to pursue the most effective means to those ends.

Finally, this bill will enhance the role of State and local governments in developing and implementing regulations.

REFINERY MACT

Opponents of the riders in this bill have variously maintained that these funding limitations create special interest exemptions; eviscerate the environmental statutes that currently protect our lands, waters, and air; roll back existing environmental requirements; and threaten public health and safety.

Quite the contrary, the rulemakings that are targeted in this bill represent wasteful expenditures of public resources given the environmental and health benefits that they promise to achieve. One excellent illustration is the refinery MACT rulemaking which has been going on for almost 2 years.

Far from offering effective protection from the toxic air emissions of oil refineries, EPA's proposed maximum achievable control technology standards would result in negligible environmental and health benefits, but entail high compliance costs. Specifically, EPA's ''Regulatory Impact Analysis'' indicated that benefits from this proposal would be minimal, and projected annual compliance costs of up to $110 million. In fact, EPA estimates that up to seven refineries could shut down as a result of this rule.

Moreover, the health risk that this rulemaking is intended to reduce—that is, the baseline cancer incidence—is stated to be one-third of a cancer case per year.

These disclosures by EPA essentially reveal that refineries are already heavily regulated and pose no significant risk without the proposed MACT controls.

In addition, EPA's risk assessment of the proposal relied on worst-case scenarios, while the proposal is based on emissions estimates that are significantly outdated and inaccurate.

Finally, the Agency justifies this rulemaking not on the basis of benefits to be derived from regulating hazardous air pollutants from refineries, but on the basis of secondary benefits from reduced emissions of volatile organic compounds.

In its comments in response to this proposal, the Department of Energy observed that, ''[w]hen the benefits of a proposal are overwhelmingly due to ancillary effects, the regulatory should instead use an alternative regulatory pathway to achieve those benefits directly.'' The Department advised that it would be more efficient to address VOC reductions under title I of the Clean Air Act, because a ''title I approach * * * would lead to VOC reductions where they are needed rather than everywhere,'' and ''States could select specific VOC reduction measures on the basis of marginal cost effectiveness.''

On the basis of its review of the proposal, the Department of Energy recommended that EPA postpone finalization of the petroleum refinery MACT rulemaking and also urged the Agency to examine its approach to MACT standard development for opportunities to consider cost effectiveness and risk/benefit.

In summation, I do not believe that defunding this rulemaking constitutes reckless action, threatening public health and the environment, but instead, represents a responsible course of action in light of our limited resources.

GREAT LAKES WATER QUALITY GUIDANCE

I strongly support the restriction in this bill on using funds to implement or enforce the Great Lakes Water Quality Guidance until reauthorizing legislation is enacted to amend section 118 of the Federal Water Pollution Control Act.

Despite its name, EPA's Final Water Quality Guidance for the Great Lakes System is a binding rule that takes an unnecessarily stringent and costly approach to establishing and implementing water quality standards in that region. In a study conducted for the Council of Great Lakes Governors, DRI/McGraw Hill estimated that it would cost from $710 million to $2 billion per year and would result in up to 33,000 jobs lost. Also, that report concluded that this guidance is not a cost-effective program for cleaning up the Great Lakes.

Among other things, this guidance adopts overly restrictive standards and criteria that are not necessary, that are unsupported by sound scientific data, that in some cases may not be achievable at any price, and that yield modest benefits.

For example, the guidance contains numeric water quality criteria that, in some cases, are actually below the quantitation levels of EPA's own analytical methods, and in some cases

below current, and even in certain instances preindustrial, levels in rainfall. This strongly suggests that these levels are not attainable, and that they need not be attained to protect human health or the aquatic environment.

Moreover, the guidance leaves the Great Lakes States little or no flexibility in designing water quality standards programs to suit their individual needs.

Recognizing that EPA has fundamentally misinterpreted section 118, by applying the guidance as a binding rule, the House has approved, as part of H.R. 961, an amendment that clarifies that section. The amendment makes clear that standards adopted by a State will be considered to be consistent with the Guidance, if they are based on sound science and provide a level of protection comparable to that in the guidance, taking into account site-specific circumstances.

This limitation on EPA's budget authority is a short-term remedy until legislative action takes place. In the meantime, this restriction will not reduce the protection afforded the Great Lakes by the Clean Water Act—sources will still be subject to all of the substantive requirements with which they must now comply. This limitation will only prevent EPA from imposing further, far more stringent requirements that are not justified by the costs involved, or the scientific data upon which they are based.

TOXICS RELEASE INVENTORY OF CHEMICAL USES

Under section 313 of the Emergency Planning and Community Right To Know Act [EPCRA], the Environmental Protection Agency requires facilities to report their releases of certain types of chemicals. These releases are publicly available on the so-called toxics release inventory or TRI.

EPA is now working on regulations to expand TRI reporting to include chemical usage, which will potentially double the current TRI reporting burden. This initiative will add materials accounting information to the TRI and is beyond EPA's existing statutory authority to require information on chemical releases.

For each of the 600 chemicals and chemical categories reported on the TRI, EPA is planning to add the data elements to quantify chemical inventories throughout the manufacturing process, including starting inventory, quantities received, made, and consumed, and the quantity in product. This is an extremely difficult, burdensome, and costly data collection exercise. The additional cost to a single facility to report this information has been estimated at $1.5 million the first year and $800,000 for following years.

Citing, ''what get measured gets done,'' EPA claims that chemical use reporting will lead to a reduction in chemical use. This is toxics use reduction [TUR]. TUR refers to reductions in material or chemical use without consideration of emissions and risks posed by the substance. TUR is based on the false assumption that use is a good indicator of risk and that all chemical use is harmful and should be eliminated.

TUR is contrary to the basic objective of the manufacturing process, which is to harness reactive and toxic materials for useful and beneficial purposes. While product reformulation and substitution of less toxic substances do have a vital place in pollution prevention, the key to efficiently reducing pollution is to allow industry the flexibility to use many tools to achieve emissions reductions.

TUR reporting is objectionable for two primary reasons: First, public reporting for chemical use information threatens to disclose confidential information to foreign and U.S. competitors. Second, use information has not been shown to reduce risks to human health and the environment. Risk is a function of hazard and exposure. Chemical use is not a good indicator of exposure; chemical releases are.

For all of these reasons, I strongly support this bill's limitation on the use of funds to require under section 313 the submission of materials accounting, mass balance, or other chemical use data.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA] who is a leader in the fight for environmental quality and sensitivity in America.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment that will strike all 17 legislative provisions that have been attached to this appropriations bill.

Mr. Chairman, these riders are an affront to the legislative process—quite frankly, the most blatant example of circumventing the process that I have ever witnessed.

These 17 riders, cover such major programs as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and five other general EPA programs.

Just one example. Issue: Regulations designed to control arsenic, a well documented source of human health problems, will not be implemented if this rider goes forward. EPA will be prevented from enforcing regulations that control discharges of fecal coliform, human waste—raw sewage, that enters drinking water supplies through combined sewer overflows and sanitary sewer overflows.

Results: The American people will be exposed to dangerous levels of arsenic in their drinking water. When the citizens of this country turn on the tap for a cold glass of water, they should not be exposed to unsafe levels of known toxics.

Human waste is a known source cryptosporidium, one of the most lethal water-borne pathogens. If we back away from 20 years of successful efforts to control discharges of human waste we will be jeopardizing the drinking water supplies for millions of Americans. Tell the people of Milwaukee that we should be doing less to control cryptosporidium; 104 people died and 400,000 people became ill from drinking the water in one of America's premier cities.

Combined sewer overflows and sanitary sewer overflows are responsible for tons of raw sewage entering our waters everyday. We cannot afford to let greater amounts of raw sewage enter the waters that we all depend on. We must always remember that one city's discharge is another city's drinking water.

If changes need to be made in any of these programs, then let us take them one by one, holding hearings and following the normal legislative process. I am outraged that issues of such importance to our health and the well-being of our environment are so cavalierly superimposed on a bill that is vital to our veterans, to our housing needs, and many other Government activities. Let us get a clean bill—just the funding—and consider major programmatic changes in their proper place.

I urge your support for the Stokes-Boehlert amendment. Cast the right vote to protect our environment and the legislative process.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the Committee on Appropriations.

Mr. DURBIN. Mr. Chairman, 17 riders in this appropriation bill are a bitter vetch of environmental poison concocted by special interest groups and served up by the majority party. The Republican proposals will weaken environmental protection. They will endanger public health and safety. They will reward irresponsible polluting businesses and penalize the responsible businesses which have cleaned up their smokestacks and the water they discharge into our lakes and streams.

We in America have made real progress in cleaning up pollution, but if we let this Republican proposal pass, we will return to the polluted air and water we used to have.

Who wants these Republican environmental loopholes? Big business, foreign-owned cement kilns which release toxic pollution into the atmosphere, oil and gas refineries which will be allowed to spew air polluted with benzenes and dioxins into the air that we breathe.

America has come so far in cleaning up the environment. We cannot sell out to the special interests with these 17 riders today.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, even as we speak, 16 States or more are directly underneath the sword of the EPA which is dangling over them with the threatened sanctions that could ruin economies, cost jobs and impact our economy generally. The 16 States that are suffering this terrible tremor of waiting to see what the EPA does with sanctions has to do with the Clean Air Act. New York, my own State, Pennsylvania, Maryland, the State of the gentlewoman who just spoke, Illinois, the State from which the gentleman who just spoke on the other side, New Jersey where the other gentlewoman spoke, those States with thousands of people who drive automobiles are set for a big surprise and shock if the EPA is able to impose sanctions on their States, because of the failure, so-called failure, on the part of the EPA, of these States to rev up automobile

emissions standards and central kinds of testing.

What this bill does is give us some time to work with the EPA. It does not obliterate the program, but it gives us some time to work with the EPA and to put off the heavy impact of these sanctions until we can work something out, with the idea that the standards which are now being applied are so weak and so cumbersome and so confusing that no State in its right mind can comply.

What this amendment would do is to sweep away this little timetable that we begged to have so we can work with the EPA.

And allowing EPA to impose these sanctions, you wait until the people of New Jersey, New York, Pennsylvania, Maryland, New Jersey, Illinois, and the other 15 or 16 States rise up in pure horror when they find that the EPA has imposed sanctions and cost jobs because we were unable to defeat this amendment.

Defeat the amendment so that it will not happen.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Chairman, I support the amendment to strike these riders that will cripple the Nation's environmental program.

These riders, an unwarranted intrusion into policymaking by the Appropriations Committee, are simply designed to ensure that the Environmental Protection Agency cannot enforce the law of the land in selected, critical areas.

These riders will hamstring EPA with the sole purpose of making it easier to pollute.

The authors of this bill simply cannot wait for the authorizing process to work its will to make it easier to pollute.

These riders, if they were ever to become law, would destroy the Clean Water Act, our Nation's most successful environmental law.

When the Clean Water Act was passed in 1972, fewer than one-third of our Nation's waters met the test for fishing and swimming.

After 20 years of Clean Water Act enforcement, more than 60 percent of our rivers meet that test for fishing and swimming.

There is no question the Clean Water Act could use some fine tuning—especially in the area of wetlands—but that is no reason to reverse 20 years of progress as H.R. 2099 would do.

The environmental riders in this bill will not fine tune, fix, or mend—they will destroy the Clean Water Act.

First, EPA will be prevented from doing anything at all to control, limit, or reduce the discharge of polluted stormwater from industrial sites.

Control of acid and metal runoff from abandoned mines—the No. 1 source of water pollution in the State of Pennsylvania—would stop.

More than 2,500 stream miles in Pennsylvania are impaired by acid mine drainage.

There are health advisories on the Ohio, Monogahela and Allegheny Rivers because of stormwater discharge.

This bill will make sure the health advisories remain and the rivers will not be used for boating, swimming, or fishing.

Second, EPA will be prevented from doing anything to limit or reduce pollution from combined sewer overflows or sanitary sewer overflows.

EPA's control policy for CSO's, a consensus policy endorsed by all the major parties will be halted.

EPA's work to reduce the discharge of raw sewage from more than 100 sites would be halted.

Third, EPA will be prevented from doing anything at all to limit damage or loss of our Nation's valuable wetlands.

These restrictions will have a major impact on wetlands initiatives throughout the Nation.

Fourth, EPA will be barred from moving forward with any new guidelines or standards to limit or reduce pollution from different categories of industry.

EPA has already issued standards for 50 major categories of industry.

EPA could not go forward with other categories, including metal products and machinery, pharmaceutical manufacturing and pulp and paper.

There are six categories of industry scheduled for final regulation in 1996 that would have no guidelines or standards.

These six categories dump 15 million pounds of toxic chemicals into our Nation's waters.

H.R. 2099 would make sure that there were no rules for these industries.

Fifth, EPA will be prevented from doing anything at all to develop a coordinated, area-wide program to reduce pollution in the Great Lakes.

Pollution control in the Great Lakes, including the control of toxic chemicals, will be left to the separate and often conflicting strategies of the States.

This strategy has resulted in fish consumption advisories in all five Great Lakes.

Mr. Chairman, these environmental riders are bad policy that will set our environmental protection policies back by decades.

I urge strong support of the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS], the chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding.

It is obvious in this debate the high road of environmental humility and common sense is not bothered by heavy traffic on this floor.

This is a rehash of the debate we had during the clean water debate of several months ago. It is a clear-cut issue.

I want to talk about the permit activity of section 404. That is the way that our wetlands program is being administered. It is a classic example of regulatory overkill.

Nobody wants to stand in the was of protecting the Nation's true wetlands. We reformed it during the consideration of H.R. 961, and we defeated several amendments, including an amendment by the gentleman from New York who gives new meaning to perseverance.

The gentleman talks about cavalier treatment. The cavalier treatment comes from Federal enforcement trivializing the rights of ordinary citizens and farmers and ranchers in my district and all across this country.

□ 1200

I am talking about the taking of private property for no environmentally sound purpose or reason, or public need. We have got at least four Federal agencies in the wetland regulatory soup. We have low spots in the field throughout farm country being designated a wetland. No self-respecting duck would ever land there. This is ridiculous.

Later in September the House Committee on Agriculture will bring to this floor a farm bill that will rely less on Federal spending, it will get the Government out of agriculture, but we made a deal to the Nation's farmers and ranchers we will move to a more market-oriented farm policy, but please, please, we must have regulatory reform. Rid us of the cost burdens that are unnecessary, and costly, and drowning us in red tape and intrusion.

Defeat the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to my distinguished colleague from Dodge City, the gentleman from Kansas [Mr. ROBERTS], I would point out this is not a repeal of the Clean Water Act, which went through the authorization process. This is a back-door attempt to undermine legislation.

Make no mistake about it. If these riders are approved, regulations dealing with arsenic in our drinking water will be prohibited. Remember that. We are talking about the clean water supply for the American people.

Every single Member of this body that travels anyplace in America is not reluctant to drink water out of the tap, nor to go to a drinking fountain. Why? Because we have an agency and dedicated Federal employees operating under Federal law with Federal regulations protecting our water supply.

Mr. Chairman, we have to protect our water supply. The American people demand it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. WAXMAN], the ranking minority member of the Subcommittee on Health and Environment.

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

Mr. WAXMAN. Mr. Chairman and my colleagues, it is bad enough this appropriations bill would cut the EPA budget overall expenditures by a third and its enforcement ability by one-half. It is clear they will not be able to enforce the laws adequately with that budget, but just be sure they do not really enforce the laws, there are riders on this bill which are extraordinary to keep EPA from using its resources to make sure we do not have radioactive substances in our drinking water or toxic emissions into the air. These proposals undermine existing laws that were put in place to protect the environment and public health. Toxic pollutants, for example, cause cancer and birth defects. I ask, ''Why shouldn't we have the law enforced to make sure we don't have those diseases that can be prevented?''

Mr. Chairman, there were no hearings on these riders. Usually it goes through a committee that has jurisdiction. They are all being put on this bill in order to move them through very quickly.

Our constituents are not asking for these riders. Special interests are asking for them, and I think they are going to do a disservice to the American people and the progress that we have made to protect the environment, improve public health, and avoid the tragedies that occur when people suffer from these diseases.

I urge support for these amendents. Let us strike the riders. Let us do an appropriations bill that does not pass laws to undermine what we have already enacted into law.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] just reminded me that the speaker of the Louisiana House of Representatives, Mr. Laureo, once began a session of the House by bowing his head and giving this prayer. He said: ''Dear Lord, may our words today be sweet, for tomorrow we may have to eat them.''

I had not thought about that until someone handed me the CONGRESSIONAL RECORD of June 29, 1994, which has the Stokes amendment, and I am reading from the RECORD, that requires the money earmarked for EPA nonpoint-source pollution and certain moneys appropriated for EPA water infrastructure and wastewater treatment grants may not be spent until authorized.

The leading advocates of that fine amendment, which by the way was not opposed by the then Republican minority, but accepted without even having a vote, leading advocates were the gentleman from California [Mr. MINETA], who spoke earlier on behalf of a Stokes amendment today, and the gentleman from New York [Mr. BOEHLERT], who spoke earlier on behalf of a Stokes amendment today. But the words extraordinarily have changed from June 29 of last year. Last year the gentleman from New York [Mr. BOEHLERT] said the gentleman from Ohio [Mr. STOKES] to his credit had crafted an amendment that makes the appropriation of the Clean Water Act funding contingent upon an authorization, and today the now chairman, the gentleman from Pennsylvania [Mr. SHUSTER], is trying to do nothing more and nothing less than say, ''Let's authorize, and then let's appropriate, and let's force the Senate of the United States of America to deliberate, and then in its wisdom craft authorizing legislation as well.''

Now there may be a better way to do it, but the opponents of this legislation do not want a better way to do it. The fact of the matter is we do not want to do it at all because the light of day forced by debate will result in changes that are long overdue that are supported by a majority of elected officials.

It was a mistake in my opinion for the leadership of the minority minority in the last Congress not to take the admonition of refraining from oiling up and pent-up hostilities by not voting. Not one of my colleagues got elected on a platform to come here to not deliberate, not vote, and not express their opinions. If they continue that view, I assure them in the next election those who will cast their ballots will cast the ballots for someone who will vote.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, America is watching this Congress to see if its deeds match its promises. It has had a very good record so far but a critical promise we made to the American people was to get Government off their backs. And the EPA, pure and simply, has been one of the major clawholds that Government has maintained on the backs of our constituents.

These riders are about changing EPA's behavior in a way that reducing their funding doesn't. Overall, the question on these riders is: Do you believe the EPA's behavior needs to be changed?

One of the riders this amendment would strike is one that my State and my constituents are very angry about.

The enhanced-emissions testing program, or centralized testing, that EPA has been trying to force feed to our constituents has caused rebellion in the streets. Despite the risk of sanctions and losing millions of dollars in Federal highway funds, many States have taken actions against the complicated, centralized testing scheme because the requirement is misplaced, unworkable, and has little to do with clean air.

But States are in a bind—unless they implement the failed EPA design, EPA will not give full credit to States in their implementation plans.

EPA insists that their centralized design is flawless and that, therefore, credits for the decentralized system must be arbitrarily discounted.

But study after study has confirmed that the EPA is way off the mark in their assertion that the centralized program is any more effective in cleaning the air than a decentralized system: The California Inspection and Maintenance Review Committee concluded that ''whether an I/M program is centralized or decentralized has not been an important factor in determining historical I/M program effectiveness''; the Rand Corp. found that, ''In terms of program effectiveness, our research finds no empirical evidence to require the separation of test and repair''; the Rand report further found that ''a well safeguarded decentralized system, with rigorous State supervision, can be highly effective.''

The language in this bill provides nothing more than that—it simply gives States a 2-year test period to demonstrate that their program deserves full credit based on actual emissions reductions, not a computer model that has no relation to real world data.

And let's be clear—including this language here is no backdoor maneuver—the authorizing committee has held extensive hearings on this issue. Sixteen States face sanctions in the next few months. About 30 Members of this House—both Republican and Democrat—have written to the Appropriations Committee urging support for this provision. The relief provided by this language is desperately needed.

It's true that we're cutting EPA's funding and that's important. But these riders send a different message about EPA's behavior and one that I submit is every bit as important.

I urge my colleagues to oppose this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds because I would like to respond to the gentleman from Louisiana [Mr. HAYES], whose remarks were amusing, but hardly enlightening, because he pointed out what he termed hypocrisy.

Let me point out that neither the gentleman from Ohio [Mr. STOKES] nor I object to the provisions in the bill to which he referred, the exact provision of the bill of last year on page 63 of this bill. It says, quote, that appropriations made available under this heading to carry out the purposes of the Federal Water Pollution Control Act, as amended, shall be available only upon enactment of legislation which reauthorizes said act. We know that. We have no problem with it.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I would like to make a comment about who the special interests are that want an ''aye'' on this vote. They are seniors, they are children, and everybody else in between, that wants safe drinking water, clean water, and clean air to

alleviate the problems of asthma or allergies and all those other things. So those are the special interests that want an ''aye'' on this vote.

Earlier, Mr. Chairman, someone said this is a back-door strategy to end reform. Well, my colleagues, this amendment is a front-door strategy to continue environmental progress. This amendment is a front-door strategy to separate the problems in the regulatory bureaucracy from clean water and clean air that we accumulated in the last 20 years.

Mr. Chairman, I guess that the members of the Committee on Appropriations are saying to themselves, ''Boy, we showed the EPA a thing or two.'' Under the language in this bill EPA would pretty much be prohibited from enforcing much, if not all, of its laws. It seems that we began in an effort to scale back even reasonable environmental restrictions, and this has turned out to be an all-out huge scare war against environmental protection, and I think that just simply cannot happen.

I guess the great secret of the 1994 election was this. The great secret of the 1994 rollover election was this: Our constituents are furious about clean water. They do not want clean water. They are furious that some of the asthma problems are being relieved by clean air.

We all seem to pay lip service to EPA. We pay lip service to clean water. We all want clean water. But the fact is, where the rubber hits the road, it takes a little more rigorous mental effort to untangle the tangled web of regulations without denying the American public, those interest groups that want clean water. Let us put forth a little more rigorous mental effort.

One other thing. I hate to hammer this point home about how many times we talk about whether or not we should appropriate, use the Committee on Appropriations, to legislate. That is what the authorizing committees are for. All of my colleagues out there that are on an authorizing committee, they are simply giving away their responsibility, totally giving away their responsibility, and to my friend and colleague, the chairman of the Committee on Agriculture, who I work with all the time to preserve agriculture in the United States, I say, ''How many farmers have children with asthma? How many farmers have children with allergies? How many people out there depend on good environmental laws to protect their livelihood?'' To a large extent we are pitting one job against another job, and we should not do that as Members of Congress.

I urge my colleagues to do the right thing seriously and vote for the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Chairman, the gentleman and my good friend from Maryland [Mr. GILCHREST] just talked about special interests. The special interests who are looking for some help from this Congress are 30-acre onion farmers, and apple farmers, and grape growers in upstate New York and throughout the Nation. One of these riders would preclude the EPA from enforcing the Delaney clause. The Delaney clause says, and it is a 50-year-old, 40-year-old law, that we cannot have any, zero tolerance, zero chemical residues on our food. It is unenforceable. Director Kessler from the FDA says it is unenforceable. Director Browner sued because she said it was unenforceable. Mr. Espy and Mr. Glickman also agreed on the record that the Delaney clause is unenforceable. What we are saying is do not enforce the Delaney clause.

□ 1215

The Supreme Court upheld a circuit court that says, just because this is in the law you have to enforce it, whether it is unenforceable or not.

There is another issue here. Authorizing committees are supposed to authorize; appropriators are supposed to appropriate. The authorizing committee, the Committee on Agriculture, the committee of jurisdiction, has already marked up a bill. The Committee on Commerce soon will markup a bill. This issue has been held up for years. It should have been resolved years ago.

Now, what does all this mean? What it means is, if a farmer in the district of my good friend and neighbor and colleague, the gentleman from New York [Mr. BOEHLERT], from Canastota is growing onions right now, and they are, and the EPA delicenses a pesticide that it licensed 2 years ago under the same standard, it is now going to delicense that pesticide, same pesticide, same minimal negligible risk.

If that farmer cannot use that pesticide on his onions, growing in organic soil, and there is only one chemical application for that disease, he cannot use that pesticide, that disease can wipe out his crop, and he loses everything.

There is no agriculture support program for onions. There is no other course for that farmer than to use that pesticide. This is important. It will be authorized, but in the meantime we have got to respect the growing season, too. I urge a strong ''no'' vote on this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, to respond to my colleague and friend and neighbor from New York, he is absolutely right with respect to the Delaney clause. That is why through the orderly, open process of the authorizing committee we are going to make the changes he calls for and which I want and are in the best interest of American agriculture.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Chairman, Americans do not want to return to the days of dirty, unsafe water. I rise in strong support of the Boehlert amendment.

In the Portland metropolitan area, which I represent, clean water consistently and overwhelmingly ranks as the top environmental concern of area residents. So important is clean water to Oregonians, they have agreed to spend more than $750 million to prevent Portland's combined sewer overflows from dumping raw sewage into the nearby waterways.

Oregonians remember the days when the Willamette River, which flows through the heart of Portland, was one of the most polluted rivers in the country. The waters of the Willamette were so choked with pollution that when live fish were put in a basket and lowered into the river to check the water quality, it took only a minute and a half for the fish to die. Oregonians remember the phrase they used as youngsters to describe swimming in the river—the ''Willamette River stroke''—a phrase which refers to the fact that they would have to clear a path through the floating sewage debris in the water before they could swim.

Oregonians do not want to go back to those days of polluted waters. And neither do the American people. Americans do not want to see raw sewage floating in the surf when they visit the beach. Americans do not want to worry about their children getting sick from swimming in the neighborhood stream. Americans do not want the fish they catch at their favorite fishing holes to be too toxic to eat. Americans do not want to turn back the clock to the days when polluted rivers would catch fire. And when they got to the sink to get a drink of water, Americans do not want to choke on what comes out of the tap.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Boehlert-Stokes amendment and in opposition to this bill which is an environmental disaster.

Mr. Chairman, this bill is an environmental disaster. In one broad sweep, it strips the EPA of its authority to enforce environmental laws—important laws that ensure our right to clean water and clean air.

Americans have fought long and hard for these sensible and much needed laws. The Clean Water Act and Clean Air Act are vital to protecting public health. But they mean nothing if they cannot be enforced.

Mr. Chairman, we cannot, in a single day, turn our backs on decades of fighting for the public good. We must stand together today and give meaning to environmental protection. We must let all Americans know that this fight is worthwhile. We cannot go backward when we need so desperately to continue forward.

Vote ''yes'' on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment to one of most fundamentally flawed pieces of legislation that this body has considered in the 7 years I have been privileged to serve.

Mr. Chairman, this bill before us today is by far one of the worst—indeed one of the most fundamentally flawed—pieces of legislation that this body has considered in the 7 years I have been privileged to serve.

Make no mistake about it. This bill will mean more sewage in our waterways, more pollution in our air, and more risks from pesticides in our food.

Mr. Chairman, this is not a partisan issue. I commend those on the other side of the aisle who are speaking out against the bill, who—to their great credit—cannot hold their nose and toe the party line. Why are they doing this? Because their constituents, like mine—regardless of party identification—want clean air, clean water, and food free of deadly pesticides. This bill severely hampers the Government's historic role in ensuring these most basic guarantees.

A 33-percent cut in the EPA's budget is bad enough. But this bill adds insult to injury by loading it up with an array of legislative riders—requested by industrial polluters and other special interests—that will prevent the Agency from doing its job.

I hope the American people are tuned in to this debate. If anyone was still unconvinced of the new majority's assault on health and environmental safeguards, this bill will assuredly dispel them of any lingering doubts.

Mr. STOKES. Mr. Chairman, I yield myself 15 seconds.

Had the gentleman from Louisiana [Mr. HAYES] yielded to me, what I would have been able to say to him was I respected the authorizing process. When I brought my bill to the floor and they had not yet acted, I made my appropriation subject to authorization. The difference is they are legislating and then making the legislation subject to further authorization. There is a real difference there.

Mr. STOKES. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Texas [Mr. WILSON].

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

Mr. WILSON. Mr. Chairman, the majority whip, the gentleman from Texas [Mr. DELAY], my friend, said that the American people wanted us to know they are voting to get Government off their backs.

I submit to you that the American people might have been voting to get Government off their backs, but they were not voting to get arsenic in their drinking water or benzene in the air that they breathe.

If we do not adopt the Stokes amendment, what the effect of the legislation will do will be to stop the EPA from issuing regulations on cement kilns. Some of the more interesting byproducts of cement kilns, as they operate without EPA regulations and without EPA standards, are the production of arsenic and lead.

For instance, the EPA standard for arsenic is .4 parts per million. The LaFarge Corp., which is a cement kiln, manages to produce 3,300 parts of lead per million. I would point out that it only takes one one-millionth of a pound of lead to seriously impair the health of a child.

I would say, finally, that of the cement kilns in the United States, 65 percent of them are foreign-owned. They are owned in Switzerland. They are owned in Germany. They are owned in France and they are owned in England. I would point out to my colleagues that in none of those countries do they allow the burning of toxic waste in cement kilns. Only in the United States do they allow it.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. KIM].

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

Mr. KIM. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I rise in opposition to the Stokes amendment because it undermines the authorization process.

For over 200 years, the Congress has authorized programs and then appropriated funds.

Congress follows this process because it works. And that's what we should do here.

The Chairman of my committee—Transportation and Infrastructure—was right to insist on authorizations.

If we don't require authorizations, then why do we have authorizing committees?

Do we really want to make the authorizing committees irrelevant?

That's exactly what this amendment will do?

I take the work of my committee very seriously.

We should have the opportunity to reauthorize these programs.

If this amendment passes, reauthorization will be put off another year.

Make no mistake—if we don't require authorizations—we'll never do it.

We'll just keep appropriating money and ignoring the authorization committees.

I urge my colleagues to support the process and vote no on the Stokes amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. CHAPMAN].

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

I want to say that I really do agree with one of the proponents of this amendment that this is about process. The problem is that the processes over at EPA are out of control. The truth of the matter is no one here is for dirty air or dirty water. The truth of the matter is that we all want clean air to breathe, clean water to drink. We all want a healthy environment for our kids and our grandkids.

The problem is though that the EPA in many instances has gone so far beyond either their legal authorization or, in many cases, as far as cement kilns are concerned, their own regulations. They are, in my judgment, an agency out of control.

We talk in terms of process and should not the authorizing committees have a say in this. I think I have heard the chairman of the Committee on Commerce, the chairman of the Committee on Transportation and Infrastructure, I know the chairman of the Committee on Resources has spoken against this amendment. The chairman of the Committee on Agriculture has spoken against this amendment, and other committee chairmen or subcommittee chairmen will speak against this amendment. There have been hearings on these matters in our subcommittee on appropriations with EPA. There have been hearings in the Committee on Commerce.

There was debate during markup in subcommittee and full committee, and there is obviously a healthy debate going on on the floor of the House today. In a word, what has happened here is, in the EPA, they are an agency whose regulations stifle and throttle American business and who in the name of the Clean Air Act do so much damage to all of us.

I want to address the comments specifically about my friend and colleague from Texas who said incredibly, in my judgment, that cement kilns are not regulated. That, my friends, is just not true. In fact, cement kilns are more stringently regulated in America today than the commercial incineration facilities.

What we are trying to do, at least as part of this regulation, is to make EPA follow the law, the Clean Air Act, and follow their own regulations, nothing more.

Defeat the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of our subcommittee.

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

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

Mr. Chairman, I rise in support of the current provision in title III that deals with the regulation of combustion of hazardous waste and in opposition to the Stokes-Boehlert amendment that would allow EPA to ignore the combustion language.

EPA's activities under the so-called Combustion Strategy have made unfair demands on the regulated community without the proper legal authority to do so. Title III of this bill restricts EPA from spending taxpayer money on requirements that we, as Members of Congress, have not authorized. The language in the bill is designed to ensure fair and effective environmental regulations, which benefit the environment, industry and American workers.

In my district, chemical manufacturers have worked hard to comply with EPA's regulation, but the regulations have been expanded above and beyond what the law demands and requires. The result is increased prices for all Americans without corresponding environmental benefits. Let me reiterate that the language in the bill does not change the law governing the disposal of hazardous waste, but instead it requires EPA to act under the statutory scheme duly authorized by law. It merely demands that EPA follow the rules.

It is no surprise that the language in this bill is supported by a broad-based coalition of chemical manufacturers, fuel processors, industrial boiler owners, building material companies, and labor unions. This bipartisan measure stops the EPA from preselecting outcomes before all of the facts are in. We must demand EPA comply with existing procedures.

By contrast, the Stokes-Boehlert amendment is an attempt to keep the status quo and let bureaucrats run the agency without the consent of Congress. It would render all limitations in the bill meaningless by allowing some environmental groups merely to inform EPA of their opposition in order to defeat the intent of Congress expressed in title III.

Mr. Chairman, the measure in this bill is a good provision and requires that EPA follow the law as intended by Congress. I urge my colleagues to oppose the amendment and require EPA to follow the law.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

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

Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment. I oppose the addition of these legislative provisions we have talked about, these 17 dealing with important and complex environmental issues to the spending bill.

Let me point out one thing which I really have not heard in this argument today. That is that we are reducing the funding for EPA by 34 percent on top of everything else that we are doing in this legislation. When you combine that with the 17 limitations on enforcement which are the subject matter of discussion of this amendment, you find that EPA is being rendered almost wholly ineffective in the areas of fighting the environmental problems of the United States of America.

This is not regulatory reform but basically an abrogation of our responsibility.

I think back over my experiences as the Governor of the State of Delaware and the various things that we dealt with. One of those was our only oil refinery. We had problems with that oil refinery almost monthly, sometimes several times in the course of months, with emissions standards for toxic air pollution. Yet that is one of the prohibitions; any Federal help with enforcement of those particular problems would be included in this legislation.

I think about Rehoboth Beach where many people from Washington have gone to vacation, when we actually had to close the beaches because of the storm sewer overflows which occurred there. We also remember another time when we had to almost close the beaches because of sanitary sewer overflows in States to the north of us and having to go along our beaches to do that.

We have been able to cure those problems with the help of the Federal Government. I think about Superfund, the Army landfill in the State of Delaware, the second largest of the landfill problems in the country, which needs to be addressed, which is cut dramatically by what happens in these particular provisions, or the Clean Water Act.

I remember when the Delaware River up near Philadelphia actually caught on fire. We always think of Pittsburgh, but it happened in Philadelphia as well. We had the exact same problem. We have cleaned that river up. In fact, President Bush, when he was campaigning, used that river to demonstrate how you can actually use the Clean Water Act to clean up a river.

I worry about drinking water. Our water in Wilmington, DE, comes down from the Brandwine. It comes down from Pennsylvania, and I remember fighting with towns in Pennsylvania which wanted to build different areas that could pollute and we had to overcome that.

I would suggest to every single Member of this body who is paying any attention to this, which may be the most important amendment that is going to be offered in many a day here in this Congress, to do something right now. Call home. Call your environmental secretaries. Call your Governors. Call your constituents, if you have time to do that before this vote. Find out from them exactly what their understanding of each of these 17 is.

At least read the legislation and understand what these restrictions are. You will understand what I am saying here today. That for the good of America, we must support the Stokes-Boehlert amendment. For the good of America, we must make sure that this is not disguised as regulatory reform but is pointed out for what it is. It is a destruction of our ability to be able to enforce the environmental laws in a proper way of the United States of America.

I agree that EPA needs to be fixed in some ways. But I think just removing all of their ability to carry out any of their responsibilities is the wrong way to go. I would encourage everybody to support this amendment in a few minutes.

□ 1230

Mr. STOKES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Chairman, I rise in support of Stokes-Boehlert. If Members do not need any reason other than this, look at the headline from the Macomb Daily a few days ago: Consumers of Great Lakes Fish at Medical Risk. They are talking about a Centers for Disease Control study showing children who eat Great Lakes fish have four times the amount of PCB's and three times more DDT in their bodies, and other factors.

There has been an effort to counteract this in the Great Lakes water quality initiative, to cut the amount of mercury, to cut discharges of lead, to cut dioxin levels. Now we have, tucked in this bill, a plan to begin throwing all that out the window, leaving the Great Lakes at the mercy of those who dump mercury and lead and dioxin into drinking water.

The Great Lakes are an irreplaceable treasure that should be protected. Let us not roll back a decade of progress. Support the Great Lakes. Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise today in strong opposition to the Stokes-Boehlert amendment which would specifically delete clean water reform provisions in this bill that are entirely consistent with the legislation and that has already passed the House of Representatives. The Stokes-Boehlert amendment is an attempt to get the reform that has occurred.

Supporters of the amendment claim the clean water provisions are a ''back door attempt to alter environmental policy in appropriations.'' Nothing could be further from the truth. The House has already passed these provisions—with bipartisan support—through the Clean Water Reform Act. And, this legislation is on track in the other body.

There is nothing ''sneaky'' in these clean water provisions. They simply restrain the EPA's ability to ''sneak through''new guidelines and second-guess operations.

If my colleagues agree that the current regulatory system is a mess and that the Clean Water Act needs to be reformed, the only way to vote is ''no'' on the Stokes-Boehlert amendment. I urge a ''no'' vote.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa [Mr. LATHAM].

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

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

Mr. Chairman, I rise in strong opposition to the Stokes-Boehlert amendment. This should be a very easy amendment for members of this House who voted overwhelmingly in favor of the Clean Water Act of 1995 to oppose.

This amendment is about the House giving away its leverage to influence the other body and the President.

This amendment is about letting those who are intent on preserving the status quo by inaction have their way.

Adopting this amendment would be a statement by this House that when we voted for risk assessment and cost-benefit analysis we weren't serious.

Adopting this amendment would be a statement that when we voted for wetlands reform we weren't serious.

This amendment is not about protecting against overreach by appropriators. In fact, just the opposite is true.

The limiting provisions in this bill are here at the request of the authorizing chairman and with support of the majority of members of the committees.

If we vote for this amendment, we are taking away power from our authorizing committees, and more importantly we are taking away our own ability to write laws.

If we support this amendment, we make it more likely that unelected bureaucrats downtown will be setting environmental policy in the vacuum that we will create.

Let me say this, even if you didn't support the exact product of H.R. 961, every member of this House should oppose this amendment.

If you believe we need to reform the existing storm water permitting program, vote against this amendment.

If you believe we need sensible wetlands reform, then vote against this amendment.

This amendment empowers Washington bureaucrats at the expense of Congress and the American people.

This amendment maintains federal control so that the ''War on the West'' can continue.

This amendment rolls back the key reforms that so many of my colleagues in the freshman class came here to make.

To sum up, you can vote for this amendment and give away the House's power to shape regulatory policy.

Or, you can vote against this amendment and remain consistent with out positions on risk assessment, cost-benefit analysis, wetlands reform and private property rights where virtually every member of this House agrees on the need for reform.

Move forward on Clean Water Act reform. Move forward on wetlands reform. Keep this House's ability to write legislation. Vote ''no'' on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, there is no question that some of our environmental laws need adjustments, but the fact is this bill is supposed to be a budget bill; yet it contains some 30 pages of riders, legislative riders, slipped into this bill, which represents little more than a wish list of corporate polluters all across this country.

This bill, if it is not changed, will stop regulation of raw sewage. It will turn polluters loose to pump toxic chemicals into the air in American neighborhoods. It is a vivid example of the lock hold that corporate special interests have taken on this new Congress.

I would simply suggest to the authorizing chairs that if the gentleman from Alaska [Mr. YOUNG], from the Committee on Natural Resources, or the gentleman from Virginia [Mr. BLILEY], of the Committee on Commerce, or any other person wants to change basic law on environmental questions, then have the courage to bring that to the floor in their own committee bill, face their own committee members who, after all, have the jurisdiction over it, debate it out in the open, and cut the American people in on the deal, instead of slipping it in in an almost undercover fashion in an appropriation bill, which is supposed to decide other questions.

Mr. Chairman, I think what we have here, very simply, is, not just in this bill but in Labor-HEW, in a lot of other appropriation bills, authorizing chairs who do not, apparently, have the courage to bring their changes in law to the floor in their own bills. They are instead trying to slip it into the appropriations process, so they can avoid hearings, avoid public comment, and avoid some opportunity for the public to know what is going on. I do not think that is the way we ought to do business.

I would just urge my friends on this side of the aisle, Mr. Chairman, do not abandon the bipartisan commitment that this Congress has had for years to advance environmental protection. Do not abandon that bipartisan commitment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to pick up on a point my friend, the gentleman from Wisconsin [Mr. OBEY], made. For 40 years, for two generations, the Republicans were in the minority. All during that time we chastised the then majority for legislating on appropriations bills. We complained about the process.

Now we are in charge, and we are doing the very same thing. It was wrong when we were in the minority, it was wrong when the Democrats were in the majority, it is wrong now that we are in the majority. It is simply wrong to deny the people for full and open hearings.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment. These riders are an all-out assault on environmental law. It is not to be considered simply reform, but rather, in toto, these would eviscerate environmental enforcement throughout the United States. It is also an abuse of the legislative process.

In my Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, we are beginning to consider one of the provisions contained herein, and that is recognizing State environmental audit legislation. We have not proceeded to any conclusion. We have more questions and comments. In fact, the only consistent element we have found in considering this environmental audit language is the opposition, almost a total opposition, of law enforcement officers throughout the United States. The National District Attorneys Association is against it, the attorney generals of New Mexico, Minnesota, California, Massachusetts, Arizona, New Hampshire, New Jersey, Tennessee, the New Jersey State Attorney General, the New York District Attorneys Association, all these law enforcement officials condemn a rider which is included in this legislation. This is not the way to reform environmental laws in the United States. This is the way to destroy environmental laws in the United States.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. TAUZIN].

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

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

Mr. Chairman, I rise in opposition to the Stokes-Boehlert amendment. The gentleman from Texas [Mr. CHAPMAN] said it. Bureaucrats at EPA are out of control. We have not been in control, either, for many years. The bureaucrats and their environmental lobby friends have controlled this agenda for too long. They have seen to it that for years we could not bring reforms to ESA, reforms to clean water, wetlands regulation, cost-benefit analysis, property rights issues. They and their friends have dictated the agenda in this body for too long, and let me surprise the Members, we are not yet in control.

If Members want to see property rights passed into law, then Members had better defeat this amendment. If they want to see cost-benefit analysis become law, they had better defeat this amendment. If they want to see revisions of wetlands regulations in the clean water, the litigation mess we have created in Superfund reform, if they want to see a decent ESA Act passed, Endangered Species Act passed, reform; if they want to see any of these laws, they had better vote against this amendment. This bill is our only chance to control the bureaucrats out of control.

Why? Because if we do not control their money, they control the veto pen. The President has promised a veto on

property rights. He has threatened a veto on clean water. He has already, and his friends, delayed consideration of cost-benefit analysis regulatory reform. I urge Members to vote against this amendment if they want any of these things done. It is our only chance to control the agenda.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment, which strikes provisions in the bill that restrict or eliminate the Environmental Protection Agency from enforcing guidelines that are authorized under existing environmental laws, like the Clean Air Act and the Clean Water Act. This bill limits the EPA's ability to enforce important provisions of the Clean Water Act. It inhibits the EPA's ability to address critical stormwater runoff and raw sewage overflow problems. It halts the agency's advantage to control industrial pollution.

In Connecticut, this bill would allow raw sewage to continue to pour into local waters from outdated or inadequate sewage treatment and collection systems. Stormwater controls would be eliminated for many urban areas. The result would be widespread degradation of water quality, which would threaten our State's commercial and shellfish industry.

This bill is an environmental travesty. It is a special interest and a polluter's dream. As a result, there will be less environmental protection and increased risk to public health in communities all across this great Nation of ours. Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I rise in opposition to this amendment and this attack on the clean water revisions. I want to say that the revisions that we came out with were really done in a bipartisan fashion. The bill was introduced on an eight to eight basis, eight Democrats and eight Republicans. What this debate is really about is the question of whether Washington will continue to dictate, Washington will continue to regulate.

There have been many misstatements about what we do in the bill. I want to say also that the people that are on this side of the issue care about the environment. We want clean water. We want clean air. However, after 20 years, we have seen mistakes. Let me give an example of what we do. Under current law, we classify dry riverbeds in the West as fishable-swimmable. The gentleman from Louisiana [Mr. HAYES] pointed out a parking lot in the Sands Hotel in Las Vegas which required wetland permitting. We require in Alaska and Anchorage fish guts dumped in to comply with ridiculous regulations.

We are asking for, No. 1, flexibility, No. 2, common sense, and No. 3, for reasonableness. We keep Federal standards, we allow local and State flexibility and responsibility, and we say we can do a better job with less. Our reforms are endorsed by almost every State and local group.

Finally, we are only asking that we bring reasonable, again, common sense to a process that has really grown out of control. Let me say also, I served on the committee that oversaw the question of cement kilns and regulation. We had folks come to us who could have made those changes a long time ago.

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Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], a leader in the environmental movement in the Congress and in the Nation.

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

Mr. SAXTON. Mr. Chairman, I support the Stokes-Boehlert amendment. I think the way this bill is written simply stated, plays Russian roulette with our country's future, with both the health of our economy, and, as has been pointed out here several times, the health of our people as well.

Let me talk for just a minute about the relationship that I see and that many other Americans see between the health of our environment and the health of our economy because I think it is very important.

In March of this year the Times-Mirror magazine did a national survey of 1,003 people, and the second question they asked was this: ''Most of the time do you think environmental protection and economic development can go hand-in-hand, or that we must choose between environmental protection and economic development?'' Sixty-nine percent of those people responded that economic development and environmental protection go hand-in-hand.

That is because there is a very close relationship, because the way people perceive the environment and the economic activities they are willing to partake in that environment are very closely related. In other words, if it is bad for my health, I will avoid that area that is polluted.

That makes perfect sense to me, and, therefore, we need the provisions that exist in current law without this bill in order to continue to protect the environment and provide for an environment in which economic growth will take place.

I speak from some experience. As all of you know, I represent a large section of the New Jersey shore. In 1987 and 1988 we had an historic economic slump that was directly a result of bad ecological policy. We had algae buildup not just in New Jersey but on the shores of Long Island as well. We had red tides and blue tides and green tides. We had sewer sludge dumped offshore. We had medical waste on our beach. We had all kinds of wood burning offshore. People did not visit the shore. It was just that simple. Our economy went into the basket with the environment.

I listened to the gentleman from Syracuse here a few minutes ago, who is a good friend, and it reminded me of when I was a young boy and I used to go to the Finger Lakes to visit my uncle. One summer I went up there and he said, ''You cannot eat the fish or go in the water.'' I said, ''Why not?'' He said, ''Because the farmers who grow grapes on the hills surrounding these lakes have used too much DDT over the years and it has washed into the lakes and the fish are contaminated and they are trying to determine whether or not it is safe to go in the water.''

Do you think that caused degradation to the economy of the area? You bet it did.

In the Chesapeake Bay a few years ago we determined that in the upper reaches of the Susquehanna River, in both Maryland and Pennsylvania, there was a large amount of runoff that came from overuse of fertilizers and pesticides and herbicides by farmers. When the crustaceans and the rockfish and the oysters went away in Chesapeake Bay, do you think that degraded the economy? You bet it did.

This is a close relationship. My Republican friends care about the environment and care about the economy as well.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

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

I rise in strong opposition to the Stokes amendment. We simply should not undo and undermine our Clean Water Act, H.R. 961, by adopting this amendment. We passed it by a large bipartisan majority, 240 to 185. We beat down weakening amendments time and time again. It was openly and publicly debated at length, and this amendment would destroy those reforms.

Let there be no doubt it will destroy the reforms that this House adopted in our Clean Water Act. We should not fund unauthorized programs, but we especially should not fund unauthorized programs that do not work, that are broken.

The current Clean Water Act does not work. One example: The wetlands provisions, which started in 1972, is a very narrow regulatory program, now regulates over 75 million acres of privately owned property.

Mr. Chairman, there is precedent for what we are doing. In the last Congress we included similar language to fence in funds until the Clean Water Act was reauthorized. We are doing that again and we should do it.

We can and we should, by rejection of this amendment and passage of the VA–HUD appropriations, nudge, drive, push the Senate and this Congress to a responsible reauthorization of the

Clean Water Act. So let us reject regulatory excesses by rejecting this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, it is a privilege to serve in Congress. I get up every morning praising the Lord that I have this opportunity. I thought when I was in the majority I would feel even more special about it, because I thought we would not do it the way Democrats did it, legislate in appropriations bills and do a number of other things that I have been critical of for so long that Democrats have done. We are doing it. We are no better. I know it because I see it here.

It is one thing to say that we want clean air and we want clean water, but we just cannot say we want it, we have to have legislation that makes it happen. We cannot say in this bill it is reform. We are not reforming it, we are eliminating it.

What I find particularly immoral is we have laws on the books that people have to abide by, but we are saying that EPA cannot enforce them. I have trouble with legislation that is cutting 25 percent from HUD, which we have rectified in some way, at least rescued part of it. We are cutting 34 percent from EPA. We are being gentle, in my judgment, with NASA. We are saying the veterans do not have to weigh in in any way to help get the financial house in order.

We are gutting EPA and gutting environmental laws, and let us not call it any different than that. I am looking at Republicans because that is where it is at. We are doing it, and we are going to be held accountable, and it is not going to be pretty the next election on this issue.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding me the time.

Mr. Chairman, this bill is chock full of the most egregious overreaching legislative provisions we have ever seen around here, that would gut clean air, gut clean water, gut wetlands enforcement, and many, many other things that are essential to the protection of our environment, our air and public health.

This amendment which I strongly support would take this bill and the many pages of legislation affecting these important environmental protections and tear it out. That is exactly what we ought to be doing. They have no place in this bill, and they run absolutely counter to the opinions and the will of the American people who have not said do less to protect our air and our water and environment but to do more.

What do we get from the new majority party? An absolut;e grinding to a halt of the essential protections for the American people and their concerns about their air, their water and the state of health of our environment.

It is a travesty, it should not be permitted, we should vote for the Stokes-Boehlert amendment.

Mr. Chairman, I strongly support this amendment, which would remove from the bill the numerous restrictions on the Environmental Protection Agency's ability to do its job.

The provisions that this amendment would remove represent an outrageous abuse of the legislative process, including the rule against legislating on appropriations bills. The intent and effect of there provisions are to undermine enforcement of the Clean Air Act, the Clean Water Act, and other laws for the protection of our environment, our lands, and our health.

One of these restrictions even goes so far as to prohibit any action by EPA to protect any wetlands. I recognize that there is considerable controversy and debate about wetlands protection—which lands should be counted as wetlands, and what level of protection they should receive. But I don't think there is any serious support for the idea that no wetlands should receive any protection. Yet that is what will happen if this language remains in the bill and becomes law.

That's just one example, but it makes the point. If we leave these restrictions in the bill, we will be telling the American people that the opponents of this amendment are ready to sacrifice all protection of wetlands just to score a political point, and ready to abuse the legislative process in an attempt to influence debate on authorizing legislation.

Mr. Chairman, the pattern could not be clearer. Just take a look at these restrictions—page after page of regressive, anti-environmental and underhanded provisions. It's no wonder, Mr. Chairman, that Carol Browner, the EPA Administrator, has concluded that this represents ''an organized, concrete effort to undermine public health and safety and the environment.''

If anything, Mr. Chairman, that understates things. The American people need to know what is going on. They need to know that this new Republican majority is determined to undermine the progress we have made in the last several decades in protecting our environment, progress that the American people are proud of and want to see continued.

Mr. Chairman, the American people know that we need to do more, not less, in this area. For instance, two new studies this year tell us that 53 million Americans are drinking tap water that is below standards. What is the response of the new majority in this Congress to this? To do more to clean up the Nation's water? No. The Republican response is to come up with eight different legislative riders to undermine the Clean Water Act and the Safe Drinking Water Act. Hard to imagine.

This Republican sneak attack on the environment should not and will not go unopposed. The American people did not vote last November to roll back 25 years of environmental progress. They did not vote for more pollution, or for backhanded legislative shenanigans to undercut environmental standards just to satisfy the greed and the access paid for with campaign contributions from many industrial polluters.

Unless this amendment is adopted, and these offensive and improper provisions removed, and the bill otherwise substantially improved, it should not be passed by the House and, if it reaches his desk, it should be vetoed by the President.

Mr. Chairman, at my request the Environmental Protection Agency has provided me with information about the effects of this bill on EPA's activities in Colorado. I will submit that information for inclusion in the RECORD, for the information of our colleagues and especially for the information of the people of our State. In summary, EPA states that this bill as it now stands ''would result in serious public health, environmental, and economic impacts for Colorado and other States.''

Of particular concern to me in the possible adverse impact of the proposed reduction in funding for implementing the superfund law [CERCLA] as it applies to the Rocky Flats site, in my congressional district. Regarding that, EPA says:

> A cut in CERCLA would cripple EPA's current efforts with DOE and the State to negotiate the new cleanup agreement, further delaying the stabilization and cleanup of plutonium and other hazardous materials at the site.

This is very disturbing to me, Mr. Chairman, and I submit it should be equally disturbing to all other Members whose districts include sites or facilities covered by Superfund.

The information from EPA is as follows:

INFORMATION PROVIDED BY ENVIRONMENTAL PROTECTION AGENCY

COLORADO

The massive budget cuts proposed for EPA's enforcement and compliance assurance program will have drastic across-the-board effects on the Agency's ability to address real risks to the people and environment of Colorado through traditional enforcement actions, and through our efforts to expand compliance assistance-related activities to those business sectors who have the greatest need, and whose non-compliance poses the greatest problems.

Compliance Assurance Builds Capacity for Compliance by the Regulated Community:

EPA's compliance program includes inspections, assistance to the regulated community through workshops, training, and new initiatives such as industry-based compliance service centers and incentives for voluntary auditing, data systems that help set priorities based on risk and patterns of noncompliance, and support for state programs.

In FY 94, 803 facilities were inspected in Colorado, and 222 enforcement actions taken. These inspections and actions are necessary to ensure that the people of Colorado are protected from the dangers of pollution. Major budget cuts in EPA's compliance assurance program will severely undercut the number of federal and state inspections conducted annually and creates a substantial risk to public health and the environment from unchecked violators. In addition, a vigilant compliance monitoring presence serves as a strong deterrent to possible violations which disappears when the monitoring program is severely curtailed.

The substantial reduction of funding for compliance assistance and outreach activities places a far greater economic burden on industry and businesses to acquire the necessary information on their own to achieve regulatory compliance. The vast majority of all monitoring and inspection activities are conducted by state programs made possible through federal funding. Such massive funding cuts mean that state programs will have to absorb these functions into their own limited budgets or eliminate them altogether.

Enforcement Actions address Significant Risks:

EPA's civil, administrative, and criminal enforcement program also targets those polluters which pose significant risks to the people of Colorado and its environment. The proposed cuts of over 50% to EPA's enforcement and compliance assurance program will essentially dismantle its ability to provide the protections that citizens expect and deserve from the environmental laws. The following are examples of actions that the EPA brought in Colorado which would have been severely impacted by the proposed budget cuts:

In Parker, Colorado, Metrex Research Corporation produced and sold sterilants for invasive medical equipment. EPA tests showed that these sterilants were ineffective. Ineffective sterilants can cause infections to be passed from one patient to another. As a result of EPA's action, two of the Metrex sterilants have been removed from the market, and instructions provided with the others advise purchasers to use them for longer periods of time and at higher temperatures. As a result of this action, people undergoing medical treatment are no longer exposed to potential sources of infection from medical equipment treated with these ineffective sterilants.

The ENRON Corporation, a petroleum refinery in Colorado, exceeded lead standards for gasoline which they produced, potentially increasing airborne lead levels. Airborne lead causes neurological, reproductive, kidney, and gastrointestinal damage, as well as brain disease, colic palsy, and anemia. As a result of EPA's action, ENRON has reduced the level of lead in their gasoline, and worked with EPA to develop nationally significant research studies involving the causes of air pollution.

Federal Facilities Need Attention in Colorado:

Federal facilities in Colorado are also significant sources of pollution, and EPA's enforcement and compliance assurance program will not be able to ensure that they are fully inspected, and that their pollution is safely cleaned up, with the proposed budget cuts.

EPA and delegated States are statutorily required to conduct annual compliance evaluation inspections the all major Federal facilities which treat, store or dispose of hazardous waste pursuant to the Resource Conservation and Recovery Act as amended by the Federal Facility Compliance Act of 1992. In the State of Colorado, there are approximately 4 Federal TSD facilities which receive these annual inspections. EPA and the states' capacity to conduct these important inspections would be severely limited by the proposed cuts to our compliance and enforcement program and this could have an adverse impact on human health and environment in your state. Some major Federal facilities in your state which may not receive these hazardous waste compliance inspections include US DOE Rocky Flats Plant, US Army Fort Carson, and US Army Pueblo Army Depot.

Superfund Cleanup in Colorado would be Negatively Affected:

The Superfund sites on the National Priority List in Colorado include: Rocky Mountain Arsenal, Air Force Plant PJKS, and DOE's Rocky Flats Facility.

DOE's Rocky Flats Site began operation in 1952. The site's primary mission until 1992 was the production of plutonium triggers and other components for nuclear weapons. Located about 16 miles from downtown Denver and Boulder directly upstream from two major drinking water supplies; Rocky Flats has the nation's two most vulnerable buildings due to the improper storage of over 14 tons of plutonium. Manufacturing operations and disposal practices have resulted in extensive environmental contamination from the release of hazardous and radioactive wastes. As a result of numerous criminal environmental violations, FBI and EPA agents raided the site in 1989 and later assessed the site's contractor with $18.5 million in fines.

In 1989, the site was listed on the NPL and in 1991 EPA, DOE, and the State of Colorado signed a CERCLA IAG. In 1992, the site mission changed from production to waste management and cleanup. EPA and the State of Colorado are in the midst of negotiating a new CERCLA IAG to promote stabilization of the plutonium and cleanup of the site, reduce costs through improved project management, and avoid litigation. In light of the close proximity of this site to the Denver-Boulder metropolitan areas, cleanup of the site is crucial. Currently, CERCLA is the only law that provides for external regulation of the cleanup of radionuclides at DOE sites. A cut in CERCLA would cripple EPA's current efforts with DOE and the State to negotiate the new cleanup agreement further delaying the stabilization and cleanup of plutonium and other hazardous materials at the site. In effect, DOE would become self-regulating regarding cleanup of radioactive wastes at the site.

Established in 1942, the 6,500 acre Rocky Mountain Arsenal site has been used by both the Army and private industry to manufacture, test, package, and dispose of chemical products, warfare agents, and munitions including rocket fuels, pesticides, nerve gases, mustards, and incendiary munitions. The site is located in Adams County, 10 miles northeast of downtown Denver. The site has been described by courts as ''one of the worst hazardous waste pollution sites in the country'' due to extensive soil and groundwater contamination from over 750 different hazardous wastes spilled or improperly disposed of in several areas. Three plumes of contaminated groundwater migrated offsite before intercept systems were installed contaminating local wells and forcing EPA and local authorities to provide residents with bottled water.

The site was listed on the NPL in 1987, and in 1989 a CERCLA IAG was signed between EPA, the Army, and other stakeholders. The State is a regulator under its State RCRA authority. Under the proposed CERCLA and EPA budget cuts, EPA would no longer be able to provide adequate technical and regulatory oversight or coordinate with the Army, the State, and the public to establish site priorities and initiatives to streamline and reduce cleanup costs. Ultimately, cleanup efforts would have to be drastically curtailed or halted to take into account EPA's diminished regulatory role.

IMPLICATIONS FOR THE STATE OF COLORADO

In its present form, the 1996 House Appropriations bill for the U.S. Environmental Protection Agency would result in serious public health, environmental, and economic impacts for Colorado and other States. This bill would reduce overall Agency funding by more than one-third, crippling State and EPA programs that help to ensure public health and environmental protection. The State/EPA partnership would be further damaged by riders which would prevent or delay progress in solving some of our highest priority problems. Specifically, the bill would have the following impacts for Colorado communities:

Colorado communities would lose: $2.9 million compared to the President's proposal to help finance wastewater projects; $1.3 million to help address polluted runoff—the State's most serious source of water pollution; $24 million for low-interest loans to help provide safe drinking water (the bill in combination with the 1995 rescission bill completely eliminates the President's $1.8 billion investment for safe drinking water projects)

In total, millions of dollars that would help finance clean water infrastructure, manage essential water programs, and protect the overall quality of life for the State's citizens would be lost.

Funding for monitoring and standards programs would be eliminated or severely curtailed, limiting the State's ability to assess local conditions for public and ecological uses, issue wastewater permits to local governments and industries, and move towards more site-specific and flexible watershed protection approaches.

Currently, 12% of assessed rivers and 8% of assessed lakes fail to meet State designated standards for fishing, swimming, and other uses. Budget cuts and programmatic restrictions would increase the number of waters unable to meet these standards.

Colorado examples:

The Colorado Water and Power Authority has taken the necessary steps to establish a Drinking Water State Revolving Fund to make low interest loans to communities which need to improve their safe drinking water systems. The loss of the drinking water loan program will force a number of communities to seek other—more costly—financing. Higher costs will be passed on to their customers.

The proposed bill would eliminate the state's ability to use EPA funding to fund wetland studies to protect wetland resources despite local support for such protective measures. For example, San Miguel County used EPA funds to identify important wetlands. Because the County believed that further wetlands losses were unacceptable, they then increased protection of wetlands in the County. The County ordinance has served as a model to many counties who are pursuing similar goals for wetland protection. Also, Park and Summit Counties have expressed interest in pursuing wetlands measures, but could not use EPA funding. Several other counties are currently using wetland grant funding from EPA to inventory wetlands, and these funds would not be available if the House Appropriations bill is enacted.

Colorado may lose federal funding for water quality monitoring. State officials use this data for determining when fish are safe to eat and when swimming can be allowed without danger.

COLORADO—SUPERFUND IMPACTS

The House mark does not provide funds to begin any new projects, either Fund or Responsible Party lead. At least 1 construction project slated to begin in Colorado in FY 96 would have to be delayed. A synopsis of these projects follows:

SUMMITVILLE—SUMMITVILLE MINE

The Summitville mine site is located in the mountains of southern Colorado. Bankruptcy and abandonment by the gold mining and gold recovery operators resulted in potential release of catastrophic amounts of heavy metals and cyanide to the nearby stream. EPA emergency actions have prevented those dire consequences. Fish kills have been reported from Wightman Fork, the receiving stream, to the Terrace Reservoir, approximately 20 miles downstream from the site. Terrace Reservoir water is used for irrigation by San Luis Valley farmers. Current plans call for consolidation and capping, biological treatment, and reclamation. Some of this work will be done using existing available funds. If the remaining work is not funded and the significant water treatment that continues to be needed in the long-term ceases, the contaminated water will be released, severely impacting stream-life and agricultural uses.

COLORADO—REFINERY AIR TOXICS IMPACT

The refinery air toxics rider creates a unique ''loophole'' for a single industry, undermining the air toxics program Congress established in the 1990 Clean Air Amendments. Nationally, the health and environmental impacts of this action will be significant—4.5 million people face elevated risks of cancer and other health probelms from these facilites. In Colorado, there are two refineries which emitted 193,319 pounds of toxic air pollution, according to information submitted by the facilities themselves to EPA's Toxic Release Inventory.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I am grateful to the strong bipartisan majority which has brought, finally, some reform to this area of clean water and tried to rein in the gross abuses of bureaucratic agencies like the EPA. This amendment is a direct assault on that effort to bring reform. Many of the people who are supporting this amendment opposed us tooth and nail when we tried and successfully did pass the Clean Water Act off the floor of the House.

We have been attacked as being special interests. I chaired a task force, the wetlands task force of the Committee on Resources. I invite the Members to get its report. This is full of the so-called special interests, and who are they? They are the property owners, the farmers, the ranchers, the business people, the church people, all of whom have been negatively and unfairly impacted by agencies such as the EPA.

Let me just cite one example of the so-called special interests that we heard from. Nancy Klein, mother of five. She and her husband bought a farm in Sonoma County, 350 acres. For the crime of farming, they came under criminal scrutiny of the EPA.

Let me just quote from her so Members can get the flavor of this:

The FBI and the EPA interrogated our neighbors, acquaintances, strangers. They asked if we were intelligent. They asked about our religion. They asked if we had tempers. They asked how we treated our children. For 11 months, the squeeze continued. Our property was flown over by military helicopters, Federal cars monitored our home, and our children's schools.

The EPA is abusing its authority. Oppose the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. I thank the gentleman for yielding me the time.

Mr. Chairman, this is not a debate about protecting the environment, because we are all concerned about protecting the environment of this great country. But this is a debate about the aggressive tactics of EPA relating to new regulations and enforcement of those regulations with little regard to the cost or the benefit of the regulation.

Wenever I go back to western Kentucky in my district and visit with small farmers, coal operators, businessmen, large and small, all of them plead to get EPA off their back and for EPA to be more balanced in its approach.

Last July, EPA proposed additional standards to control emissions of air pollutants for refineries. The industry went in and tried to work with them to reach an agreed regulation and standard at a reasonable cost. EPA was not satisfied and decided to proceed with maximum achievable control technologies.

I want to talk for a moment about the facts of that technology. First of all it is based on emissions data that is 15 years old. It will cost the refineries in this country between $77 million and $110 million a year. EPA's own regulatory impact analysis characterized the benefits of this technology as minimal. Even the Department of Energy is saying, if you introduce these new standards, the benefits will be minimal.

I would urge my colleagues to oppose this amendment and adopt a more reasonable approach for EPA.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. I thank the gentleman for yielding me the time.

Mr. Chairman, I find it quite interesting that the same people who are proposing this amendment were not down on this floor just a few days ago yelling and screaming about legislating on an appropriations bill when we appropriated money for the Endangered Species Act which ceased to exist in 1992 and has been kept alive solely by the appropriations process.

Nor were they on this floor yesterday complaining about the Coastal Zone Management Act which has expired and is being kept alive by the appropriations process.

Again I think what we are witnessing here today is exactly what led us into this problem to begin with. That anytime that a Federal agency wants to do something, when an out-of-control bureaucracy like the Environmental Protection Agency, which in my district has decided it would be a great idea to tell people they can only drive to work 4 out of 5 days——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise in very strong support of the Stokes-Boehlert amendment.

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Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I rise today in support of the bipartisan Boehlert-Stokes amendment and against those provisions in H.R. 2099 which threaten human health and the environment.

I support the goal of reforming our regulatory system and voted for many of the regulatory reform provisions contained in the Contract With America. Today, however, we considered an appropriations bill loaded with far-reaching legislative riders that prohibit the EPA from enforcing key environmental laws like the Clean Water Act.

One of the most onerous riders will prohibit EPA from spending funds to enforce its stormwater permitting program. In southern California, stormwater or nonpoint source pollution is now recognized as the major threat to Santa Monica Bay. Without effective enforcement, stormwater will continue to pollute the bay—resulting in harm to the coastal environment and to the local economy by keeping tourists away from our beaches.

Additionally, the bill prohibits EPA from implementing and enforcing its wetlands permitting program. Over 90 percent of California's wetlands have already been lost—we cannot afford to let those remaining—like the Ballona wetlands in Playa del Rey—slip away as well.

We must be able to get together on a bipartisan basis to craft fair regulatory reform. We need hearings, authorizing legislation and good, healthy public debate on the issues. Legislative riders on appropriations bill were not part of the voters' mandate last November.

We can always do regulation better, but we can't afford to turn our backs on human health and the environment. I urge my colleagues to adopt the Boehlert-Stokes bipartisan amendment—our future depends on it.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I want to speak about one rider that would be stricken by the Stokes-Boehlert amendment, the inspection and maintenance rider.

Mr. Chairman, right now, EPA wants to institute for northern Virginia a State-run-test-only regime for auto emissions inspections. Currently, we have 900,000 auto emissions tests conducted annually in northern Virginia at 375 service stations.

What does the EPA want to do? They want to take these 900,000 tests and, instead of 375 privately run inspection stations, move them to as few as 12 State-run inspection stations. It means long lines, inconvenience, small service station workers out of work; but more importantly, what happens if during these inspections there is something wrong? Seventy-five thousand motorists failed last year. They will have to drive that dirty car to another place, get it repaired and drive it back again. How in the world does this help clean air?

The Commonwealth of Virginia has been working with the EPA for the last 2 years to try to work out this agreement, and EPA remains inflexible on this issue.

Mr. Chairman, I would love to wait for the authorization. We cannot wait; they are threatening to take away our highway money. This rider needs to stay in.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to reluctantly oppose the gentleman from Virginia [Mr. DAVIS], but to enthusiastically endorse the amendment being offered here today.

Mr. Chairman, I consider myself a pragmatist and someone who tries to look for the middle ground on issues, whether it is environmental safety versus job creation, or worker rights versus the rights of the company management. In this case, I ask my colleagues on the Republican side to look carefully at what we are doing here.

Mr. Chairman, some of these riders may, in fact, be very valid. I am not here to speak against all of the provisions, but I can tell my colleagues that some of them, to me, on the surface and substantively are very egregious. We should move very carefully on this amendment.

I say to my colleagues on the Republican side, everyone is watching this vote, their Governors, their local officials. In my State, it is going to devastate some positive impacts being made on clean water, on sewage discharge.

I would urge my Republican colleagues, please look carefully at this vote, and support the amendment offered by the gentleman from New York [Mr. BOEHLERT].

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I am the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce. I have held 8 hearings in my subcommittee this year alone on the Clean Air Act amendments of 1991. That is an average of over one hearing a month on that one act which has six titles.

There is one title in that act that has, in one section, over 27 subsections that we are holding hearings on. All of the amendments that are in the appropriation language that the gentleman from Ohio, [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] are attempting to strike have been reviewed at staff level by the Committee on Commerce staff and we do support that these amendments be in this bill.

We know that the authorizing committee needs to act, and we fully intend to act, but we simply yet have not had time to go through the complete record on just for example the Clean Air Act alone.

Mr. Chairman, my colleagues might be interested to know that one of the things that the language in the bill of the gentleman from California [Mr. LEWIS] is attempting to delay implementation of is a maximum achievable control technology standard for refineries that the EPA is under court order to have ready to release today, July 28, 1995.

Mr. Chairman, they have to release it today, because they got a 60-day extension back in May. They are not going to be ready. They have said they are not going to be ready. My colleagues may be interested to know that there is an arsenic and a radon standard that EPA is supposed to implement this year that they are not going to be able to implement.

This language simply gives us time to review the act to make these changes possible. Vote ''no'' on this amendment.

Mr. Chairman, I rise in opposition to the amendment.

The Oversight and Investigations Subcommittee of the House Commerce Committee, which I chair, has held a series of hearings on EPA's implementation of the Clean Air Act amendments. In our examination of the act, we have covered many of the issues that are the subject of discussion today. For instance, on March 16 of this year, a hearing was held on employee commute options. On March 23 and 24, hearings were held on inspection and maintenance programs. A hearing was held on the operating permits program on May 18. And hearings on the hazardous air pollution program were held on June 29 and July 21.

In every one of these cases, witnesses testied that either changes were needed to the Clean Air Act itself, or changes were needed in the implementation of the act by EPA. For instance, in the area of inspection and maintenance, the subcommittee heard scientific evidence questioning the validity of the so-called 50-percent discount for decentralized programs. In addition, State representatives from Texas, Georgia, Pennsylvania, and Virginia criticized EPA's heavy handed approach in pushing centralized testing. A State representative from Georgia testified that for States, it is EPA's way, or the highway, that is, no highway transportation funds if States do not adopt centralized testing.

Likewise, a hearing on hazardous air pollutants, indicated overstepping by EPA in the development of the hazardous waste combustion MACT. In that hearing, EPA testified before the subcommittee that maximum achievable control technologies are to be established based on control technologies from existing sources. Yet testimony established that EPA is not developing MACT standards for hazardous waste combustion from existing sources.

At other hearings, testimony was heard concerning how inflexible the act and EPA has been in regards to the operating permit program, employee commute options, refinery MACT and other issues. Therefore, I believe a solid record has been established that these changes need to made.

Unfortunately, because of deadlines imposed both by the Clean Air Act and by EPA, some of which are even now beginning to fall, we do not have the luxury of year-long deliberations over legislation. Let me add that I intend to address these issues and others that are just as important but not as time sensitive in legislation this fall.

However, because the MACT for refineries has a court ordered deadline of July 28, action later this year may not be timely. Similarly, the MACT for hazardous waste combustion is scheduled to be proposed in September of this year. Companies may begin to comply with these standards before changes can be made. As for inspection and maintenance, even today, many States are potentially subject to sanctions. In the next several months, many will be forced to make decisions on the types of inspection and maintenance programs they intend to implement. The proposed provision in the bill will help clear up confusion States have over what type of inspection and maintenance program they can propose, and allow States to begin to move forward.

For these reasons, I urge my colleagues to oppose the amendment.

I also provide the following additional comments.

EXPLANATION OF RIDERS AND LEGISLATIVE LANGUAGE AFFECTING COMMERCE COMMITTEE JURISDICTION IN VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS BILL

I. RADON AND ARSENIC IN DRINKING WATER

The appropriations language provides that none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing a national primary drinking water regulation for radon and other radionuclei: Provided further, That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing any proposed national primary drinking water regulation for arsenic.

Background

Under the Safe Drinking Water Act Amendments of 1986, EPA was required to regulate 83 specific contaminants in drinking water, including radon and arsenic, by June 1989. EPA has issued regulations for nearly all of the specified contaminants, but not for radon or arsenic. As described below, these contaminants have presented particular problems for the regulators.

Radon.—While radon can enter a home through drinking water, most radon in homes comes from the soil beneath the foundation of the dwelling. Nonetheless, the Safe Drinking Water Act requires EPA to regulate radon in drinking water. The costs of controlling radon in drinking water are high; each source of groundwater must be equipped with an aeration device that separates the radon from the drinking water. The benefits, however, are usually considerably lower than the costs because most radon in homes comes from sources other than drinking water.

Congress has adopted appropriations language prohibiting EPA from issuing a radon regulation for the past three years. It is appropriate to continue this prohibition for another year while the Commerce Committee takes a careful look at this issue in the context of reauthorization of the Safe Drinking Water Act.

Arsenic.—EPA's existing standard for arsenic in drinking water is 50 parts per billion. However, EPA is required by the Safe Drinking Water Act Amendments of 1986 to revise this standard. In fact, EPA is under a

November 1995 court-ordered deadline to issue such a proposed standard.

There are, however, a number of uncertainties in our understanding of the health effects of arsenic. EPA has concluded that there is a need for additional time to gather additional information on the potential health benefits of regulating arsenic and on potential treatment technologies before proceeding further with these regulations.

Indeed, in the bill to reauthorize the Safe Drinking Water Act which passed the House last year, both Republicans and Democrats agreed to extend the statutory deadline for revisions to EPA's arsenic standard to give EPA more time to understand the health effects of arsenic.

Therefore, it is appropriate to use the VA, HUD appropriations bill to prohibit EPA from revising its arsenic standard until the Commerce Committee has had an opportunity to review this issue in the context of reauthorization of the Safe Drinking Water Act.

II. EMPLOYEE TRIP REDUCTION

The appropriations bill provides that: none of the funds appropriated under this heading may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act, as amended, shall not apply with respect to any such requirement.

background

The Employee Trip Reduction Program (ETRP or ECO (''employee commute option'')) is required by the 1990 Clean Air Act Amendments. The law applies to the nine smoggiest cities in the United States and requires employers with more than 100 employees in those areas to develop plans that will reduce employee's average vehicle occupancy (AVO) during commuting time by 25 percent.

On March 18, 1995, the Oversight and Investigations Subcommittee held a hearing on ECO. The Subcommittee received testimony from employers and States which are subject to the requirement. Most of the testimony was critical of the requirement; several witnesses testified that the costs of developing and maintaining such programs far exceeded the benefits, *i.e.,* reduced air pollution.

EPA defended the program as necessary to reduce total ''vehicle miles traveled'' (and hence, air pollution) but said that it would require States and employers to make only a ''good faith effort'' for compliance. EPA's commitment to use prosecutorial discretion, however, would not protect a State or employer from a citizens' suit under Section 304 of the Clean Air Act. Chairman Barton asked EPA to consider whether legislative changes to the ECO program are required.

As a direct result of the March 18, 1995, hearing, EPA convened a ''working Group'' to assess ECO. This group met twice and then issued a report to the Clean Air Act Advisory Committee (CAAAC). The report was largely accepted by the CAAAC and then referred to EPA for action. The report called for several efforts to increase the ''flexibility'' of the ECO program but did not address whether the ECO program requires legislative changes.

On July 11, 1995, EPA wrote to Chairman Barton to announce its implementation of the CAAAC recommendations. EPA agreed to allow ''regionalization'' of the program at the behest of a State, to only require good faith efforts for compliance, to allow more flexible credits and too allow seasonal rather than full year ECO plans. Additionally, EPA accepted an ''emission equivalency'' proposal (albeit with some important distinctions discussed below).

Appropriations bill language.—The FY96 VA, HUD appropriations bill contains language that prohibits EPA from spending any money to ''impose or enforce any requirement'' that a State implement ECO. The appropriations bill also provides that Section 304—which authorizes citizens' suits—shall not apply to the ECO program. Thus, the language seeks to bar EPA from enforcing trip reduction requirements against a state (through an applicable State Implementation Plan or through the sanctions afforded under the CAA) and against an employer (for violation of an employer's duties to implement the program under the CAA). Additionally, the language seeks to insulate States or employers form being sued for non-compliance with ECO requirements under the citizen suit provisions of the CAA. The citizen suit provisions allow ''any person'' to bring a civil action against ''any person'' in violation of an emission standard or limitation under the Act.

Explanation of the appropriations bill language.—This language is based on several considerations:

(1) EPA's efforts to ''reform'' the program administratively have come up short. Despite EPA's proposed reforms, affected States and employers will still be required to develop the required plans, or risk lawsuits by citizens groups.

(2) It appears unlikely that EPA will use its administrative authority to make the program workable. Indeed, EPA remains committed to the statutory language of ECO. In a June 29, 1995, memorandum, EPA stated ''we want to emphasize our continued support for the numerous trip reduction strategies that are currently available within the program. We believe it is important to preserve the overall trip reduction focus of ECO programs.''

(3) EPA has shown no interest at all in statutory reforms of the ECO program. During its ''Working Group'' effort to define alternatives to ECO, the Agency tried to rule out any statutory approaches. Although several members of the Working Group supported such changes, these recommendations were not accepted by the Clean Air Act Advisory Committee. Additionally, EPA Assistant Administrator for Air and Radiation, Mary Nichols, has been quoted recently as opposing any attempts to reopen the Clean Air Act, including even minor revisions. Thus, even though EPA does not have sufficient legal authority to fix the program administratively, it continues to oppose efforts by Congress to give it that authority.

(4) Time is of the essence. States were required to file ECO revisions to their State Implementation Plans (SIPs) in 1992. Some States now have approved ECO SIPs;, some are pending EPA approval. In either event, the program continues to be mandatory and States and employers are subject to citizens suits. The appropriations rider—a 12-month fix—will give the Commerce Committee time to consider whether legislative changes to the program are needed, and if so, how best to obtain those changes.

III. ENHANCED INSPECTION AND MAINTENANCE

The appropriations bill provides that: ''none of the funds appropriated under this heading may be used to assign less than full credit for automobile emissions inspection programs required under 182 (c), (d), or (e) of the Clean Air Act, as amended, on the basis of network design equipment unless the Administrator determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate''.

The Clean Air Act Amendments of 1990 require ozone nonattainment areas designated as ''serious,'' ''severe,'' and ''extreme'' to implement a program of ''enhanced'' inspection and maintenance (I&M). A number of such nonattainment areas have attempted to comply with the law by ''enhancing'' their existing decentralized ''test and repair'' programs. A ''test and repair'' program is one in which a car can be tested and repaired at the same location, typically at a service station. However, EPA has concluded that such ''test and repair'' programs are not as effective as ''centralized'' programs, *i.e.,* programs in which cars are tested at one facility and repaired at another facility. In its regulations implementing the enhanced I&M program, EPA has said that it will give ''test and repair'' programs only 50 percent of the credit that ''centralized'' programs receive.

Appropriations language.—The FY96 VA, HUD appropriations bill contains language that prohibits EPA from using funds to assign less than full credit for automobile emissions inspection programs unless EPA determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate.

Explanation of the appropriations language.—In testimony before the Commerce Committee, GAO has questioned the quantitive basis for EPA's assumption that ''test and repair'' I&M programs should receive only 50 percent of the credit awarded to centralized programs. The appropriations language would prohibit EPA from assigning less than full credit unless less than full credit is justified by actual data from the operation of a ''test and repair'' system.

IV. REFINERY MACT

The appropriations bill provides that ''none of the funds appropriated under this heading may be used to develop, propose, promulgate, issue, enforce, or to set or enforce compliance deadlines or issuance schedules for maximum achievable control technology standards pursuant to section 112(d) of the Clean Air Act, as amended, for the category proposed to be regulated at Vol. 59, Federal Register, No. 135, page 36130, dated July 15, 1994, and for purposes of this provision, section 304 of the Clean Air Act shall not apply''.

The Clean Air Act requires EPA to identify and enforce ''maximum achievable control technology'' (MACT) standards for a number of industries, including refineries. MACT standards are designed to limit the emission of Hazardous Air Pollutants (HAPs). For existing sources, the standards are to be no less stringent than ''the average emission limitation achieved by the best performing 12 percent of existing sources.'' For new sources, the MACT standards are based on ''best controlled similar source.''

EPA is under a court-ordered deadline to issue MACT for refineries by July 28, 1995. EPA is preparing to adopt a definition of MACT for refineries which would, according to the National Petroleum Refiners Association (NPRA), result in the shutdown of seven small refineries. This language would prevent EPA from finalizing a MACT standard for refineries for one year, thereby giving the Commerce Committee time to assess whether EPA is exercising its authority properly and whether there are statutory problems with Title III of the 1990 Clean Air Act Amendments which need to be corrected.

At a June 29, 1995 hearing of the Oversight and Investigations Subcommittee, the NPRA argued that the Refinery MACT standard was flawed because:

EPA relied on data from the early 1980's, instead of available 1993 data on industry equipment leaks. This data was used to estimate the benefits that would be expected from the regulation.

In designing its regulation, EPA used a ''worst case scenario'' which assumed that some population lives within 150 feet from the center of every refinery in the country.

This assumption served to skew risk assessments.

Even with flawed data and risk assessments, NPRA argued that EPA's own analysis of the rule demonstrated that up to 7 refineries would close due to the regulation and that the regulation would cost $800 million over five years while reducing baseline cancer incidence by 0.33 persons per year. NPRA argued that such a risk approached zero and was not cost effective as compared to other risks facing society ($31,000/yr cost effectiveness for death averted for improved traffic signs, $101,000/yr. For upgraded guard rails versus $333,300,000/yr for the Refinery MACT rule).

V. RISK MANAGEMENT PLANS FOR THE OIL AND GAS INDUSTRY

The appropriations bill provides that: none of the funds appropriated under this heading shall be obligated or expended to take any action to extend the risk management plan requirements under section 112(r) of the Clean Air Act, as amended, to the domestic oil and gas exploration and production and natural gas processing industry.

Section 112(r) of the Clean Air Act requires certain sources of toxic air emissions to prepare a risk management plan to prevent accidental releases of such emissions. This section of the Clean Air Act was added by the 1990 Clean Air Act Amendments and was intended to address ''Bhopal-type'' releases where human health and the environment are threatened.

EPA issued a list of substances subject to 112(r) regulations in January, 1994. On March 13, 1995, EPA issued a supplemental notice to the regulation which discussed several different approaches, including a ''tiered'' regulation of sources which essentially varies the level of effort depending on the level of risk. At present, these regulations have not been issued in final form.

EPA is interpreting certain provisions to require risk management plans for separate oil and gas wells, instead of for groups of oil and gas wells. Oil and gas producers contend that this could result in costly equipment being mandated for remote exploration and production facilities. Oil and gas producers estimate that 112(r) requirements could cost the oil and gas exploration industry $7 to $12 billion in the first year.

Effect of Appropriations Language

The language is intended to prevent any application of risk management plan requirements to the oil and gas exploration, processing and natural gas production industry. The key element of this amendment is the definition of ''oil and gas exploration and production and natural gas processing industry.'' This language was altered between the subcommittee and full Appropriations Committee consideration. At the subcommittee level, the language read, ''oil and gas exploration, processing and production industry.'' Mr. Lewis offered an amendment at the full Appropriations Committee to alter the language to its current form.

''Oil and gas exploration and production'' involves such things as rigs and test equipment, usually found in remote locations. The definition also appears to cover the ''Christmas tree'' constructed to remove oil and gas for production. While there is some uncertainty, field plants for production may additionally fall under the definition; while major production plants may not.

With the specification of ''gas processing industry,'' however, some have argued that refineries now may be included within the prohibition on funds. That is, some may argue that the appropriations language prevents requiring 112(r) plans not only for remotely located exploration and production activities, but larger plants which can be located in industrial and more populated areas.

According to the Appropriations Committee report, this language is necessary ''so that Congress will have the opportunity to determine if the Agency has overstepped their regulatory bounds with respect to this action.''

VI. HAZARDOUS WASTE COMBUSTION MACT

The appropriations language provides that: ''none of the funds appropriated under this heading may be used to issue or enforce any requirement not otherwise authorized under existing law or regulation with respect to combustion of hazardous waste prior to promulgation of final regulations pursuant to a rulemaking proceeding under the Administrative Procedure Act or to impose or enforce any requirement or condition of a permit, including the use of an indirect risk assessment, or to deny a permit pursuant to section 3005(c)(3) of the Resource Conservation and Recovery Act, as amended, unless the Environmental Protection Agency follows the procedures governing the use of authority under such section which it has set forth at 56 Fed. Reg. 7154, note 8, February 21, 1991: Provide further, That none of the funds appropriated under this heading may be used to issue or enforce any regulatory standard for maximum achievable control technology (MACT) for hazardous waste combustion under any statute other than the Clean Air Act, as amended, issue any such standard without first determining that in calculating the MACT floor emission levels for existing sources under section 112(d)(3) of the Clean Air Act, as amended, one-half of the currently operating facilities in the group of sources that make up the floor pool for that category or subcategory actually achieve the MACT floor levels for all of the hazardous air pollutants to be regulated''.

After the Love Canal crisis, Congress made the determination to discourage the further land disposal of certain kinds of hazardous waste. EPA made the determination that combustion of hazardous waste was the best alternative for the disposal of most organic hazardous waste. Hazardous waste combustion occurs by two basic methods: (1) as input to hazardous waste incinerators; and (2) as fuel substitutes for boilers and industrial furnaces, including cement kilns.

Hazardous waste combustion units are already stringently regulated by two different but similar sets of regulations under RCRA. (Subpart O regulates incinerators: boilers and industrial furnaces (BIFs) are regulated under the BIF rule. Both sets of rules impose stringent emission limitations and other requirements ''as necessary to protect human health and the environment.'' In addition, hazardous waste combustion units are subject to regulation under Section 112 of the Clean Air Act dealing with Hazardous Air Pollutants. That section requires EPA to propose a Maximum Achievable Control Technology (MACT) for major sources of certain hazardous air pollutants. EPA is required to make its RCRA and Air Act limits for these units consistent to the extent practicable. This has been generally referred to as the ''combustion strategy''.

Problem

Congress was very specific about how EPA was to determine the floor for MACT standards. EPA was to set the floor at the average of the top twelve percent of *existing* source facilities. EPA appears to be setting a standard that is not based on existing sources, even though in recent testimony before the Oversight and Investigations Subcommittee, Ms. Nichols stated that such standards were to be based on existing facilities. EPA also appears to be setting a MACT standard for hazardous waste combustion that improperly commingles authority between Clean Air Act and RCRA authority.

In addition, EPA has been conditioning RCRA permits on requirements that have not been subject to the full notice and rulemaking under the terms of the Administrative Procedure Act. Thus, EPA has used its permitting authority to achieve what it refuses to subject to actual regulatory development.

Appropriations language

Arguably, the language requires that EPA do only what it is already required to do. The language prohibits EPA from: (1) the use of permit conditions without site specific findings; (2) the setting of MACT standards under any authority other than the Clean Air Act; (3) the setting of a MACT standard without making the required finding that certain facilities are achieving the standard.

VII. OPERATING PERMITS

The appropriations bill provides that ''none of the funds appropriated under this heading may be used to promulgate, implement, or enforce sections 502(d)(2), 502(d)(3), or 502(i)(4) of the Clean Air Act, as amended, against a State which is involved in litigation regarding provisions of Title V of the Clean Air Act, as amended.''

This language would prohibit EPA from promulgating, implementing or enforcing the operating permits requirements against any State which is involved in litigation regarding provisions of operating permits title. This prohibition in intended to apply in Virginia—and in any other State—where deadlines have not been met for submittal of an operating permits program, approval of a state operating permits program by EPA, or imposition of a federal operating permits program (upon failure of a state to submit or gain approval of its own program).

The Commonwealth of Virginia submitted its operating permits program to EPA for approval on November 19, 1993. EPA disapproved the Commonwealth's proposed program on December 5, 1994 because of one alleged deficiency: EPA said the Commonwealth's ''citizen suit'' provision was not broad enough. Virginia has sued EPA over this assertion.

Because Virginia does not have an approved operating permits program, the Commonwealth will become subject to sanctions (withholding of highway funds and offsets) on November 15, 1995. In addition, EPA would be required to implement an operating permits program for Virginia by November 15, 1995. This means that after November 15, 1995, Virginia businesses could be required to apply for permits from EPA's Regional Office in Philadelphia.

The appropriations language prohibits EPA from imposing sanctions on Virginia and from promulgating, implementing or enforcing a federal operating permits program in Virginia and in any other State which is currently involved in litigation with EPA on operating permits issues. Currently, 14 States (and 30 localities) have operating permit programs which have been approved by EPA. Thus, a number of States are still subject to uncertainties concerning what should be in their operating permits program.

In addition, EPA is presently proposing significant changes to the Title V program. Although the Agency issued a final rule to implement Title V in July, 1992, challenges to the rule forced proposed modifications in August, 1994. These modifications themselves were heavily criticized and resulted in a January 25, 1995 decision to work a new proposal. Most recently, the Agency issued a ''White Paper'' on Title V (issued 7/10/95) which proposed further reforms. Thus, some have referred to Title V as a regulatory ''moving target.'' Although the general intent of revisions is to correct past deficiencies, states

and the regulated community are uncertain as to what the final elements of the Title V permits program will be, especially with regard to modifications made to a source subject to a permit.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Chairman, I rise in strong support of the amendment under consideration.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, I rise in strong support of the Boehlert-Stokes amendment.

Mr. STOKES. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, many of us have observed, during the debate, that the American people value the environmental goals of clean water, clean air, and reductions in hazardous materials. The public support has been strong for many years and we fully expect it to continue.

My colleagues should not be fooled by the rhetoric of the opposing side. There will be a price to pay for our actions today.

Mr. Chairman, these riders in the life of the Clean Water Act put numerous special interest loopholes in the Clean Air Act and block efforts to keep poisons out of our drinking water. This is not what the Americans want or deserve. Let true reforms go forward.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I think the gentleman from New Jersey [Mr. SAXTON] said it well. He said, ''My uncle used to tell us you cannot eat the fish and you cannot go in the water.''

Mr. Chairman, I think all of us who have spoken today have had similar experiences in our district one time or another; certainly those of us from the Great Lakes and those along the Chesapeake. I have listened to the gentleman from New Jersey [Mr. SAXTON]; I have listened to the gentleman from Delaware [Mr. CASTLE]; the gentleman from Maryland [Mr. GILCHREST], the gentleman from Michigan [Mr. LEVIN], on my side of the aisle; the gentleman from New York [Mr. BOEHLERT].

Mr. Chairman, for more than two decades this country has had a bipartisan commitment to protecting the environment. We have done so because we recognize that as a nation, our economy, our jobs, our tourism, our health depend upon keeping our land safe and our water clean.

But we have a bill before us today that rolls back environmental safeguards in 17 different ways. Let me give you an example.

Mr. Chairman, when I was a kid, I used to ride my bike and go swimming during the summer in Lake St. Clair. Last year the kids in my district could not swim in the lake because bacteria levels had reached dangerously high levels. Beaches closed. Businesses lost millions of dollars.

When we looked into what caused the problem, we found that untreated raw sewage was being dumped directly into the water supply because aging sewer systems could not handle the demands of a larger population, permits were issued and they were not being enforced. In some cases, the State had to let permits actually lapse for as many as 20 years.

Mr. Chairman, we know our district is not alone in this. We have heard that today on the floor. All over America, local communities need help. But instead of helping local governments, this bill takes away the tools they need to do the job.

It freezes all new wastewater treatment projects. It kills the loan funds set up to help local communities build safe drinking water facilities. It sets up a hollow permit process in which new sewage permits can be issued, but they cannot be enforced.

This bill is the sewer equivalent of opening the prison door, throwing away the key and firing the guard. Raw sewage will be left to roam free through our water supply, and we may not even know that it is there until it is too late, like in Milwaukee where 104 people were killed as a result of the parasite Cryptosporidium.

Mr. Chairman, it is time we returned some common sense and concern for our communities into this debate and that is why I am supporting the Stokes-Boehlert amendment. Even if we adopt this amendment, this will not cure what I think is a fatally flawed bill, because it will still cut funds. This bill will cut funds needed to keep raw sewage out of our water. It will still cut funds we need to keep our drinking water safe, and it will still cut funds we need to help our local communities keep our environment clean.

Mr. Chairman, I urge my colleagues to support this amendment, but defeat this bill.

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

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

Mr. Chairman, I am not disappointed in this process; I am offended by it. Do my colleagues know what this bill says, these 17 riders? Among other things, they say that none of the funds appropriated may be used for any proposed national primary drinking water regulation for arsenic. This bill prevents action to control raw sewage overflow in our urban areas. This bill would put a halt to regulation dealing with toxic emissions from oil refineries.

Is it any wonder that every single group in America concerned about the environment, every single group in America concerned about our families is watching what we are doing here and they are going to remember what we do here?

Mr. Chairman, many of my colleagues, for whom I have great respect, have defended these riders and they have argued that they are necessary to send a signal. They want to send a signal to the Senate to get moving on some of the legislation pending over there. They want to send a signal to the bureaucrats in the Environmental Protection Agency to maybe adjust the way they do business.

Mr. Chairman, I think we ought to send a signal. I think we ought to send a signal to the American people that we care about the air they breathe; we care about the water they drink; we are concerned about their environment.

Vote ''yes'' for America.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very significant vote. I would like to dispel the underlying assumption that those Members who have risen in opposition to this proposal are opposed to clean drinking water or they do not want the air to be clean.

Mr. Chairman, one of the most important things that ever happened in my life in public affairs was in the late 1960's when the country discovered the word ''environment.'' We began a movement to progressively move in the direction of improving our air and doing something about clean water.

The EPA came out of some of that work. But the reality is, over the years this agency has gone to such excess that today we are losing public support for that important environmental movement.

I was the chairman of an air quality committee in California. In that capacity I was the author of the toughest environmental laws in the country relating to air. I wrote the legislation that created what is recognized as the leading agency in terms of air quality in the country.

At the same time, I had to deal with the EPA and its constant process of developing regulations beyond the law, its willingness to put regulation on top of regulation for the sake of it. It is now time for us to step back and insist that this agency get its act together and reflect the will of the people and the will of the Congress. Otherwise, Mr. Chairman, we are going to lose all of the support that we have developed over these years for significant and important environmental law.

□ 1315

That is why, ladies and gentlemen, we have this list of people and organizations strongly opposing this amendment today, the following groups: the National Federation of Independent Business, the National Association of Counties, the National Association of

Flood and Storm Water Managers, people who are concerned about flood and storm waters, the National League of Cities, the National Association of State Departments of Agriculture, the American Farm Bureau Federal Federation, the U.S. Chamber of Commerce, Concerned Citizens for Property Rights, the National Association of Home Builders, the National Association of Realtors, the National Rural Electrical Cooperative Association. And the list goes on.

But we have an agency, the EPA, out of control. Ladies and gentlemen, the language in this bill comes with the support of virtually all of the chairmen of the committees of jurisdiction. Without any doubt, we are moving in the direction of attempting to send a clear message to EPA. It is time for us to redirect this agency so it makes sense, so the public can once again support this very important work.

Mr. LEVIN. Mr. Chairman, the five Great Lakes contain 95 percent of the fresh surface water in the United States.

Fresh surface water for drinking, for fishing, and recreation for millions of Americans.

And for the last 9 years, the States bordering the Great Lakes have worked together to find new ways to reduce toxic chemicals dumped into the lakes.

Two years from now, the result of this work, this bipartisan eight-State effort known as the Great Lakes Water Quality Initiative, will be done. And we will actually begin to: cut the amount of mercury dumped into the Lakes; cut discharges of lead; and cut dioxin levels, and those of 19 other toxics in the five Great Lakes of the United States.

But today, the majority party wants none of that. Tucked into their bill is a Republican plan to begin throwing all that work out the window, leaving the Great Lakes at the mercy of those who dump mercury, and lead, and dioxin, into drinking water.

Mr. Speaker, these are dangerous chemicals. These chemicals pose a risk to human health. These chemicals will be controlled unless the majority kills this initiative.

Let me give you an example.

Today, the level of toxics like mercury and PCB's is so high in Lake Michigan that women of child-bearing age, pregnant women, and young children are advised not to eat more than one fish meal per month. Studies link even small amounts of these chemicals to increased risk of cancer in adults and birth defects in children.

The Centers for Disease Control have just released a study showing that children who eat Great Lake fish have: four times the amount of PCB's and three times more DDT in their bodies; lower IQ's; and growth stunts and lingering development problems.

Imagine the future if we continue to allow polluters to dump mercury and PCB's into the Great Lakes—with untold human toll, huge medical and educational costs—and yet, under the Republican proposal, the EPA would be barred from even providing advice to States as they develop their water quality programs.

That's why I rise in support of the Stokes-Boehlert amendment. The amendment is needed to strike irresponsible provisions of this bill that would block the implementation and enforcement of our Nation's most important environmental laws.

The Great Lakes are an irreplaceable treasure that should be protected. Let's not roll back a decade of progress. Support the Great Lakes. Support the Stokes-Boehlert amendment.

Ms. NORTON. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment to H.R. 2099, the VA–HUD–independent agencies appropriations for fiscal year 1996. The proposed riders cripple the ability of EPA to protect our environment. This is not just a problem for EPA. The effects of this legislation will fall mainly on our constituents.

Exxon and Exxon Shipping paid $250 million in penalties for the *Valdez* spill. This was the most devastating environmental disaster of our Nation's history. How can we even consider legislation that would immunize those who may be responsible for future atrocities?

Supporters of H.R. 2099 claim that the riders remove unnecessary costs on American industry, but industries such as fishing and tourism depend on clean, swimmable, and fishable waters.

There is agreement on the need for environmental reform, but this bill is a back-door attempt to repeal environmental statutes against the public interests and all without adequate public discussion.

I urge my colleagues' strong support of the Stokes-Boehlert amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment.

If we pass this bill as is, we will make it easier for polluters to get away without paying for their accidents.

We will make it easier for dangerous bacteria to infect our water, as it did in Milwaukee 2 years ago, killing over 100 people.

We will make it easier for lead and arsenic to contaminate our drinking water, causing immeasurable harm to our children.

We will make it easier for sewage to back up onto our streets.

We will make it easier for carcinogenic pesticides to attach themselves to our food.

And worst of all, we will make it easy for the forces of pollution to get their way without proper debate, and without hearings in the open light of day. The appropriations process is not the place to make major policy changes that the majority of Americans rightfully oppose.

If you want to get our environmental protection laws, and if you want to make it easier for polluters to pollute, then let's have that debate out in the open, where it belongs. Let the American people know—in no uncertain terms—you oppose clean air and clean water. But for the sake of our families, our children and our communities, don't try to sneak these dangerous riders through.

The Stokes-Boehlert amendment restores a little sanity to the process. It will let the American people know that their environmental laws will not be gutted in secret.

I urge my colleagues to support the Stokes-Boehlert amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I strongly support the amendment offered by my colleagues, Mr. STOKES and Mr. BOEHLERT.

I am firmly opposed to the legislative riders provisions of H.R. 2099. Prohibiting the EPA from enforcing or implementing regulations under the Clean Air and Clean Water Acts, as well as limiting the scope of the Delaney clause, is a direct threat to our environment, as well as the health and safety of the American people.

These riders represent a backdoor attempt by the Republican majority to ease environmental protections in order to increase the profit margins of their big business friends. No hearings were held by the legislating committees, there was no public debate over these dramatic changes in environmental practices. By simply inserting these riders into appropriations legislation, which is blatantly against House tradition, the majority hopes to endanger our environment without informing the public of their intentions.

I recognize that some changes must be made in the regulatory process. However, I believe that careful review of specific laws is needed—not neutralization of a whole spectrum of laws which protect human health, safety, and our fragile environment.

If these provisions remain in this legislation, it will roll back 25 years of environmental protections—laws which have made our water safe, our air and water cleaner, saved the natural habitats of hundreds of plants and animals, preserved our wetlands, and made our food safe and free from harmful pesticides.

I urge my colleagues to support the Stokes-Boehlert amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STOKES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 206, not voting 16, as follows:

[Roll No. 599]

AYES—212

Abercrombie	Diaz-Balart	Gonzalez
Ackerman	Dicks	Gordon
Andrews	Dingell	Goss
Baldacci	Dixon	Green
Barrett (WI)	Doggett	Greenwood
Bass	Dooley	Gutierrez
Becerra	Doyle	Hamilton
Beilenson	Durbin	Harman
Bentsen	Ehlers	Hastings (FL)
Bereuter	Ehrlich	Hefner
Bevill	Engel	Hinchey
Bishop	English	Hoke
Boehlert	Eshoo	Holden
Bonior	Evans	Horn
Borski	Farr	Houghton
Boucher	Fattah	Hoyer
Brown (CA)	Fawell	Jackson-Lee
Brown (FL)	Fazio	Jacobs
Brown (OH)	Fields (LA)	Jefferson
Bryant (TX)	Flake	Johnson (CT)
Cardin	Foglietta	Johnson (SD)
Castle	Forbes	Johnson, E. B.
Clay	Ford	Kanjorski
Clayton	Fox	Kaptur
Clement	Frank (MA)	Kelly
Clyburn	Franks (CT)	Kennedy (MA)
Coleman	Franks (NJ)	Kennedy (RI)
Collins (IL)	Frost	Kennelly
Conyers	Furse	Kildee
Costello	Gejdenson	Kleczka
Coyne	Gephardt	Klink
DeFazio	Gibbons	Klug
DeLauro	Gilchrest	LaFalce
Dellums	Gillmor	Lantos
Deutsch	Gilman	LaTourette

Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Quinn
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—206

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Fowler
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Goodlatte
Goodling
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—16

Bateman
Berman
Collins (MI)
Filner
Hall (OH)
Istook
Johnston
Largent
McKinney
Meyers
Moakley
Norwood
Reynolds
Skelton
Tanner
Volkmer

□ 1336

The Clerk announced the following pairs:

On this vote:

Mrs. Myers of Kansas for, with Mr. Skelton against.

Mr. Filner for, with Mr. Largent against.

Mr. Johnston of Florida for, with Mr. Istook against.

Mr. BLUTE changed his vote for ''aye'' to ''no.''

Mr. GREENWOOD changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was unavoidably absent from voting on rollcall Nos. 596, 597, 598, and 599. Had I been present, I would have voted ''no'' on all of them.

Mr. WATT of North Carolina. Mr. Chairman, I rise today in strong support of the Stokes-Boehlert amendment and in strong opposition to the attempts to insert 17 unauthorized legislative provisions into the VA–HUD and independent agencies appropriations bill for fiscal year 1996.

I am deeply concerned about the attacks being waged on the legislative process. This amendment is not only about preserving environmental, clean water and clean air laws but about safeguarding the integrity and proper functioning of the legislative process. None of the 17 legislative provisions in this bill has been reviewed or recommended by the authorizing committees with jurisdiction over those Federal programs.

Historically, appropriations bills deal with money and do not include legislative provisions. However, this bill ignores this history and violates this process. It represents an outright attack on the integrity of the legislative process we normally follow in this House.

There are good, compelling reasons that the House established authorizing committees and appropriating committees. The authorizing committees are charged with responsibility for taking the time to study, deliberate, review, and write laws which create and implemented Federal programs. The appropriating committees are charged with recommending levels of funding and appropriating funds to carry out programs. The legislative provisions in this bill represent a gross intrusion into the jurisdiction of the authorizing committees.

This bill circumvents the process. The Stokes-Boehlert amendment helps correct this abuse and circumvention, I, therefore, encourage my colleagues to support the amendment.

The CHAIRMAN. Are there further amendments to title III?

Mrs. THURMAN. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from California [Mr. LEWIS] at this time.

Mr. Chairman, I would like to enter into a colloquy regarding an issue that is vital to the interests of veterans in Florida and many other States. The Department of Veterans Affairs, as one of a series of reforms, was supposed to allocate funds to its facilities so that veterans have reasonably similar access to VA care without regard to the State in which they reside. The goal of this provision was to give veterans greater equity of access than they now have. Has the committee had a concern about this issue generally and about the amount of resources furnished to the State of Florida?

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I say to the gentlewoman that the committee has long been concerned about the VA's resource methodologies, and knows that Florida's veterans have long been frustrated about uneven access to VA care, particularly in contrast to the ease with which they received VA care in other parts of the country.

Mrs. THURMAN. Mr. Chairman, I understand that the total VA health care expenditures in Florida—for fiscal year 1994—are approximately the same as total expenditure levels in Illinois and Pennsylvania, for example, even though Florida's veteran population is 620,000 greater than that of Illinois and 330,000 greater than Pennsylvania's.

I understand that the VA health care system underwent a reorganization several years ago to reduce the number of regional offices from seven to four and that one of the perceived benefits of the proposed reorganization was that it would help achieve greater equity of access. Isn't it true that equity of access still remains an unmet goal even as VA moves to reorganize again?

Mr. LEWIS of California. The gentlewoman is correct.

Mrs. THURMAN. Then I also understand that VA has acknowledged the problem and instituted a resource-allocation system that is intended to make adjustments to facilities based on their increases in work load. Am I correct in understanding, however, that that system still leaves States like Florida shortchanged because it simply makes marginal adjustments in prior-year funding levels?

Mr. LEWIS of California. That is my understanding, and I very much appreciate the gentlewoman's raising these questions to this level of concern.

Mrs. THURMAN. Mr. Chairman, my reason for doing this also is to put the veterans, VA's, on notice that we are watching the allocation of these dollars, and we are concerned about these dollars and that it should be that the services are going to our veterans and there should be parity among States, not allocated on some outdated system.

Mr. LEWIS of California. I very much appreciate what the gentlewoman is trying to do.

□ 1345

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the distinguished subcommittee chairman that I follow up on the colloquy which he just had with the distinguished gentlewoman from Florida. I want to add that we have the exact same problem in Texas and particularly in south Texas, where we are 25 miles away from a VA hospital.

Although we have a clinic that is doing its best, the allocations are not favorable because in the wintertime, we have an influx of veterans from the midwestern States. The allocation gives their States the amount but the services are rendered in another State.

I would like to apprise the distinguished gentleman of that fact and would hope that he would work with us in trying to arrive at an equitable solution.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my friend, Mr. DE LA GARZA, for bringing his concerns to our attention. There is little doubt that inequitable distribution is a problem that we must work out. In the meantime, shortage of resources results in great pressure, but I think the point the gentleman makes is very important. And the southwest, of course, is of special importance to the gentleman.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman. I appreciate the work he has done within the constraints of the budget. But nonetheless, somehow we need to arrive at some equitable solution to these problems, and I thank him for his cooperation.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FIELDS of Louisiana: Page 50, strike line 16 and all that follows through page 51, line 2, and insert the following:

''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

''NATIONAL AND COMMUNITY SERVICE PROGRAMS

''OPERATING EXPENSES

''For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103–82), $817,476,000.

''OFFICE OF INSPECTOR GENERAL

''For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $2,000,000.''.

Page 71, line 5, after the dollar amount, insert the following: ''(reduced by $819,476,000)''.

Mr. FIELDS of Louisiana. Mr. Chairman, I will not use the entire 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The reservation is not timely. The gentleman from Louisiana had embarked upon debate.

Mr. LEWIS of California. Mr. Chairman, I was trying to get the Chair's attention, but the Committee was not in order.

Mr. FIELDS of Louisiana. Mr. Chairman, I am going to insist that the point of order is not timely. I will not proceed but for a few minutes, if the distinguished chairman would allow me.

The CHAIRMAN. First, the Committee will be in order. The gentleman from California makes a good point about the Committee's not being in order. The Chair will maintain order.

The gentleman from California [Mr. LEWIS] was on his feet. Only the disorder of the Committee prevented the Chair from noticing the gentleman.

The point of order is reserved.

Mr. FIELDS of Louisiana. Mr. Chairman, what is the ruling of the Chair? It is my understanding that the ruling of the Chair was that the gentleman's point of order was not timely.

The CHAIRMAN. The Chair has ruled that due to the noise in the Chamber, the Chair did not notice the gentleman from California [Mr. LEWIS] was on his feet seeking recognition. The reservation was timely. The gentleman raised a proper concern of the House not being in order.

Mr. LEWIS of California. Mr. Chairman, I am reserving that right. I do not wish to interfere with the gentleman's right to proceed.

Mr. FIELDS of Louisiana. Mr. Chairman, I would like to bring some attention to an issue that is very important to me as a young Member of this Congress and as a Member who had the opportunity to go to college and participate in various programs to pay my way and finance my education.

This bill totally eliminates the national service program. I feel it is very important to the young people of this country to have a program like the national service program because this program actually goes at those individual students who are caught in the middle. Their parents are caught in the middle. They make a little bit too much money to qualify for government assistance to send their kids to college but do not make enough money to where they can afford to send their kids to college on their own.

The year before last, the President came up with a unique idea. That idea was a program called national service that would give young people an opportunity to earn their way through college by participating in a nonprofit organization and not only during their college career but also give them an opportunity to pay for their college tuition or pay for their student loans even after they graduate from college. So I feel that this program is a very, very vital program. It is a good program.

This amendment is a very simple amendment. All it does is to take $819 million from NASA. I do have a great deal of respect for the NASA program, but I could not find money anywhere else. This amendment had to be budget neutral in order for it to be in order.

Therefore, I took $819 million out of the NASA budget and put this money into the national service program so that we will not turn our backs on the tens of thousands of young people all across this country who are dependent on this program to get their college education.

This is a very simple amendment. That is all the amendment does. I am not going to insist on a vote on this amendment. But I would like to tender it to the Members because I do not think that this debate ought to end on a bill that does not include national service. At some point in this debate, it probably will not happen on this floor, but I would hope at some point, be it in conference committee or be it in the Senate, somebody put the young people of this country before us and not eliminate a program that is serving a very vital need to young people all across this country.

I thank the chairman and members of the committee. I have no speakers because I do not request a recorded vote on this amendment.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] insist on his point of order?

Mr. LEWIS of California. No, Mr. Chairman.

I withdraw my reservation of a point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 59, line 3, insert before the period the following: ''*: Provided further,* That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen''.

The CHAIRMAN. Pursuant to the order of the Committee of Thursday,

July 27, on this amendment, the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

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

Mr. Chairman, this is an amendment which is offered by myself, the gentleman from Texas [Mr. WILSON], the gentleman from Delaware [Mr. CASTLE], and the gentleman from New York [Mr. BOEHLERT]. We will evenly divide the time on our side, the 20 minutes that has been allocated to us.

Let me try to explain the simplicity of this amendment. We all know of the strength and indestructibility of the human body. But we also know that if we as humans are exposed—we are all aware of the indestructibility in many instances and strength of the human body. But we also know that there are certain substances which our bodies can be exposed to which can increase the risk of disease and death.

One of the most dangerous categories is a category known as carcinogens, substances which when we are exposed to them over a period of time increase the likelihood that we will contract cancer or some other fatal disease.

The Environmental Protection Agency, at the Federal level, takes a look at the thousands of substances which we were exposed to as Americans to investigated by the Environmental Protection Agency. They divide these substances into hundreds which they believe cause cancer. Then they subdivide those cancer-causing substances into three areas: known causes of cancer, probable causes of cancer, and suspected causes of cancer.

This amendment only addresses known causes of cancer and lead, lead, of course, being particularly dangerous to young children. So what we are doing is to narrow the scope of this activity of the EPA, saying that under no circumstances will this bill in any of its provisions stop this agency from protecting Americans from the unseen hazards in our water and air, which can cause cancer to our families. To me, it is nothing short of incredible that we are having this debate today.

Who in the last election stood up and said, I want less government, I want the EPA out of the business of protecting us from cancer-causing substances? I venture a guess, no one said that. We count on the EPA to make certain that we are not exposed to arsenic, benzene, dioxin, lead, and other known carcinogens.

Yet it is necessary to offer this amendment. We just had an important vote on the floor on 17 riders to this bill which would have challenged the premise as to whether the EPA has the right to assert that jurisdiction. The purpose of this amendment, which the gentleman from Texas [Mr. WILSON] and I offer, is to state clearly and unequivocally the EPA has this authority, no matter what else is put in the bill.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, the gentleman understands as I do that there are roughly 200 carcinogens that are suspected in the world. They are in three categories: known carcinogens, probable carcinogens, and suspected carcinogens. The smallest category are known carcinogens. That is only 10 percent of them.

This amendment only directs itself to the known cancer-causing toxins.

Mr. DURBIN. Absolutely. Mr. Chairman, that is why the amendment should be so clear and noncontroversial. If you want to stand for the proposition that the EPA should not protect our families from cancer-causing substances, then vote ''no'' on this amendment. If you believe that they should protect us from these unseen dangers in water and air, vote ''yes.'' Simple and easy.

So why is it complicated today? Because certain lobbyists and special interest groups want to play fast and loose with cancer-causing standards and lead contamination. They want to fudge a little. They want to change the standard. They can make more money if they do. Should we let them? I do not think so. That is why I am offering the amendment.

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

The CHAIRMAN. Is there a Member opposed to the amendment?

Mr. LEWIS of California. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 20 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he might consume to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

□ 1400

Mr. BARTON of Texas. Mr. Chairman, we have heard a great deal today about what should and should not be in an appropriations bill. We have heard about the necessity for hearings and for slow deliberations and actions. This particular amendment that the gentleman from Texas and the gentleman from Illinois are offering should not be added to this bill.

This is really a fight between waste incinerators and cement kilns that burn hazardous waste as part of the cement making process. I have some charts that I would like to show the committee. I want to walk you through very quickly and explain what we are talking about.

A cement kiln typically burns at a Fahrenheit of over 3,500 degrees. A typical waste incinerator typically burns at a Fahrenheit of 2,500 degrees. The time that it takes in the cement kiln is 6 to 10 seconds, and in the hazardous waste incinerator approximately 3 seconds.

When you look at how much action is generated in the cement kiln, it is an order of magnitude of greater than 100,000 times. In the waste incinerator it is about 10,000 times. The cement kiln is much larger than the waste incinerator. The bottom line is if we put 5 percent of the fuel source as hazardous waste material into a cement kiln and burn it at 3,500 degrees Fahrenheit as opposed to 100 percent of the material being in a waste incinerator at 2,700 degrees Fahrenheit, the cement kiln totally destroys it.

Now, let us look at the regulations on the two. Now, these are regulations under RCRA for cement kilns regulated by EPA under RCRA subpart H. Under waste incinerators, under subpart O. There is nothing that is regulated under RCRA for waste incinerators that is not regulated under cement kilns. In fact, cement kilns have more regulations than the waste incinerators do.

If you will notice here the row on metals, cement kilns do have regulations on metals. Waste incinerators do not. You can go on down the list.

I have in my congressional district a town named Midlothian, TX. This town has three cement kilns, and the State of Texas and the EPA, for the last 10 years, have been constantly in Midlothian, TX, attempting to find that something wrong has been done; that some of these cement kilns, and two of the three do burn hazardous waste, have somehow polluted the air or have polluted the atmosphere.

They have held hearings in Midlothian, TX. They have done repeated studies. The State of Texas has done an animal study. EPA is now trying to recreate that animal study. They have yet to find any instance of any harm being done to man, woman, child or animal or the air in Midlothian, TX, because some of the cement kilns are burning this hazardous material.

We need to vote ''no'' on this amendment. As you can tell by looking at this chart, there are more than sufficient regulations both on an interim status and, once EPA certifies, on a permanent status. There is no need for this particular amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Illinois for a question.

Mr. DURBIN. The question is this: Our amendment simply says if your cement kiln should emit arsenic, benzene, dioxin, lead or a known carcinogen, the EPA can regulate it. Now, which of those chemicals do you emit from your cement kiln that you do not want the EPA to regulate?

Mr. BARTON of Texas. Under current regulations they are all being regulated today.

Mr. DURBIN. Then why does the gentleman oppose the amendment?

Mr. BARTON of Texas. Because there is no need for it. There is absolutely no need for it. It is very counterproductive.

I see my good friend, the gentleman from Texas [Mr. WILSON], smiling like the cat that ate the canary, so I am sure he is going to take issue with that.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to my colleague and friend, the gentleman from Texas [Mr. WILSON], the cosponsor of the amendment.

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

Mr. WILSON. Mr. Chairman, it is hard to know where to start exactly here, but the first thing we need to understand is who does the regulating. Now, there are 24 or 25 cement kilns in the United States. There is not a single RCRA permit for any of these cement kilns. There is a RCRA permit for every commercial incinerator in the United States. Therefore, we are very concerned that these cement kilns emit an inordinate amount of, particularly, arsenic and lead.

I have given an example of the Continental Cement Co. in Hanover, MO, in 1993, which the EPA standard for arsenic emission is .4 parts per million, and the actual emission of this plant is 97 parts per million. The EPA's standard for lead is 400 parts per million, and the actual emission is 2,700 parts per million. Now, those figures simply speak for themselves.

The cement kilns are the only incinerators and, indeed, the only industry in the country that is exempt from the Resource Conservation and Recovery Act. What my opponents are trying to do is to have America step down from existing technology. The real proof of the pudding is that 66 percent of these companies are foreign owned. They are owned in France, they are owned in Switzerland, they are owned in Germany, and they are owned in England. In those countries of ownership, they do not allow toxic waste to be burned in cement kilns.

In truth, they are treating the United States as a Third World country. They are making the profit and they are sending us the toxics. This is a simple amendment and I urge a ''aye'' vote.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume to jut make a fundamental point regarding this amendment.

Mr. Chairman, it is very appealing to have language in an amendment that says that the agency shall be able to protect humans against exposure to arsenic, benzene, dioxin, lead or any other carcinogen. The problem is while it is very simple and very straightforward and obviously not deceiving, there are trace minerals of that kind in any variety of materials that might be disposed of by a variety of technologies.

This language says that when it becomes known to a Federal official, that there's a trace of arsenic, suddenly we give this agency leave to do anything they want to do in spite of Federal direction.

It is a very, very serious amendment that goes way beyond what this simple language would suggest. It is a desire on the part of a few to give EPA a free hand in a subject area that could have dramatic effect upon our economy. Further, it is designed in no small part to give a bigger share of the marketplace to a certain kind of process relating to getting rid of some kind of toxic wastes versus another piece of the marketplace that has another technology. To say the least, this is a serious amendment. I want the whole House to have an opportunity to consider this amendment.

At this point in time, Mr. Chairman, I am not sure we have enough time today to accomplish that.

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

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, the last comment made by the gentleman from California, chairman of the subcommittee, suggested that we would not bring this to closure and debate and vote today. It is my understanding with the time limitation that the chair announced that we can conclude this before 3 p.m. which I understood was the time when we wished to adjourn.

The CHAIRMAN. The Chair would put the question in the ordinary course following the debate on the amendment.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], a cosponsor of the amendment.

Mr. CASTLE. I thank the gentleman from Illinois for yielding me the time.

Mr. Chairman, I would just like to say it has been sort of a strange day here today. We had an earlier amendment—and sometimes it is hard to separate the sides here—we had an exemption for oil with respect to air pollution but we did not for the chemical industry.

Now we have a situation in which we are dealing with several competing industries, we are dealing with a hazardous waste incineration cement kiln industry but we also have another industry, the commercial hazardous waste incineration industry, which has to live under different standards. Essentially this amendment would allow the cement kiln industry to escape stringent dioxin emission standards that other hazardous waste combusters must comply with and do so willingly because they want to, of course, have safe environmental practices.

It is very strange to me. I do not know why we are doing it. According to data suppled to the EPA by the cement kiln industry itself, in almost all cases the concentrations of heavy metals from 12 hazardous waste burning cement kilns exceeded superfund site actions levels in soil. Thus the creation of more Superfund sites will be virtually guaranteed. This would not only add to Federal cleanup costs but would also unnecessarily increase air and ground water pollution imperiling public health.

The commercial hazardous waste incineration industry, the other side of this, has been a leader in investing in advanced pollution control technologies. This will cease, if cement kilns, many of which are foreign owned, are provided regulatory relief that widens their competitive advantage over commercial incinerators. The United States would thus have to dispose of dangerous toxic and carcinogenic chemical wastes using antiquated highly polluting cement kiln technology.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, my good friend the gentleman from California earlier stated that of any of these carcinogens, that there were traces to be found, but I would like to ask the gentleman a question: If the Superfund standard for arsenic is .4 parts per million, would the gentleman consider 97 parts per million excessive or a trace?

Mr. CASTLE. I would consider that excessive, sir.

Mr. WILSON. If the gentleman will yield further, if the Superfund standard is 400 parts per million of lead, would the gentleman consider 2,700 parts per million of lead to be excessive and not a trace?

Mr. CASTLE. I would.

Mr. WILSON. Well, it is consistent all down the line of the emissions of these products.

Mr. CASTLE. Mr. Chairman, reclaiming my time, we know that Europe is moving away from using cement kilns to burn toxic waste. The hazardous waste cement kiln industry wants to move to the United States. That is incredible to me, that they are not allowing this in Europe now and now they want to move all of this to the United States. Then we in Congress are going to take the additional step of allowing them to be exempted from laws that others who do the same thing would not be exempted from. This will cost 6,000 jobs in the commercial hazardous waste industry because it will become economically nonviable. Obviously it has a huge impact on our economy as well as a huge environmental impact across the United States of America.

It is for all these reasons that I support this amendment. I would urge everybody in Congress to join us in supporting the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas [Mr. BARTON].

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

The CHAIRMAN. The gentleman from Texas is recognized for 3 minutes.

Mr. BARTON of Texas. Mr. Chairman, I just feel compelled to correct the record. Under existing RCRA regulations, waste incinerators, according to the information I have, are not regulated at all for metal disposal. Under RCRA regulations, cement kilns are.

The gentleman from Delaware just spoke about dioxin regulation. I want to read something from the EPA. It says:

According to EPA combustion emissions technical resource document, dioxin emissions from commercial hazardous waste incinerators are 2.2 times more toxic than those from cement kilns. All cement kilns are in compliance with stringent dioxin emission standards found in the EPA's BIF regulation, which is boiler, industrial and furnace regulation. Hazardous waste incinerators have no similar regulations.

I want to read something else from EPA Section Chief Paul Godholdt. It says:

Some people say that incinerators are more highly regulated than cement kilns, but in most cases that's not true. Cement kilns are more highly regulated.

That was on July 3, 1994.

EPA has defended the boiler, industrial furnace rules in Federal court as protective of human health and the environment.

This is an inside-baseball argument between two industries, one that uses waste totally in its furnaces, the incineration industry, and the other uses 5 percent of its fuel source from hazardous waste material and destroys it 99.99 percent.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

□ 1515

Mr. WILSON. My colleague from Texas stated that the cement kilns were regulated by RCRA.

Mr. Chairman, I did not know until we got into this debate what RCRA was, but RCRA is the Resource Conservation and Recovery Act.

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct.

Mr. WILSON. Mr. Chairman, I think it will come as a surprise to the gentleman to know that there is not a single cement kiln that has an RCRA license. All commercial incinerators have RCRA licenses.

Mr. BARTON of Texas. Mr. Chairman, that is because they are operating under interim regulations. As soon as the EPA certifies the permanent regulations, they will get those permits. That is my information.

Mr. WILSON. They might and they might not. But if the riders that were put on the bill earlier, that were knocked out by a very narrow vote, were allowed to stand, then it would be extremely difficult for the EPA to go through the permit process.

Mr. BARTON of Texas. My sources are from the EPA, and I just read them, and I can quote you page numbers, dates, chapter, and verse.

Mr. WILSON. Mr. Chairman, I would respond by saying that if I said my sources were from the EPA, the gentleman would say, there they go again, lying to the Congress.

Mr. BARTON of Texas. Mr. Chairman, I think there are some who question the EPA as a source, but in this particular debate, I think they are relevant.

Mr. LEWIS of California. Mr. Chairman, I yield 7 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I want to make two points here. One is what I think this amendment is trying to do.

Mr. Chairman, we talk in terms of special interests that unbelievably overload the incineration of toxic wastes in favor of commercial incinerators, who, I may say, have been in the business longer than those that burn toxic waste in the making of cement and in other boiler activities.

Mr. Chairman, the other thing that is important to understand, though, I think, is by moving forward with this amendment, what the proponents of the amendment are doing is allowing EPA to overstep its legal authority, violate the terms of the Clean Air Act, and allow them not to follow their own regulations.

Mr. Chairman, this is about an agency, as I said earlier, which has decided it does not have to follow the law Congress has set down, nor does it have to follow its own regulations.

In promulgating the processes by which they propose to license these combustion facilities, EPA is changing the law and violating its own rules. That is what this is about.

We can talk about cement kilns versus commercial incineration, and if we talk about that, we can talk about who burns what, and how bad is it and what happens to it.

The truth is that both facilities, both kinds of facilities, must meet stringent EPA regulation and must destroy these toxins to 99.99-percent efficiency.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I might say to the gentleman, this is an important debate and relates to a rider, which has now been removed from the bill, on cement kilns. But the amendment that we are debating does not mention cement kilns. The amendment that we are debating says, ''The EPA shall have the authority to protect us against arsenic, benzene, dioxin, lead, and known carcinogens.''

Does the gentleman object to that premise?

Mr. CHAPMAN. The amendment addresses a restrictive rider that has now been removed. The gentleman's amendment we both know is moot. I do not know why we are engaged in this debate, other than to engage in this discussion, but the House has passed an amendment that makes your amendment moot.

Here we find ourselves as proponents, going forward on an amendment that is already going to have no force and effect because it releases limitations which have been previously released by the last vote in this House.

Let us be honest, the issue here is about giving the commercial incineration industry a market advantage over the cement industry. That is what this issue is about. If the gentleman will be forthright, the gentleman will have to acknowledge that the truth is, the cement industry is more highly regulated than the commercial incinerator industry. The cement industry has standards they must meet that the commercial incineration industry does not meet, and the cement industry has to follow more stringent regulations than does the other.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, was the gentleman on the floor when we discussed the fact that not a single cement kiln in the country is licensed by RCRA, by the Resource Conservation and Recovery Act, and that all of the commercial incinerators are?

Mr. CHAPMAN. Mr. Chairman, every single cement plant in America is operating under a permit issued by the EPA.

Mr. WILSON. But not by RCRA.

Mr. CHAPMAN. Of course they are licensed. It is difficult for me to understand why the gentleman, who until a few minutes ago did not know what RCRA was, would come in here now and suggest to me that you are some kind of an environmentalist.

Mr. WILSON. I am a fast study.

Mr. CHAPMAN. I see that you are.

Reclaiming my time, Mr. Chairman, if the gentleman is a fast study, the gentleman knows that every cement plant in America is operating under a permit from the EPA more stringent than any commercial incineration facility. That is what this debate is really all about.

The debate is about the EPA following its own rules, following its own guidelines. What it is about is telling EPA to follow the law. Nothing more; nothing less. It is about EPA following their own regulations. Nothing more; nothing less.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I know there is confusion, and the body hates to see Texans confused among each other. We are all from Texas, and I know it is discombobulating, but I want to try to clarify this one more time: The standard that cement kilns are currently regulated under is an interim standard under RCRA, promulgated by EPA, and it is a tough standard.

The distinguished gentleman from Lufkin did not like me using the EPA

as a source. Well, I am chastised by that. I am now going to use the Congressional Research Service, which should have more repute in this body.

This is CRS environmental policy analyst, Linda Schreio, S-C-H-R-E-I-O. She has found that the BIF rule under RCRA includes identical standards to the incinerator rule in terms of the efficiency required for pollution removal. She says,

> The BIF rule is more protective than the incinerator rule in 3 key areas: Total hydrocarbon emissions, specific emission standards for 12 metals of concern, and additional dioxin requirements including the requirement to conduct site-specific risk assessments for dioxin.

She further states,

> The commercial incinerator rules contain no similar standards, even for dioxin.

And then she says,

> The interim status under the BIF rule is a tough standard.

Now, I hope that puts to rest that cement kilns are not regulated. And if they are, they are regulated less stringently. I am quoting in this case the Congressional Research Service.

Mr. CHAPMAN. Mr. Chairman, I appreciate the comments of the gentleman, because if there is an insinuation here that cement kilns somehow have been getting a free ride from EPA, from CRS, and the honest facts are that is just not the case.

They are not only regulated; they are regulated more stringently than the commercial incineration industry. They do a better job of destroying the toxins that law requires be destroyed and they do so in a way that is saving industry, the taxpayers, and consumers in this country money, and they are doing it in a way that makes our environment cleaner.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, if that is the case, I would ask the gentleman simply, since 65 percent of these kilns are owned in Europe, why do the Europeans not allow this practice to occur?

Mr. CHAPMAN. Mr. Chairman, I am glad the gentleman brings that because the Europeans do allow it.

I say to the gentleman from Texas [Mr. WILSON] that the technology was developed in Germany and they are in Germany, they are in France, and they are in England. In fact, there is a consortium in Europe working as we speak today, probably to put in place the same kinds of standards that we have through our EPA here.

But the truth is that there has been a misstatement that this is a technology that does not exist. It does exist. It is in existence in Europe and there are European incinerators, European kilns, that are doing this technology just as we do it here and with just as safe results.

Mr. WILSON. Mr. Chairman, I would like to say that my information is that that is not correct.

Mr. CHAPMAN. The gentleman's information is incorrect.

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, if my colleagues are struggling to follow this debate between the cement kiln industry and the industrial incinerator industry, what they are doing is burning toxic waste, and they want to know how much they can emit from their smokestacks and there is a battle within these two industries.

I do not have a horse in this race, and this amendment really does not address that issue. This amendment gets down to what I think people in the gallery watching, and Members I hope, believe is the bottom line. When it is all said and done, no matter who wins or who regulates, is my family at risk or not? Is something coming out of that smokestack which can hurt me and my children? That is all we want to know.

The Durbin-Wilson amendment says the bottom line is the EPA should use one standard: Protect Americans from exposure to arsenic, benzene, dioxin, lead, and known cancer-causing substances. What is the debate here? Do we want to say they should not protect us? Why, of course they should.

These industries can work it out somewhere else. The Durbin-Wilson amendment is the bottom line as to what we expect from any agency which is dedicated to protecting public health.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Chairman I rise in strong support of the Wilson-Durbin amendment. The EPA should have a clear mandate from Congress in cases where human health is at stake.

Mr. Chairman, I was especially concerned about the refinery air toxins rider that was included in the underlying legislation. I recognize this rider has been stripped out of the bill, but I think it is important for the House to take a clear stand on the issue.

Mr. Chairman, I remain concerned about carcinogens from the petroleum refinery industry. Petroleum refineries are one of the largest sources of cancer-causing emissions, primarily benzene, which causes leukemia.

It may not mean much to some Members, but the people of the 1st District of Indiana must continue to live under a cloud of over 1 million pounds of toxic refinery emissions per year.

In the 1980's the people of northwest Indiana watched as the Clean Air Act took effect; our skies lost the steady red glow of the old steel mills. We continue to make progress, but we have a long way to go. However, my constituents appreciate the progress made under the Clean Air Act, and their lives are better because of it.

Mr. Chairman, we still have a long way to go to make sure that the air is truly safe for our citizens, and I ask my colleagues not to turn the clock back.

Do not leave any doubt about EPA's mandate to protect the people of Indiana's 1st District or the people of this Nation from cancer-causing pollutants. Please support the Wilson-Durbin amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. VISCLOSKY] yields back 30 seconds.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I have been on the floor quite a bit today, so I do not need to repeat all of what I have said, but I am a concerned legislator; I am a concerned family man; I am a concerned citizen; and I am proud to be a Republican.

Mr. Chairman, there are a number of people who share those same characteristics on our side of the aisle, deeply committed to doing what is right by the American family with respect to environmental legislation. There are a number of my colleagues on the Democratic side who are equally concerned about the American family and sensitive environmental issues.

Do I want my constituents, the people I care for, do I want my family, the people I love, too, exposed to lead and arsenic and dioxin and benzene and known carcinogens? The answer is clearly ''no.''

□ 1430

I think this is a sensible amendment. I think it has earned our support.

we have had a spirited debate today on a high level, a high plane. I want to commend all of my colleagues for their participation. I want to thank the gentleman from Illinois [Mr. DURBIN] for allowing me the opportunity to participate with him, my colleague, the gentleman from Texas [Mr. WILSON], my colleague, the gentleman from Delaware [Mr. CASTLE] in supporting this amendment.

Mr. DURBIN. Mr. Chairman, I yield myself 30 seconds.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I thank the gentleman for yielding.

The EPA, at the end of the Bush administration, ruled that tobacco secondhand smoke was a class A carcinogen, just as dangerous as chlorine and benzene. Would this amendment now give the EPA the right to control secondhand tobacco smoke all the way down to zero tolerance?

Mr. DURBIN. No. This amendment does not seek to impose any new or expanded standard, but to establish the continuing jurisdiction of the EPA even in terms of protecting us against the chemicals that are enumerated.

Mr. ROSE. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I would like to ask the gentleman from Illinois a question about his amendment, and I would like the gentleman's attention, the gentleman from Illinois.

In the amendment, as I read it, it says that any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the EPA to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen.

My question is: When it is made known, who makes it known? How do they make it known? At what level do they have to make it known? If my 13-year-old daughter, Kristin, sends a letter to the administrator of the EPA, does that give them authority to violate existing Federal law?

This sets no standards. If I read this correctly, if we pass this amendment, the EPA, if anybody on the street says they have got a concern, they can violate the existing standards in existence and go out and regulate to the nth degree.

Would the gentleman from Illinois answer that question?

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Illinois.

Mr. DURBIN. Unless the children of the gentleman from Texas are chemists and can detect levels of arsenic in water and want to report it to a Federal agency, I do not think he has to worry about that.

Mr. BARTON of Texas. It does not say. It just says ''if made known.''

Mr. DURBIN. If the gentleman will yield, this is language which we are now using every day in appropriations bills. I think the gentleman is aware of the fact that the EPA is not going to take a rumor or a suspicion and act on it.

Mr. BARTON of Texas. At what level? I mean, there needs to be a standard. My suggestion would be, and I hope it does not pass, in report language we need to definitely define that because you have got an open-ended standard there.

Mr. DURBIN. If the gentleman will yield further, we are using the same standard currently available. We are not expanding the jurisdiction nor changing the standards of the EPA. We are saying that as to these specific dangerous chemicals and carcinogenic substances, they have the right to protect us.

Mr. BARTON of Texas. Reclaiming my time, with all due respect to the distinguished authors of the amendment, that is not what it says.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. CHAPMAN. Let me make sure Members of the House understand what this amendment says, because I misunderstood, I guess, either the gentleman from North Carolina or the gentleman from Illinois when he said this would not affect the regulation of secondhand smoke, which has been called a known carcinogen.

The gentleman correctly points out, and it is true, that we have used this ''when it is made known'' standard in the Committee on Appropriations, and I will say to the gentleman from Texas, it is so your 13-year-old daughter can write a letter to EPA and make it known to them her concerns and under this amendment that would trigger EPA's authority to do what this says, and what this says is that they can use all of their abilities to protect against human exposure to, among other things, known carcinogens.

I would ask the gentleman from Illinois if he drafted this amendment, is he aware that, in fact, it would authorize and expand EPA's jurisdiction to manage these risks down to a zero tolerance, a zero tolerance? That is chemically impossible to do.

Mr. BARTON of Texas. That is exactly right.

Mr. CHAPMAN. Chemically impossible to do in direct violation of all environmental laws of the country.

I would ask the gentleman from Illinois, does he disagree that is the clear language in his amendment?

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has 1 minute remaining, and the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I rise today to express my support for the amendment offered by Congressmen DURBIN and WILSON. This amendment will ensure that the EPA continue to protect Americans from exposure to numerous toxins, including arsenic, benzene, and dioxin lead. These chemicals pose serious health problems to Americans of all ages.

Just this week, the Washington Post reported the results of a study which indicated that carcinogens, neurotoxins, and other chemicals were found in various name brand baby foods selected at random from across the country.

This study underscores the need for us to remain vigilant when it comes to protecting our environment and the health of our youngest citizens. We need to maintain the critical safety net which protects the health and safety of all our citizens.

I urge my colleagues to support the Durbin-Wilson amendment protecting our children and families against toxic substances.

Mr. RUSH. Mr. Chairman, I rise today in support of community development banks which are left unfunded in this VA, HUD and Independent Agency appropriations bill. I have a long history with the creation of the Community Development Financial Institutions program. I want to commend my colleague from Massachusetts, Mr. KENNEDY, and the chairman of the subcommittee, Mr. LEWIS, who agreed to work toward a continued funding level for CDFI's during the House and Senate conference on appropriations.

I am proud to support these types of community investment programs as I did during passage of the Community Development Banking and Financial Institutions Act of 1993. I was pleased that November, to be a part of a comprehensive community development banking effort that can truly make a difference between stagnation and salvation for thousands of disinvested urban, rural and suburban communities across our Nation.

CDFI programs do make a difference. They help increase the confidence of the residents, business owners and workers in targeted communities that their own fortunes and opportunities are on the rise. Equally as important is the need to convince outside investors that low-income communities merit their consideration as a solid investment for their money.

Those who benefit from the CDFI fund will be left in the lurch without this program. Without this funding, many of the benefits for underserved people, such as minorities and women, would not be felt. Lack of access to capital is the No. 1 reason these individuals struggle. The fund will also target the working class and middle-income neighborhoods threatened by decline. Without the fund, traditionally underserved and middle-class communities will fall further behind.

Currently, there are more than 300 CDFI's in 45 States that manage over $1 billion in capital. Many of these CDFI's specialize in small business start-up assistance, providing very small micro loans for low-income people seeking to become self-employed. This new approach is vital to creating economic opportunity.

We need innovative long-term solution to help our communities survive. The CDFI's have a comprehensive strategy that will empower local communities and increase access to credit and investment capital, these are the seeds needed to grow an economically healthy nation.

It is my hope that CDFI's will receive strong consideration for complete funding during the House and Senate conference on appropriations.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the Kennedy amendment to strike the language in the bill that prohibits HUD from developing rules relating to the application of the Fair Housing Act to the business of property insurance.

As many in this Chamber know, I have devoted considerable efforts over the past two Congresses to bring an end to the terrible practice of insurance redlining. As the chairwoman of a subcommittee with jurisdiction over insurance, I have worked with the industry to bring an end to these practices.

In the last Congress, the House of Representatives voted overwhelmingly in favor of my bill to develop a database on insurance sales practices in large cities. I was pleased by the support of Members on both sides of the aisle, as well as the insurance industry.

This bill unfortunately takes a tremendous step backwards in the area of fair housing. The bill prohibits HUD from taking any action to implement the Fair Housing Act with respect to homeowners' insurance. HUD is currently working to develop proposed rules to clarify what property insurance practices constitute illegal discrimination.

HUD has been trying to work with the insurance industry on these proposed rules and

has even suggested doing a negotiated rulemaking. This amendment stops this activity in its tracks. It assumes that the rules will be unreasonable, or perhaps that there is no concern over insurance redlining in violation of the Fair Housing Act.

In the last Congress I strongly supported giving Commerce, not HUD, the responsibility to gather data. However, I have always believed that HUD has the responsibility to enforce fair housing laws, including redlining. With the current efforts to dismantle the Department of Commerce, it is even more important not to disarm HUD in its responsibility to prevent redlining.

We know that there are unprecedented efforts in this Congress to attack affirmative action. This bill goes one step further by attacking antidiscrimination laws. There has always been a consensus in this House that there should be no discrimination in housing. This bill says that the House of Representatives no longer cares about discrimination.

We must remove this offensive provision and reaffirm our support for fair housing laws and an end to insurance redlining. Vote ''yes'' on the Kennedy amendment.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of this amendment to restore funding for the Small Business Administration's Office of Advocacy. I congratulate Chairman MEYERS and ranking Member LAFALCE of the Small Business Committee for offering this amendment. This is a bipartisan, pro-small business amendment that deserves the support of this House.

The Office of Advocacy is Congress' insurance policy to guarantee that our small business policy accomplishes two things: it encourages entrepreneurship and small business creation and it does not impose unreasonable regulatory burdens on those entrepreneurs. This office performs these functions through regulatory intervention, research, information gathering, and serving as a grass root network for small business owners.

Virtually all small business trade organizations have high praise for the office, especially under the leadership of the current director, Jere Glover. The delegates of the recent White House Conference on Small Business were so impressed with the Office of Advocacy that they recommended to the President that this office be made permanent. They also recommended that it be given the additional responsibility of tracking and reporting on progress made on the Conference recommendations. Small business owners trust and value the Office of Advocacy—that is the best endorsement for the Meyers-LaFalce amendment.

Small businesses don't have big bucks to spend in powerful law firms to represent their interests before government regulators. The Office of Advocacy provides that service for small businesses across this Nation.

Jere Glover and the Office of Advocacy has been effective champions for small business interests, even when this has meant disagreeing with the administration or opposing actions and policies of other Federal agencies. The Office of Advocacy is the small business owner's best friend in Government. We hear a lot of talk about the need to make government more business-friendly. Today we can turn that talk into action by voting for the Meyers-LaFalce amendment. I urge support for this amendment.

Mr. LAZIO of New York. Mr. Chairman, I would like to commend the Appropriations Committee for completing action on the VA/HUD appropriations package.

In particular, I am pleased that one of the legislative provisos contained in the appropriations bill gives the Housing and Community Opportunity Subcommittee, of which I am the chair, the tools to enact legislation which will restructure HUD's insured multifamily rental housing programs. The combination of report language and $4.9 billion in funding enables HUD to begin the process of assisting families in a cost-effective manner that stays within the confines of the budget resolution adopted this year.

It is important to note that without major reforms, this program could end up consuming virtually all of HUD's $19.4 billion budget. Other programs like Community Development Block Grants, HOME, housing for vulnerable populations, and public housing will be swallowed up. Given the importance of these other programs to building and sustaining strong communities and neighborhoods, I view the reform of the multifamily program as a major step towards changing the mission of this Department. Restructuring this portfolio must occur soon before the costs to the Federal Government become even larger.

Currently, I am working on a comprehensive housing bill which will provide HUD with the authority it needs to lower the long-term costs of restructuring this portfolio. What has surprised me during this drafting process is the magnitude, complexity, and duplication of housing laws in general. The laws are filled with redtape and burdensome regulations written during the last 40 years. These laws must be completely and comprehensively overhauled—a process which I will not undertake in a frivolous manner despite the rhetoric of yesterday. My legislation will enhance the health, safety, and economic well-being of families, neighborhoods, and rural areas. It will encourage innovative uses of resources which are now rendered useless because of bureaucracy and legislative micromanagement. I look forward to sharing my efforts very soon.

Once again, I would like to congratulate the chairmen of the full committee and subcommittee for setting in motion this much needed reform to HUD.

Mr. POMEROY. Mr. Chairman, I rise today in very reluctant opposition to the amendment offered by the gentleman from Pennsylvania, [Mr. FOGLIETTA].

I am troubled by the deep cut this bill makes in mass transit operating assistance. However, I am unable to support the Foglietta amendment to restore $135 million for mass transit because the amendment is paid for with funds taken from the Airport and Airway Trust.

The Airport and Airway Trust Fund is a dedicated trust fund supported by the flying public for investment in our aviation infrastructure. I am a cosponsor of legislation to take the aviation and other transportation trust funds off-budget to ensure that they are used for their intended purpose. I cannot support an amendment that would divert aviation trust funds for non-aviation use.

However, I remain sincerely committed to restoring funds for mass transit operating assistance. I am hopeful that the Senate will support the President's budget request for mass transit, and I will work to sustain a higher level of funding in conference. In addition, I intend to work with the authorizing committee to seek greater flexibility in the use of mass transit grants—allowing smaller cities and towns to use a greater proportion of their transit funding for operating expenses.

I reluctantly urge my colleagues to oppose the Foglietta amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, the VA–HUD appropriations bill we have before us today has to be one of the cruelest, most disturbing, misguided, and callous pieces of legislation that has ever been considered by this House. I strongly oppose it and vigorously urge its defeat.

Nowhere is the real agenda of the Republican Party, or the skewed philosophy driving the ''Contract on America,'' made clearer than in H.R. 2099—stick it to struggling, disempowered poor and lower-income citizens in order to pay for massive tax breaks for rich folks and corporate fat cats. Make no bones about it Mr. Chairman, this bill is not about balancing the budget or cutting so-called waste from any department or agency. It is about hurting the most vulnerable in our society, about taking the most from those with the least, about redistributing vital and necessary Federal support from the poor, the children, the elderly, and the veterans to the rich and privileged. Nothing could be more despicable, illogical, extreme, or unfair.

At a critical time in our country when reports show that the demand for decent, affordable housing for both individuals and families continues to grow while the supply of such units is dropping, the Appropriations Committee turns its back, closes its eyes, and covers its ears to the problem. H.R. 2099 guts the HUD budget by 25 percent, nearly $6 billion. While some will come to this floor today to praise these foolish cuts, let me tell you that my constituents and I see little to smile about.

To begin with, the committee's decision to slash homeless assistance grants by 50 percent will result in a $20 million loss to my city of Chicago in fiscal year 1996, leaving 3,325 fewer persons with the day care and job training services that would provide them an opportunity to get off the streets and into employment. In addition, these reductions translate into 320 fewer units of transitional and permanent housing for the homeless. But as I said, this is just the beginning, Mr. Chairman.

Believe it or not, H.R. 2099 sees fit to raise rents on the poorest public and assisted housing residents in order to pay for $1.6 billion in cuts to HUD operating and modernization subsidies also included in this legislation. Talk about a double whammy. Not only will rents increase, but tenants will get nothing for it.

Under this bill the vast majority of public housing and section 8 residents in Illinois will be forced to pay on average $828 more in rent annually. A struggling AFDC family of three will have to cough up $552 more. Where will this money magically come from? How will these cuts not result in more women and kids on the streets scrambling to survive, especially given other planned Gingrich Republican cuts to education, Head Start, child nutrition and school lunches, and the like?

On top of all this nonsense, the development of affordable rental housing for individuals with special needs, such as older Americans, persons with disabilities, and those with HIV and AIDS will be severely undermined. The Appropriations Committees decision to rip nearly $500 million away from initiatives designed to assist those with special concerns

leaves 95 fewer seniors in Chicago with access to elderly housing and 493 fewer individuals suffering from HIV or AIDS with a roof over their heads. Where is the logic?

Mr. Chairman, my city of Chicago and HUD are wrestling with how best to tackle certain pressing problems which beset the Chicago Housing Authority. This situation calls for greater attention to and respect for the rights and needs of public housing residents. Unfortunately, H.R. 2099 greatly imperils these efforts.

However, the draconian cuts to the HUD budget are not the only reasons to oppose this drastic bill. Incredibly, H.R. 2099 goes further in slicing the EPA budget by 32 percent, or $2.3 billion, and includes legislative riders to strictly limit or prohibit the EPA from enforcing or implementing provisions of the Clean Water and Clean Air Acts as well as food pesticide, toxic emissions, and water quality standards. In so doing, the health and safety of all Americans are immediately threatened. But what's new Mr. Chairman, these 200 plus days of the 104th Congress have been punctuated by GOP special interests winning out over the public well-being.

Finally, H.R. 2099 decimates veterans' health by slashing VA medical care by $250 million, deletes funding for community development banks which provide desperately needed financial support to underserved communities, and eliminates the President's community service program which provides thousands of young Americans with an opportunity to attend college and secure their futures. At the same time H.R. 2099 provides over $2 billion to fully fund the space station. Apparently, the Gingrich Republicans would rather float taxpayer dollars into a black hole above the earth than deal with the needs and concerns of the real people down here on the ground.

I urge my colleagues to reject this ill-conceived legislation.

Mr. ARMEY. Mr. Chairman, I move that the Committee do now rise.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, as I understand it, we have an agreement as to the length of debate on this amendment and the written understanding which was given to both sides says we shall continue to take amendments and vote until 3 p.m. today. It is 2:35. Why are you trying to stop us from taking that rollcall on this amendment?

The CHAIRMAN. The Chair would state that the gentleman is not asking a parliamentary inquiry.

Mr. DURBIN. Let me ask it in parliamentary terms.

Did the Chair not rule it would continue the business of the house under the ordinary rules until 3 p.m.?

The CHAIRMAN. The Chair must entertain a privileged motion.

The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 148, not voting 28, as follows:

[Roll No. 600]

YEAS—258

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (CA)
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—148

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Coleman
Collins (IL)
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
Meek
Menendez
Mfume
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stockman
Stokes
Studds
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—28

Bateman
Berman
Brewster
Calvert
Clyburn
Collins (MI)
Cremeans
Dornan
Filner
Hall (OH)
Istook
Johnston
LaFalce
Largent
Longley
McKinney
McNulty
Meehan
Meyers
Moakley
Pickett
Quillen
Quinn
Reynolds
Skelton
Tanner
Taylor (NC)
Yates

□ 1501

Mrs. KENNELLY, Mr. WATT of North Carolina, Ms. FURSE, Mr. SCHUMER, and Mrs. LOWEY changed their vote from ''aye'' to ''no.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I have asked to proceed for 1 minute to inquire about the schedule for next week.

I yield to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY] to inquire about the schedule for the rest of today and next week.

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

We can advise all Members that there will be no more recorded votes today. The House will convene with special orders and upon the completion of special orders we will recess subject to the call of the Chair for the purpose of allowing the Committee on Rules to file rules later in the day.

There will be no more legislative business, nor votes today.

On Monday, July 31, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. We tentatively plan to consider two bills under suspension of the rules: H.R. 2017, the District of Columbia Highway Relief Act, is tentative, and legislation extending the expiration date of the Middle East Peace Facilitation Act of 1994.

We then plan to complete the VA–HUD appropriations bill on Monday evening.

Today we would plan on moving S. 21, the Bosnia and Herzegovina Self-Defense Act, which is subject to a rule. Members should be advised that there will be no recorded votes taken before 5 p.m. on Monday.

The balance of the week the House will meet at 10 a.m. for legislative business to consider the fiscal year 1996 Labor-HHS appropriation bill, subject to a rule, and H.R. 1555, the Communications Act of 1995, also subject to a rule.

We hope to complete legislative business and have Members on their way home for the August district work period by no later than 3 p.m. on Friday.

Mr. GEPHARDT. Mr. Speaker, I noted in his statement that the gentleman is planning at least tentatively to bring up the Bosnia legislation, S. 21, probably on Tuesday. I strongly hope, for what it is worth, that that is the case. We believe that this is obviously an important piece of legislation. We may or may not have an alternative, but we believe, even if we do not, that this legislation demands 4 or 5 hours of debate so that Members can be heard on it. It is of obvious importance for the country.

Then on Tuesday, obviously, I would hope that the gentleman would go ahead with the Labor-HHS bill and try to bring it to a fairly reasonably speedy conclusion. We have been working with the minority, as the gentleman knows, in trying to figure out how to do that on that bill.

Then the rest of the week could be given over to the telecommunications bill and would give it adequate time to be finished before the end of the week. If the Department of Defense appropriations bill could be figured out, that might also be able to be accomplished.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his observations. I think the gentleman outlines pretty nearly the way things are expected to go. I think all those suggestions are extremely meritorious. I would project as far as that there would be very little change from the program as the gentleman has outlined.

Mr. GEPHARDT. Obviously, with this much business, I take it we could let Members predict that we would be here into the evening most evenings of next week.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman for the observation. I think that is a fairly reliable prediction. I can, though, with even more certainty predict that they will be on their leave for their August work recess by 3 on Friday, August 4. That is, or course, the most important objective we have for the week's schedule.

Mr. GEPHARDT. I know how strongly the gentleman feels about that time and that date and how strongly all our colleagues feel about that time and that date. So we can safely predict without any qualification that we are going to leave on that time and that date; is that correct?

Mr. ARMEY. The gentleman is absolutely correct.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I would just suggest to the two leaders that there is a longtime traditional event on Tuesday evening whose time was cleared with the leadership months ago.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, what the gentleman refers to is of course something that we on our side look forward to with great anticipation, and we will certainly accommodate the schedule for this important event.

Mr. GEPHARDT. Mr. Speaker, we have got a pressing schedule next week. If the gentleman would like to stipulate that we win the game and you lose, we would be happy to do that. Then we would not even need to play.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I would like to pay a compliment to the majority leader, if that would be all right.

Mr. ARMEY. Mr. Speaker, absolutely.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman very much for giving us the opportunity yesterday to go the Korean Memorial dedication. It worked out very well.

Then I would like to also comment, I hope the gentleman would consider from 9 to 9 that we have been talking about for a number of weeks now. I think it has a lot of merit, instead of coming in at 10, coming in at 9 and getting out at 9. We did set time limits for this past week and it worked pretty well. So I hope the majority leader would consider this proposal.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I want to thank the gentleman from Mississippi for his suggestion. I want to also agree. The gentleman from Mississippi has observed that time limits and debate, the flow of things did work well last week. But in all due respect, the credit for that goes to the floor managers that we have had working on the bills and the cooperation they have gotten from the membership, and with that kind of spirit of cooperation I think our floor managers will have a similar success next week.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I see sitting next to the majority leader the gentleman from California, Chairman PACKARD. I assume he is about to file the legislative branch conference report. Could the gentleman tell us whether he expects that to come before us next week and when that might be?

Mr. ARMEY. Mr. Speaker, yes, we would try to find a way to put that on the floor and see if we can move it along next week.

Mr. FAZIO of California. Does the gentleman think it might be Wednesday, Thursday, before it would come to the floor? I am seeking a little information about timing.

Mr. ARMEY. Mr. Speaker, I would hope maybe Wednesday.

Mr. FAZIO of California. I thank the gentleman.

Mr. GEPHARDT. I thank the gentleman.

CONFERENCE REPORT ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–212)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1854) ''making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 15, 28, 29, 31, 37, 39, 42, 43, 44, 50, 51, 52, 53, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 17, 19, 20, 21, 23, 24, 26, 30, 33, 36, 38, 45, 46, and 47, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Retain the matter proposed, amended as follows:

Delete the sentence beginning ''$31,889,000.'' on line 15 and ending on line 18 of page 3 of the engrossed amendments of the Senate to the bill H.R. 1854; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment, insert: *For salaries and expenses of the Joint Committee on Printing, $750,000, to be disbursed by the Secretary of the Senate*; and the Senate agree to the same.

Amendment Numbered 8:

Restore the matter stricken by said amendment, amended to read as follows:

ADMINISTRATIVE PROVISION

SEC. 112. Section 310 of the Legislative Branch Appropriations Act, 1990, (2 U.S.C. 130e) is amended—

(1) by striking out ''Clerk'' and inserting in lieu thereof ''Sergeant at Arms''; and

(2) by striking out ''Librarian of Congress'' and inserting in lieu thereof ''Architect of the Capitol''.

And the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000, of which $500,000 shall be transferred from the amount provided for salaries and expenses of the Office of Compliance under the headings ''HOUSE OF REPRESENTATIVES'', ''Salaries and Expenses'', and ''Salaries, Officers, and Employees''.

And the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103–283 shall remain available until September 30, 1996: Provided, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. Any day for which a former employee receives a payment under this section shall be counted as federal service for purposes of determining entitlement to benefits, including retirement, annual and sick leave earnings, and health and life insurance. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office, (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment) shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal on how to transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

And the Senate agree to the same.

Amendment numbered 11:

That the house recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$24,288,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *232*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the number proposed by said amendment, insert: *115*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$22,882,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$83,770,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$211,664,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$6,812,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 209.(a) The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) As used in this section, the term ''legislative information'' means information, prepared within the legislative branch, consisting of the text of publicly available bills, amendments, committee hearings, and committee reports, the text of the Congressional Record, data relating to bill status, data relating to legislative activity, and other similar public information that is directly related to the legislative process.

(c) Pursuant to the plan approved under subsection (d) and consistent with the provisions of any other law, the Library of Congress or the entity designated by that plan shall develop and maintain, in coordination with other appropriate entities of the legislative branch, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives. The Library shall provide these committees with regular status reports on the development of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives as well as the Committee on Rules and Administration of the Senate, and the Committee on House Oversight of the House of Representatives for their consideration and possible action.

And the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

ADMINISTRATIVE PROVISION

SEC. 210. The fiscal year 1997 budget submission of the Public Printer to the Congress for the Government Printing Office shall include appropriations requests and recommendations to the Congress that—

(1) are consistent with the strategic plan included in the technological study performed by the Public Printer pursuant to Senate Report 104–114;

(2) assure substantial progress toward maximum use of electronic information dissemination technologies by all departments, agencies, and other entities of the Government with respect to the Depository Library Program and information dissemination generally; and

(3) are formulated so as to require that any department, agency, or other entity of the Government that does not make such progress shall

bear from its own resources the cost of its information dissemination by other than electronic means.

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *3,800 workyears by the end of fiscal year 1996*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the first section number proposed in said amendment, insert: *212*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the first section number proposed in said amendment, insert: *213*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the section number proposed by said amendment, insert: *310*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the first section number proposed in said amendment, insert: *311*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 312. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 313. (a) The Sergeant at Arms of the House of Representatives shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant at Arms have the qualifications specified in subsection (b).

(b) The qualifications referred to in subsection (a) are the following:

(1) A minimum of five years of experience as a law enforcement officer before beginning service as the Sergeant at Arms.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

SEC. 314. Notwithstanding any other provision of law, effective September 1, 1995, the Committee on House Oversight of the House of Representatives shall have authority—

(1) to combine the House of Representatives Clerk Hire Allowance, Official Expenses Allowance, and Official Mail Allowance into a single allowance, to be known as the ''Members' Representational Allowance''; and

(2) to prescribe regulations relating to allocations, expenditures, and other matters with respect to the Members' Representational Allowance.

And the Senate agree to the same.

RON PACKARD,
BILL YOUNG,
CHARLES H. TAYLOR,
DAN MILLER,
ROGER F. WICKER,
BOB LIVINGSTON,
VIC FAZIO,
RAY THORNTON,
JULIAN C. DIXON,
DAVID R. OBEY,
Managers on the Part of the House.

CONNIE MACK,
R.F. BENNETT,
MARK O. HATFIELD,
PATTY MURRAY,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Amendment No. 1: Appropriates $426,919,000 for the operations of the Senate, rescinds $63,544,724.12 of previously appropriated Senate funds, and contains several administrative provisions. At the request of the managers on the part of the Senate, the conferees agreed to amend the Senate amendment. Inasmuch as the amendment relates solely to the Senate and in accord with long practice under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate amendment, as amended.

JOINT ITEMS

JOINT COMMITTEE ON PRINTING

Amendment No. 2: Appropriates $750,000 for the Joint Committee on Printing instead of $750,000 equally divided between the House and Senate authorizing committees as proposed by the House and $1,164,000 as proposed by the Senate.

JOINT COMMITTEE ON TAXATION

Amendment No. 3: Appropriates $5,116,000 as proposed by the Senate instead of $6,019,000 as proposed by the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Amendment No. 4: Appropriates $70,132,000 for the salaries and related personnel expenses of the Capitol Police as proposed by the House instead of $69,825,000 as proposed by the Senate.

Amendment No. 5: Provides $34,213,000 to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, as proposed by the House instead of $33,906,000 as proposed by the Senate.

GENERAL EXPENSES

Amendment No. 6: Appropriates $2,560,000 for general expenses of the Capitol Police as proposed by the House instead of $2,190,000 as proposed by the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Amendment No. 7: Appropriates $1,991,000 for the combined activities of the Capitol Guide Service and the Special Services Office as proposed by the House instead of $1,628,000 for the Capitol Guide Service and $363,000 for the Special Services Office as proposed by the Senate. The conferees direct that future year budget requests of the combined operation maintain a distinction between these separate services. The conferees also acknowledge the importance of the services provided to Members, staff, and public visitors by the Special Services Office and the dedication of the small, but highly proficient and motivated staff. This will continue the independent status of the Office.

Amendment No. 8: Restores language proposed by the House and stricken by the Senate amended to reconstitute the membership of the Special Services Board with the same membership as the Capitol Guide Board.

OFFICE OF COMPLIANCE

Amendment No. 9: Appropriates $2,500,000, of which $500,000 shall be transferred from funds in the Act appropriated for an Office of Compliance within the House of Representatives, for the Office of Compliance, a joint House-Senate activity authorized by the Congressional Accountability Act, instead of $2,500,000 as proposed by the Senate. The funds remaining in the House bill may be redirected for salaries and expenses of the Office of Fair Employment Practices.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

Amendment No. 10: Appropriates $3,615,000, a reappropriation of $2,500,000, and 60 days of severance pay for the close-out costs of the Office of Technology Assessment as proposed by the Senate. The conferees agreed to a clarifying amendment to the severance pay provision inserted by the Senate. This section provides a severance package for employees whose federal service is terminated as a result of the elimination of the OTA. Although the employee's service with the federal government will have been terminated, the period for which an employee receives payment under this section will be considered as creditable service for all purposes, including determining retirement benefits, accrual of annual and sick leave, entitlement to health benefits, etc. The conferees also have amended the Senate provision regarding records and property disposal to provide that such items shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect of the Capitol shall propose a transfer of these items. Such transfer shall be made to legislative branch support agencies, subject to the approval of House and Senate Appropriations Committees.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Amendment No. 11: Appropriates $24,288,000 for salaries and expenses of the Congressional Budget Office instead of $23,188,000 as proposed by the House and $25,788,000 as proposed by the Senate. The conferees direct that the CBO comply with the requirements of the unfunded mandates workload out of the funds provided. If necessary, program analysis priorities should be adjusted to accommodate this directive.

Amendment No. 12: Limits full-time equivalent positions to 232 instead of 219 as proposed by the House and 244 as proposed by the Senate.

Amendment No. 13: Deletes $1,100,000 appropriated in the House bill for the unfunded mandates workload as proposed by the Senate. Funds are provided for this workload in amendment 11.

Amendment No. 14: Changes a section number.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

Amendment No. 15: Appropriates $8,569,000 for the salaries of the Office of the Architect of the Capitol as proposed by the House instead of $8,876,000 as proposed by the Senate.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

Amendment No. 16: Appropriates $22,882,000 for Capitol buildings instead of $22,832,000 as proposed by the House and $23,132,000 as proposed by the Senate. These funds include the items in the Senate bill less $250,000 for security related functions which are not provided.

Amendment No. 17: Makes $2,950,000 available until expended for Capitol buildings as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 18: Provides that expenses, based on full cost recovery, of the flag office shall be advanced or reimbursed and amounts so received shall be deposited into the Treasury instead of crediting these amounts to this appropriation as proposed by the Senate. The conferees direct that the Architect of the Capitol propose a reprogramming that will provide the funds necessary to operate the flag office. The conferees also direct that the Architect make a proposal in the fiscal year 1997 budget request that would transfer these activities in whole or in part to a private entity, while retaining the practice of a Congressional officer who will 'certify' the special status of the flag.

SENATE OFFICE BUILDINGS

Amendment No. 19: Appropriates $41,757,000 for Senate office buildings, of which $4,850,000 shall remain available until expended, as proposed by the Senate. Inasmuch as the amendment relates solely to the Senate and in accord with long practice under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate amendment.

CAPITOL POWER PLANT

Amendment No. 20: Appropriates $31,518,000 for the Capitol Power Plant as proposed by the Senate instead of $32,578,000 as proposed by the House.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Amendment No. 21: Appropriates $60,084,000 for salaries and expenses of the Congressional Research Service as proposed by the Senate instead of $75,083,000 as proposed by the House.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Amendment No. 22: Appropriates $83,770,000 for Congressional printing and binding instead of $88,281,000 as proposed by the House and $85,500,00 as proposed by the Senate. The conferees have agreed to a partial restoration above the House allowance of $1,706,000 in funds for the printing of documents for Congressional use, $1,415,000 for GPO detailees, and $1,050,000 for paper copies of the serial set, as well as the base cut of $2,882,000 made in the Senate allowance. The conferees have deleted $5,800,000 provided by the House to reimburse the Superintendent of Documents for Congressional documents printed for distribution to depository libraries. Instead, these funds have been provided in the Superintendent of Documents appropriation, conforming with current practice. The conferees direct the Public Printer, in consultation with the Joint Committee on Printing, to administer these funds and find further opportunities to reduce unnecessary Congressional printing.

Amendment No. 23: Deletes language proposed by the House and stricken by the Senate that would have included Senators in the funding limitation on paper copies of the permanent edition of the Congressional Record.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

CONSERVATORY RENOVATION

Amendment No. 24: Deletes $7,000,000 provided without fiscal year limitation together with a limitation of cost provided by the House and stricken by the Senate for the renovation of the Botanic Garden Conservatory.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Amendment No. 25: Appropriates $211,664,000 for salaries and expenses, Library of Congress, instead of $193,911,000 as proposed by the House and $213,164,000 as proposed by the Senate. The conferees have restored $17,753,000 above the House allowance, including funding for the American Folklife Center. These funds include $3,000,000 for the National Digital Library project.

ADMINISTRATIVE PROVISIONS

Amendment No. 26: Provides an obligational authority ceiling for reimbursable and revolving fund activities at the Library of Congress $99,412,000 as proposed by the Senate instead of $86,912,000 as proposed by the House.

Amendment No. 27: Provides $6,812,000 for non-expenditure transfer activities in support of parliamentary development instead of $5,667,000 as proposed by the House and $7,295,000 as proposed by the Senate. The additional funds are provided for activities in support of parliamentary development in Albania and Slovakia.

Amendment No. 28: Deletes language inserted by the Senate limiting funding for parliamentary development to activities funded by the Agency for International Development.

Amendment No. 29: Deletes language inserted by the Senate which adds Egypt to the country list included in the program in support parliamentary development.

Amendment No. 30: Deletes a provision inserted by the House and stricken by the Senate that amends section 206 of the Legislative Branch Appropriations Act, 1994, that limits obligations for gift and trust funds in excess of $100,000 to the amounts provided in annual or supplemental appropriations Acts beginning with fiscal year 1997. The conferees believe that Congress must retain oversight over gift and trust fund obligations and their impact on Library of Congress programs. These funds are becoming significant supplements to core programs of the Library of Congress and are being used to fund, along with appropriated funds, projects such as the National Digital Library.

To ensure Congressional oversight of gift and trust fund activities, the Committee directs the Library to include a new informational section in their budget submission documents which represents a combined justification for those appropriation-funded projects which are augmented by major gift and trust fund activities. These justifications should be similar to those of the Cataloging Distribution Service and the Copyright Office which are funded by appropriation and revenue receipts and should include an estimate of resources and full-time-equivalents necessary to accomplish the project. Furthermore, the Library is directed to notify the Appropriations Committees of any major new gift and trust fund activities not included in the annual budget justification or major changes to existing gift and trust fund programs. A major gift or trust fund activity is defined as any single account of $100,000 or more. A threshold of $100,000 for any single activity will exempt certain funds established for special purposes such as the purchase of a rare manuscript, sponsorship of an exhibit, or other instances where the traditional gift and trust fund accountability is suitable. The conferees believe that full disclosure of project plans, resource commitments, and long term cost implications, regardless of funding source, will mitigate the need for a legislative limitation in appropriations acts. If this method proves unwieldy or otherwise insufficient, an appropriations limitation will still be available to the Congress. In any case, the intent is not to redirect the use of donated funds to other purposes, but to ensure that core Library of Congress project activities are consistent with public policy and that the Congress retains the means to carry out its responsibility to oversee the activities of this most important program.

Amendment No. 31: Deletes a Senate provision authorizing the Library to offer retirement incentives to employees throughout fiscal year 1996.

Amendment No. 32: Changes a section number and authorizes the Library of Congress to develop a plan, subject to approval, for the creation of a single legislative information retrieval system to serve the entire Congress, to examine issues regarding efficient ways to make this information available to the public, and to develop such a system, subject to play approval. The conference agreement amends the Senate provision to condition the development of the system based on appropriate approvals, and to include the Committees on Appropriations in the plan approval procedure. The conferees wish to point out that there are commercial sources of comparable systems and data bases, as well as several data bases and data creation, processing, and distribution systems extant in the legislative branch that should be evaluated in the issue analysis and plan development phases.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Amendment No. 33: Appropriates $30,307,000 for salaries and expenses, Superintendent of Documents, as proposed by the Senate instead of $16,312,000 as proposed by the House.

Amendment No. 34: Deletes a House provision stricken by the Senate which would have amended section 1903 of Title 44, and inserts a provision directing the Public Printer to include in the fiscal year 1997 budget submission a proposal for the depository library program that will result in conversion of this program to electronic format. The Public Printer is directed to propose a means to create cost incentives for publishing agencies, including the Congress, to migrate from print-on paper products to electronic format. The conferees direct that the Public Printer and Superintendent of Documents consult with the Joint Committee on Printing, House and Senate document publishing managers, and appropriate executive branch officials in the development of the fiscal year 1997 budget program. The conferees also do not intend that the study directed in the Senate report or the plan regarding electronic format should interfere with the activities of the authorizing committees to consider legislation amending title 44, U.S. Code, or any legislative initiative which will improve the Federal printing program.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

Amendment No. 35: Limits the full-time equivalent employment at the Government Printing Office to 3,800 by the end of the fiscal year instead of 3,550 as proposed by the House and 3,900 by the end of the fiscal year as proposed by the Senate.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Amendment No. 36: Appropriates $374,406,000 for salaries and expenses, General Accounting Office as proposed by the Senate instead of $392,864,000 as proposed by the House. The conferees direct that the General Accounting Office downsizing plan made necessary by the level of funding provided incorporate privatization of administrative activities to the maximum extent and utilize the services of private accounting firms, and other private sector experts in carrying out audit, financial analysis, and program evaluation activities. The conferees direct that the fiscal year 1997 budget proposal contain a separate section which documents this policy, together with comparisons to current practices.

Amendment No. 37: Deletes a provision inserted by the Senate providing an advance appropriation for fiscal year 1997 of $338,425,400, and $6,100,000 of reimbursement received. The conferees agree that the intent is to achieve a 25% reduction over the two year period of fiscal years 1996 and 1997.

ADMINISTRATIVE PROVISIONS

Amendment No. 38: Changes a heading as proposed by the Senate.

Amendment No. 39: Restores a provision proposed by the House and stricken by the Senate which transfers claims and judgments activities to the executive branch effective June 30, 1996.

Amendment No. 40: Changes a section number and amends section 732 of Title 31, giving authority to the Comptroller General to establish reduction in force regulations for GAO as proposed by the Senate.

Amendment No. 41: Changes a section number and amends section 753 of Title 31, removing from the GAO Personnel Appeals Board their authority to stay a reduction in force as proposed by the Senate.

Amendment No. 42: Deletes a provision inserted by the Senate giving the General Accounting Office authority to offer incentives to employees who retire or resign on or before September 30, 1995. The authority is contained in H.R. 1944, the fiscal year 1995 emergency supplemental and rescissions Act.

TITLE III—GENERAL PROVISIONS

Amendment No. 43: Restores a provision proposed by the House and stricken by the Senate which transfers personnel and unexpended balances for security equipment design and installation from the Architect of the Capitol to the Capitol Police.

Amendment No. 44: restores a section number.

Amendment No. 45: Adds a subsection inserted by the Senate regarding the Administrative Conference of the United States. The conference agreement complies with the intent of the Congressional Accountability Act to study the application of certain laws to the General Accounting Office, Library of Congress, and the Government Printing Office. In the event the Administrative Conference is not funded, the conference agreement provides that the study will be undertaken by the Office of Compliance.

Amendment No. 46: Deletes a provision proposed by the House and stricken by the Senate that would have authorized the Provost Marshall at Ft. Meade to police the 100 acre parcel assigned to the Legislative Branch.

Amendment No. 47: Deletes a provision proposed by the House and stricken by the Senate that would have transferred the Botanic Garden to the Secretary of Agriculture.

Amendment No. 48: Changes a section number.

Amendment No. 49: Changes a section number and inserts a Senate provision amending Public Law 101–302 regarding Senate artwork.

Amendment No. 50: Deletes a sense of the Senate provision relating to members of the Senate press galleries.

Amendment No. 51: Deletes a Senate legislative provision regarding the selection of Federal Government contractors.

Amendment No. 52: Deletes a sense of the Senate provision regarding the Senate legislative schedule.

Amendment No. 53: Deletes a provision stating findings and sense of the Senate provision regarding the war in Bosnia.

Amendment No. 54: Deletes a Senate legislative provision repealing section 3303 and amending section 2302(b)(2) of Title 5, regarding prohibitions against political recommendations relating to Federal employment.

Amendment No. 55: Deletes a legislative provision inserted by the Senate regarding reductions in facility energy costs and inserts three provisions: 1. to specify the law enforcement authority of the House Sergeant at Arms; 2. to clarify the existing authority of the Committee on House Oversight to consolidate or combine representational allowances of Members of the House of Representatives and to prescribe regulations with regard to allocation and expenditure of such allowances; and 3. to establish an account to pay awards and settlements as authorized under section 415 of the Congressional Accountability Act of 1995. The conferees direct that the Architect of the Capitol, the Librarian of Congress, the Public Printer, and the Comptroller General include in their fiscal year 1997 budget submissions proposals to achieve reductions in facility energy costs. The conferees are aware that the Architect of the Capitol has an extensive energy retrofit program in effect, which has been fully coordinated with the Congress and the Committees on Appropriations. Those savings may be included within the required proposal.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$2,390,554,700
Budget estimates of new (obligational) authority, fiscal year 1996	2,617,614,000
House bill, fiscal year 1996	1,725,698,000
Senate bill, fiscal year 1996	2,190,370,000
Conference agreement, fiscal year 1996	2,184,856,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−205,698,700
Budget estimates of new (obligational) authority, fiscal year 1996	−432,758,000
House bill, fiscal year 1996	+459,158,000
Senate bill, fiscal year 1996	−5,514,000

RON PACKARD,
BILL YOUNG,
CHARLES H. TAYLOR,
DAN MILLER,
ROGER F. WICKER,
BOB LIVINGSTON,
VIC FAZIO,
RAY THORNTON,
JULIAN C. DIXON,
DAVID R. OBEY,
Managers on the Part of the House.

CONNIE MACK,
R.F. BENNETT,
MARK O. HATFIELD,
PATTY MURRAY,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

ADJOURNMENT TO MONDAY, JULY 31, 1995

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AMENDMENTS TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. POMBO. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 1103) entitled ''Amendments to the Perishable Agricultural Commodities Act, 1930''.

The Clerk read the title of the bill.

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

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, the House Committee on Agriculture was pleased to unanimously report H.R. 1103 as amended to the House on June 28, 1995, with the recommendation that it do pass.

H.R. 1103 is a collaborative effort between the House Committee on Agriculture, USDA, the fruit and vegetable and retail industry to modernize, streamline, and strengthen the Perishable Agricultural Commodities Act.

Briefly, H.R. 1103 includes provisions to phase retailers and grocery wholesalers out of the license fee payment in

3 years, establish a one-time administrative fee for new retailers and grocery wholesalers, increase license fees for those remaining in the program from $400 to $550, and allow USDA to adjust future license fees under rulemaking authority, implement a paperless system to administer the PACA trust, add new language requiring USDA to receive a written complaint before pursuing an investigation, require the department to inform the subject about the status of the investigation no later than 100 days after the initial notification, adjust administrative penalties and establish civil penalties under PACA, continue current fees for informal and formal reparation complaints, clarify the status of collateral fees and misbranding violations and, finally, amend responsibly connected provisions of PACA.

CBO estimates that USDA's total spending for PACA activities will be reduced under H.R. 1103.

I would like to thank the industry, USDA, House Committee on Agriculture counsel, and the Office of Legislative Counsel for sharing generous amounts of their time, effort, and expertise in assisting the committee in reaching this very important goal.

□ 1515

I urge passage of H.R. 1103. To the ranking member of the Committee on Agriculture, I would like to thank the gentleman very much for all the work that he has put into this issue over the years.

Mr. EWING. Mr. Speaker, the House Agriculture Committee was pleased to unanimously report H.R. 1103 as amended to the House on June 28, 1995, with the recommendation that it do pass.

H.R. 1103 is a collaborative effort between the House Agriculture Committee, USDA, and the fruit, vegetable, and retail industry to modernize, streamline, and strengthen the Perishable Agricultural Commodities Act.

Briefly H.R. 1103 includes provisions to:

Phase retailers and grocery wholesalers out of license fee payment in 3 years.

Establish a one-time administrative fee for new retailers and grocery wholesalers.

Increase license fees for those remaining in the program from $400 to $550 and allow USDA to adjust future license fees under rulemaking authority.

Implement a paperless system to administer the PACA trust.

Add new language requiring USDA to receive a written complaint before pursuing an investigation.

Require the Department to inform the subject about the status of the investigation no later than 180 days after initial notification.

Adjust administrative penalties and establish civil penalties under PACA.

Continue current fees for informal and formal reparation complaints.

Clarify the status of collateral fees and misbranding violations, and finally, amend responsibly connected provisions of PACA.

CBO estimates that USDA's total spending for PACA activities will be reduced under H.R. 1103.

I would like to thank the industry, USDA, House Agriculture Committee Counsel, and the Office of Legislative Counsel for sharing generous amounts of your time, effort, and expertise in assisting the committee in reaching this very important goal.

Most important, I would like to give special thanks to Mr. POMBO and Mr. BOEHNER for their leadership in bringing this issue to resolution.

I urge passage of H.R. 1103.

Mr. DE LA GARZA. Mr. Speaker, further reserving the right to object, I yield to our distinguished colleague, the gentleman from North Carolina [Mr. ROSE].

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

Mr. ROSE. Mr. Speaker, I compliment the chairman of the subcommittee and the gentleman from California [Mr. POMBO] for the hard work that they put into passage of this bill. On our side of the aisle, there are a great many people who are very anxious to see this legislation passed. Two of the hardest workers on this bill were the gentlewoman from Florida [Mrs. THURMAN] and the gentleman from California [Mr. FARR]. They are not here now because I told them we were not going to bring this up today. They can have me to blame for that. I thought it was going to come up Monday. I compliment the gentleman from California [Mr. POMBO] for his compromise and his great negotiating efforts. I am delighted to see the bill come to the floor for hopefully an uncontested passage.

Mr. Speaker, I rise in strong support of this legislation which is the result of intense and, at times, difficult negotiations between the several members of the fresh fruit and vegetable community. This consensus agreement, like all compromises, required substantial give and take within the industry. However, the effectiveness and the solvency of the PACA Program have been preserved by this agreement.

Like many other commodity programs, the PACA Program well serves the needs of the American farmer and the American consumer at no cost to the Federal Treasury. By the passage of this legislation, the Congress will preserve a valuable program that guarantees our Nation's food security and delivers wholesome and affordable farm commodities to America's families. I encourage my colleagues on both sides of the aisle to remember the importance of food security and all our commodity programs when we begin work on the farm bill this fall.

In closing, I thank Chairman EWING for his efforts to usher this bill through the House Committee on Agriculture. Similarly, I thank Mr. POMBO, Ms. THURMAN, and Mr. FARR for the extraordinary efforts they made to bring this agreement to fruition.

Mr. DE LA GARZA. Mr. Speaker, this bill is the culmination of difficult negotiations to reform PACA. I want to commend Members, staff, USDA, and all the stakeholders for their commitment to reform, and their commitment to an efficient and effective PACA Program.

This bill will assure the continuation of a strong PACA Program, to protect the buyers and sellers of fruits and vegetables and to benefit the American consumer. It will guarantee the fiscal integrity of the PACA and give authority to the Secretary of Agriculture to adjust fees as necessary.

A new fee structure will be imposed on the program by this bill, and although retailers and wholesalers will no longer be required to pay license fees after 3 years, everyone will still be required to obtain a PACA license and will still be subject to all of the provisions of the PACA Program. Additional needed reforms are made by the bill, including the authority for paperless trusts, which will reduce paperwork and program costs.

All parties to this agreement have assured us that they will continue to support it when it reaches the Senate. I expect it to be handled expeditiously by the Senate, and signed by the President, and I urge my colleagues to support this critical legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 1103

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

SECTION 1. DEFINITIONS.

(a) Section 1(b)(6) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a) is hereby amended to read as follows:

''(b)(6) The term 'dealer' means any person engaged in the business of buying or selling in wholesale or jobbing quantities, including for resale at retail, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered a 'dealer' in respect to sales of any such commodity of his own raising; and (B) no person buying any commodity other than potatoes for canning and/or processing within the State where grown shall be considered a 'dealer' whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice or consists of cherries in brine, within the meaning of paragraph (4) of this section. Any person not considered as a 'dealer' under clauses (A) or (B) may elect to secure a license under the provisions of section 499c of this title, and in such case and while the license is in effect such person shall be considered as a 'dealer'.''

(b) Section 1 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a) is hereby amended to add a new subsection (b)(11) and a new subsection (b)(12), to read as follows:

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

''(12) The term 'producer' means any person who raises perishable agricultural commodities for sale of those commodities in wholesale or jobbing quantities, under the producer's own brands or labels, as defined by the Secretary.''.

SEC. 2. UNFAIR TRADE PRACTICES.

(a) Section 2(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

''(1) For any commission merchant, dealer, broker, or producer to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the

weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;''.

(b) Section 2(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

''(4) For any commission merchant, dealer, broker, or producer to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail to disclose the grant or receipt of any collateral fee or expense in connection with any cost-plus transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction; or to fail to maintain the trust as required under section 499e(c) of this title;''.

(c) Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

''(5) For any commission merchant, dealer, broker, or producer to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State, country, or region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce: *Provided*, That any commission merchant, dealer, broker, or producer who has violated—

''(A) any provision of this paragraph may, with the consent of the Secretary, admit the violation or violations; or

''(B) any provision of this paragraph relating to a misrepresentation by mark, stencil, or label shall be permitted by the Secretary to admit the violation or violations if such violation or violations are not repeated or flagrant;

and pay, in the case of a violation under either clause (A) or (B) of this paragraph, a monetary penalty not to exceed $2,000 in lieu of a formal proceeding for the suspension or revocation of license, any payment so made to be deposited in the Treasury of the United States as miscellaneous receipts: *Provided further*, That a person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if that person did not have knowledge of the violation or lacked the ability to correct the violation;''.

(d) Section 2(6) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer,''.

(e) Section 2(7) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer,''.

SEC. 3. LICENSE FEES.

Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)) is amended to read as follows:

''Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application and to be furnished thereafter. Upon filing the application, and annually thereafter, the applicant shall pay such fees, both individually and in the aggregate, as the Secretary determines, upon rulemaking pursuant to 5 U.S.C. section 553, are necessary to meet the reasonably anticipated expenses for administering this chapter and section 491, 493 to 497 of this title. For fiscal year 1996, such individual license fee shall not exceed $500, plus $200 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary. For fiscal year 1996, total annual fees for any applicant shall not exceed $2,000 in the aggregate. No retailer shall be required to pay a license fee until the invoice cost of its purchases of perishable agricultural commodities in any calendar year are in excess of $400,000. The Secretary shall provide by regulation that persons operating subsidiary organizations may consolidate those organizations on the license of the parent organization. Such fee, when collected, shall be deposited in the Treasury of the United States as a special fund, without fiscal year limitation, to be designated as the 'Perishable Agricultural Commodities Act Fund' which shall be available for all expenses necessary to the administration of this chapter, and sections 491, 493 to 497 of this title, referred to above. License fees paid into such fund by persons designated as 'retailers' by the Secretary shall not exceed more than 25 percent of all fees collected in any fiscal year. Any reserve funds in the Perishable Agricultural Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The amount of money accumulated and on hand in the special fund at the end of any fiscal year shall not exceed 33 percent of the projected budget for the next following fiscal year. Financial statements prescribed by the Director of the Office of Management and Budget for the last completed fiscal year, and as estimated for the current and ensuing fiscal years, shall be included in the budget as submitted to the Congress annually.''.

SEC. 4. ISSUANCE OF LICENSE.

Section 4(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)) is amended to read as follows:

''(a) Whenever an applicant has made application and paid any applicable fee, the Secretary, except as provided elsewhere in this chapter, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this chapter, or is automatically suspended under section 499g(d) of this title, but said license shall automatically terminate on any anniversary date thereof unless the application has been made and any applicable fee has been paid: *Provided*, That notice of the necessity of application and paying any applicable fee shall be mailed at least thirty days before the anniversary date: *Provided further*, That if the application is not made and any applicable fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by making application and paying any applicable fee provided in section 499c(b) of this title, plus $5, which shall be deposited in the Perishable Agricultural Commodities Act fund provided for by section 499c(b) of this title: *Provided further*, That the license of any licensee shall terminate upon said licensee, or in case the licensee is a partnership, a partner being discharged as a bankrupt, unless the Secretary finds upon examination of the circumstances of such bankruptcy, which he shall examine if requested to do so by said licensee, that such circumstances do not warrant such termination.''.

SEC. 5. LIABILITY TO PERSON INJURED.

(a) Section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(a)) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer,''.

(b) Section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)(3)) is hereby amended to add at the end thereof the following: ''The Secretary of Agriculture shall require persons who do not pay license fees under section 499c of this title to pay a filing fee for each notice of intent to preserve trust benefits filed pursuant to section 499e of this title. For fiscal year 1996, such filing fee shall be set at $20. Thereafter, such fee shall be set by the Secretary upon rulemaking pursuant to 5 U.S.C. section 553, in order to meet the reasonably anticipated expenses for administering direct and indirect costs for such persons' participation in proceedings under this chapter.''.

SEC. 6. COMPLAINT AND INVESTIGATION.

(a) Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)) is hereby amended to designate existing section (a) as section (a)(1), and to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission, merchant, dealer, broker, or producer,'' in the two instances in which it appears in that subsection.

(b) Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)) is hereby amended to add at the end thereof a new subsection (a)(2), a new subsection (a)(3), and a new subsection (a)(4), to read as follows:

''(2) The Secretary shall require all persons, other than Federal employees acting within the scope of their official duties, who submit informal complaints to the Secretary under this section, alleging a violation of section 2 of the Act (7 U.S.C. 499b), to include a filing fee. For licensed persons that have also paid an annual license fee, such filing fee shall be $60 per petition. For all other persons, such fee shall be $100 per petition. If the Secretary determines under section 6(a) of the Act (7 U.S.C. 499f(a)), that the facts contained in a petition described in such section warrant further action, the person or persons submitting the petition shall submit to the Secretary a further filing fee. For licensed persons that have also paid an annual license fee, such filing fee shall be $300 per petition. For all other persons, other than Federal employees acting within the scope of their official duties, such fee shall be $500 per petition. The Secretary may not forward a copy of a complaint to the commission merchant, dealer, broker, or producer involved until after the Secretary receives the required filing fees.

''(3) In determining the amount of damages incurred by a prevailing party in a formal reparation proceeding under section 7 of this

Act (7 U.S.C. 499g), the Secretary shall assess the amount of filing fees against the losing party: *Provided,* That a prevailing party shall have any filing fees paid by it refunded as part of any formal reparation award.''.

(c) Section 6(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(b)) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer,'' in two instances in which it appears in that subsection.

(d) Section 6(d) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(d)) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer''.

SEC. 7. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.

(a) Section 8(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h(a)) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer''.

(b) Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h) is hereby amended to add a new subsection (b) to read as follows:

''(b) Whenever the Secretary determines, as provided by section 499f of this title, that any commission merchant, dealer, broker, or producer has violated section 499b, 499h(c), or 499h(d) of this title, the Secretary may assess a monetary penalty not to exceed $2,000 for each violative transaction or each day the violation continues, to be deposited in the Treasury of the United States as miscellaneous receipts.''.

(c) Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h) is hereby amended by redesignating existing subsection (b) as subsection (c), existing subsection (c) as subsection (d), and existing subsection (d) as subsection (e).

(d) Redesignated section 8(e) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h(e)) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer''.

SEC. 8. PRESERVATION OF BUSINESS REPUTATION.

Section 13 of the Act (7 U.S.C. 499m) is hereby amended to add a new subsection (g), to read as follows:

''(g) The Secretary is directed, during the course of any investigation or inquiry under this title, to take due account of preservation of the business reputation of any person under investigation.''.

SEC. 9.

Section 15 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499o) is hereby amended to redesignate the existing provisions as subsection (a), and to add a new subsection (b) and a new subsection (c), to read as follows:

''(b) REPORT AND INVESTIGATION.—The Secretary shall investigate and issue a report on industry practices requiring or soliciting collateral fees and expenses by or to any commission merchant, dealer, broker, or producer in connection with any transaction in perishable agricultural commodities. Such report shall be made to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, within one hundred and eighty days of enactment of this legislation.

''(c) DISCLOSURE OF COLLATERAL FEES AND EXPENSES; RULEMAKING.—If the investigation and report required by this section conclude that such practices conform to the laws of the United States, the Secretary shall promulgate regulations regarding the sufficiency of disclosure by or to any commission merchant, dealer, broker, or producer, of the grant or receipt of any collateral fee or expense in connection with any cost-plus transaction in perishable agricultural commodities: *Provided,* That disclosure shall be considered sufficient if it is conspicuously made on the face of the invoice or in any underlying contract covering the transaction: *Provided further,* That no commission merchant, dealer, broker, or producer, nor any individual responsibly connected with any such commission merchant, dealer, broker, or producer shall be the subject to any licensure, reparation, or trust enforcement proceeding under this chapter for any act or omission concerning the disclosure of any collateral fee or expense, taken or required to be taken prior to the effective date of regulations required under this subsection.''.

SEC. 10. LIABILITY OF LICENSEES FOR ACTS AND OMISSIONS OF AGENTS.

Section 16 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499p) is hereby amended to strike the words ''any commission merchant, dealer, or broker,'' and in lieu thereof insert the words ''any commission merchant, dealer, broker, or producer,'' in the two instances in which it appears in that section.

SEC. 11. REVIEW OF PROCEDURES AND POLICIES.

The Perishable Agricultural Commodities Act, 1930 is hereby amended by adding at the end thereof the following new section (7 U.S.C. 499t):

''REVIEW OF POLICIES AND PROCEDURES.

''(a) The Secretary is directed to conduct an annual review of enforcement procedures, policies, and priorities regarding reparation proceedings, disciplinary complaints, and the operation of the trust, as well as proceedings under section 499h(c), to identify opportunities for efficiency and cost reduction in such proceedings. The Secretary shall invite public participation and input into such review.

''(b) The Secretary is directed to submit, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, no later than September 30 of each year, a projection of enforcement priorities for the next twelve months. The Secretary is further directed to submit, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, no later than September 30 of each year in which a biennial review is conducted, a report containing the results of its review and recommendations based on such results. Such biennial report shall describe reparation proceedings, disciplinary complaints, and the operation of the trust during the previous twenty-four months.''.

SEC. 12. EFFECTIVE DATE.

This Act shall be effective upon enactment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

H.R. 1103

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Perishable Agricultural Commodities Act Amendments of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Addition of definitions of retailer and grocery wholesaler.
Sec. 3. Gradual elimination of annual license fee for retailers and grocery wholesalers that are dealers.
Sec. 4. Establishment and alteration of license fees for commission merchants, dealers (other than retailers and grocery wholesalers), and brokers.
Sec. 5. Increase in penalties for operating without a license and increase in late renewal fee.
Sec. 6. Statutory trust on commodities and sale proceeds.
Sec. 7. Authority of Department of Agriculture regarding possible violations.
Sec. 8. Filing and handling fees for reparation complaints.
Sec. 9. Consideration of collateral fees and expenses.
Sec. 10. Clarification of misbranding prohibition.
Sec. 11. Imposition of civil penalty in lieu of license suspension or revocation.
Sec. 12. Extension of sanctions to persons responsibly connected to a commission merchant, dealer, or broker.

SEC. 2. ADDITION OF DEFINITIONS OF RETAILER AND GROCERY WHOLESALER.

Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by adding at the end the following new paragraphs:

''(11) The term 'retailer' means a person that is a dealer engaged in the business of selling any perishable agricultural commodity at retail.

''(12) The term 'grocery wholesaler' means a person that is a dealer primarily engaged in the full-line wholesale distribution and resale of grocery and related nonfood items (such as perishable agricultural commodities, dry groceries, general merchandise, meat, poultry, and seafood, and health and beauty care items) to retailers. However, such term does not include a person described in the preceding sentence if the person is primarily engaged in the wholesale distribution and resale of perishable agricultural commodities rather than other grocery and related nonfood items.''.

SEC. 3. GRADUAL ELIMINATION OF ANNUAL LICENSE FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.

(a) ELIMINATION OF ANNUAL FEES OVER THREE-YEAR PERIOD.—Subsection (b) of section 3 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c), is amended—

(1) by inserting ''(1) APPLICATION FOR LICENSE.—'' before the start of the first sentence and adjusting the margin to conform to paragraph (3);

(2) by striking the third and fourth sentences;

(3) by inserting ''(5) PERISHABLE AGRICULTURAL COMMODITIES ACT FUND.—'' before the start of the fifth sentence and adjusting the margin to conform to paragraph (3);

(4) by striking the last sentence; and

(5) by inserting before paragraph (5) (as so designated) the following new paragraphs:

''(3) ONE-TIME FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.—During the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, a retailer or grocery wholesaler making an initial application for a license under this section shall pay the license fee required under subparagraph (A), (B), or (C) of paragraph (4) for license renewals in the year in which the initial application is made. After the end of such period, a retailer or

grocery wholesaler making an initial application for a license under this section shall pay an administrative fee equal to $100. In either case, a retailer or grocery wholesaler paying a fee under this paragraph shall not be required to pay any fee for renewal of the license for subsequent years.

''(4) GRADUAL ELIMINATION OF ANNUAL FEES FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.—In the case of a retailer or grocery wholesaler that holds a license under this section as of the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, payments for the renewal of the license shall be made pursuant to the following schedule:

''(A) For anniversary dates occurring during the one-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, the licensee shall pay a renewal fee in an amount equal to 100 percent of the applicable renewal fee (subject to the $4,000 aggregate limit on such payments) in effect under this subsection on the day before such enactment date.

''(B) For anniversary dates occurring during the one-year period beginning at the end of the period in subparagraph (A), the licensee shall pay a renewal fee in an amount equal to 75 percent of the amount paid by the licensee under subparagraph (A).

''(C) For anniversary dates occurring during the one-year period beginning at the end of the period in subparagraph (B), the licensee shall pay a renewal fee in an amount equal to 50 percent of the amount paid by the licensee under subparagraph (A).

''(D) After the end of the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, the licensee shall not be required to pay any fee if the licensee seeks renewal of the license.''.

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

(1) by striking the section heading and ''SEC. 3. (a)'' and inserting the following:

''SEC. 3. LICENSES.

''(a) LICENSE REQUIRED; PENALTIES FOR VIOLATIONS.—'';

(2) in subsection (b), by inserting ''APPLICATION AND FEES FOR LICENSES.—'' after ''(b)''; and

(3) in subsection (c), by inserting ''USE OF TRADE NAMES.—'' after ''(c)''.

SEC. 4. ESTABLISHMENT AND ALTERATION OF LICENSE FEES FOR COMMISSION MERCHANTS, DEALERS (OTHER THAN RETAILERS AND GROCERY WHOLESALERS), AND BROKERS.

(a) DISCRETION OF SECRETARY TO ESTABLISH AND ALTER FEES.—Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)), is amended by inserting after paragraph (1), as designated by section 3(a)(1), the following new paragraph:

''(2) LICENSE FEES.—Upon the filing of an application under paragraph (1), the applicant shall pay such license fees, both individually and in the aggregate, as the Secretary determines necessary to meet the reasonably anticipated expenses for administering this Act and the Act to prevent the destruction or dumping of farm produce, approved March 3, 1927 (7 U.S.C. 491–497). Thereafter, the licensee shall pay such license fees annually or at such longer interval as the Secretary may prescribe. The Secretary shall take due account of savings to the program when determining an appropriate interval for renewal of licenses. The Secretary shall establish and alter license fees only by rulemaking under section 553 of title 5, United States Code, except that the Secretary may not alter the fees required under paragraph (3) or (4) for retailers and grocery wholesalers that are dealers. Effective on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995 and until such time as the Secretary alters such fees by rule, an individual license fee shall equal $550 per year, plus $200 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary, subject to an annual aggregate limit of $4,000 per licensee. Any increase in license fees prescribed by the Secretary under this paragraph shall not take effect unless the Secretary determines that, without such increase, the funds on hand as of the end of the fiscal year in which the increase takes effect will be less than 25 percent of the projected budget to administer such Acts for the next fiscal year. In no case may a license fee increase by the Secretary take effect before the end of the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995.''.

(b) REPEAL OF CURRENT CAP ON RESERVE FUNDS.—Paragraph (5) of such section, as designated by section 3(a)(3), is amended by striking the sentence that begins with ''The amount of money''.

(c) CONFORMING AMENDMENTS REGARDING THIS SECTION AND SECTION 3.—Section 4(a) of such Act (7 U.S.C. 499d(a)) is amended—

(1) in the matter preceding the provisos, by striking ''any anniversary date thereof unless the annual fee has been paid'' and inserting ''the anniversary date of the license at the end of the annual or multiyear period covered by the license fee unless the licensee submits the required renewal application and pays the applicable renewal fee (if such fee is required)'';

(2) in the first proviso, by striking ''the necessity of paying the annual fee'' and inserting ''the necessity of renewing the license and of paying the renewal fee (if such fee is required)''; and

(3) in the second proviso, by striking ''annual fee'' and inserting ''renewal fee (if required)''.

SEC. 5. INCREASE IN PENALTIES FOR OPERATING WITHOUT A LICENSE AND INCREASE IN LATE RENEWAL FEE.

(a) LICENSE PENALTIES.—Section 3(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(a)), as amended by section 3(b)(1), is further amended—

(1) by striking ''$500'' and inserting ''$1,000''; and

(2) by striking ''$25'' both places it appears and inserting ''$250''.

(b) LATE FILING FEES.—Section 4(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)), as amended by section 4(c), is further amended in the second proviso by striking ''plus $5'' and inserting ''plus $50''.

SEC. 6. STATUTORY TRUST ON COMMODITIES AND SALE PROCEEDS.

(a) REPEAL OF SECRETARIAL NOTIFICATION REQUIREMENT.—Paragraph (3) of section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)), is amended in the first sentence by striking ''and has filed such notice with the Secretary''.

(b) CLARIFICATION OF CONTENT OF NOTIFICATION.—Such paragraph is further amended by inserting after the first sentence the following new sentence: ''The written notice to the commission merchant, dealer, or broker shall set forth information in sufficient detail to identify the transaction subject to the trust.''.

(c) ADDITIONAL METHOD OF NOTIFICATION FOR LICENSEES.—Such section is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) In addition to the method of preserving the benefits of the trust specified in paragraph (3), a licensee may use ordinary and usual billing or invoice statements to provide notice of the licensee's intent to preserve the trust. The bill or invoice statement must include the information required by the last sentence of paragraph (3) and contain on the face of the statement the following: 'The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.'.''.

SEC. 7. AUTHORITY OF DEPARTMENT OF AGRICULTURE REGARDING POSSIBLE VIOLATIONS.

(a) DISCIPLINARY VIOLATIONS.—Subsection (b) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), is amended to read as follows:

''(b) DISCIPLINARY VIOLATIONS.—Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any other interested person (other than an employee of an agency of the Department of Agriculture administering this Act) may file, in accordance with rules prescribed by the Secretary, a written notification of any alleged violation of this Act by any commission merchant, dealer, or broker. In addition, any official certificates of the United States Government or States or Territories of the United States and trust notices filed pursuant to section 5 shall constitute written notification for the purposes of conducting an investigation under subsection (c). The identity of any person filing a written notification under this subsection shall be considered to be confidential information. The identity of such person, and any portion of the notification to the extent that it would indicate the identity of such person, are specifically exempt from disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), as provided in subsection (b)(3) of such section.''.

(b) GROUNDS AND PROCESS OF INVESTIGATIONS.—Subsection (c) of such section is amended to read as follows:

''(c) INVESTIGATION OF COMPLAINTS AND NOTIFICATIONS.—

''(1) COMMENCING OR EXPANDING AN INVESTIGATION.—If there appears to be, in the opinion of the Secretary, reasonable grounds for investigating a complaint made under subsection (a) or a written notification made under subsection (b), the Secretary shall investigate such complaint or notification. In the course of the investigation, if the Secretary determines that violations of this Act are indicated other than the alleged violations specified in the complaint or notification that served as the basis for the investigation, the Secretary may expand the investigation to include such additional violations.

''(2) ISSUANCE OF COMPLAINT BY SECRETARY; PROCESS.—In the opinion of the Secretary, if an investigation under this subsection substantiates the existence of violations of this Act, the Secretary may cause a complaint to be issued. The Secretary shall have the complaint served by registered mail or certified mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the subject of the complaint is engaged in business. However, in complaints wherein the amount claimed as damages does not exceed $30,000, a hearing need not be held and proof in support of the complaint and in support of respondent's answer may be supplied in the form of depositions or verified statements of fact.

''(3) SPECIAL NOTIFICATION REQUIREMENTS FOR CERTAIN INVESTIGATIONS.—Whenever the Secretary initiates an investigation on the basis of a written notification made under subsection (b) or expands such an investigation, the Secretary shall promptly notify the subject of the investigation of the existence of the investigation and the nature of the alleged violations of this Act to be investigated. Not later than 180 days after providing the initial notification, the Secretary shall provide the subject of the investigation with notice of the status of the investigation, including whether the Secretary intends to issue a

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

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

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

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

''SEC. 6. COMPLAINTS, WRITTEN NOTIFICATIONS, AND INVESTIGATIONS.'';

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

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

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

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

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

''(a) REPARATION COMPLAINTS.—

''(1) PETITION; PROCESS.—''; and

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

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

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

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

SEC. 9. CONSIDERATION OF COLLATERAL FEES AND EXPENSES.

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

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

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

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

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

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

SEC. 10. CLARIFICATION OF MISBRANDING PROHIBITION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

To the Congress of the United States:

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

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

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1995.*

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

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

To the Congress of the United States:

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

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

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

WILLIAM J. CLINTON

THE WHITE HOUSE, *July 28, 1995.*

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

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

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

There was no objection.

THE NEED FOR AN INDEPENDENT COUNSEL

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

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

My colleagues, if we can find money for a protocol officer but we cannot find money for an independent counsel, the people are not going to accept it. What is this? It is like pouring perfume on a garbage dump.

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

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

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

[From the USA Today, July 28, 1995]

GINGRICH ETHICS SCANDAL DEMANDS OUTSIDE COUNSEL

(By Barbara Raynolds)

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

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

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

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

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

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

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

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

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

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

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

SUPPORT MEDICARE

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

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

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

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

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

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

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

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

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

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

SPECIAL ORDERS

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

12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, one of the things that we are facing this weekend is the 30th birthday of Medicare. Many of us have been trying to talk about this issue in quiet voices because we think 30 years old is not old enough for Medicare. We would like to see it survive and survive in a very healthy mode.

One of the things that we found out yesterday was the gentleman who put together the ''Harry and Louise'' commercials and did everything they could to derail, and did derail, health care reform, was given a lecture that somebody taped, so we were able to hear it yesterday.

The point of the lecture was what to do to scare people about Medicare so they would stampeded, and you could raid that little piggy bank to use it for the tax cuts that the other side wants to use it for. As we watched, almost everything we heard on that tape is coming true today.

What I am trying to say is that on the 30th anniversary of Medicare's birthday, that people should be very mindful of what is going on. There are big, big, big economic interests circling around Medicare that cannot wait to get their little mitts on it.

First of all, there are a lot of people talking about if you really cut it and you try to find a way to downsize this whole thing, the first trick will be to lure the healthy out, to transfer them out into the private sector. That is why I think so many private insurance companies have been willing to fund this group that is going to go out and say ''Oh, we have got to change Medicare to save Medicare.''

You know what will happen and I know what will happen. They will lure those healthy people out but the minute that they get sick, I will bet you no one will get an insurance policy that guarantees renewal no mater what their health condition. You can lure them out, make money on them, and the minute they get sick, boom, transfer them back over to the Federal Government or cut them off and leave them hanging out there, That is where I think we have to look to see where it is that we are going.

When this lecture was given that we got to hear yesterday, they were saying that the only way you could get people to change the status quo was to scare them, scare them to death, and so we see people waving these reports around that the Medicare trust fund is in trouble. No one will ever stipulate that it has not got some problems. Yes, it has got some problems, and this side of the aisle has been dealing with those problems year after year after year.

The way we deal with them is you look at the number of beneficiaries, you look at the cost of the care, you try to see if there is anything you can do to streamline, get the waste out or whatever, and then any savings you get, you plow it back into that trust fund.

The question I have to those waving this report saying how much trouble Medicare is in, how terrible it is going to be if we do not do something, the question I have for them is then why are they proposing that they should take $270 billion out, not plowing it back in, but taking it out? If it is already in trouble, where is the scenario where just removing the funds is going to make it healthier? I think it only puts it on a faster downhill trend, but I think they are hoping people only hear parts of the message and do not think it all the way through to the end.

As we get ready to celebrate this birthday, and I guess one of the reasons I feel so strongly about this birthday is it is the same birthday as mine, but as we get ready to celebrate this birthday for the 30th anniversary of Medicare, I am saying to people, please listen carefully. Please ask questions about why some companies will put so much money up, to do everything they can to agree to take all this money out of Medicare.

Maybe it is because they think they are going to be enriched if they can get that to happen, that they are going to make some money out of it. I really rather doubt that they are putting all this money up for this big PR effort because they are doing it just in the name of good government or just as a charitable contribution or something they would like to do for older folks. I think we really have to pierce the veil of those kind of entities and find out who is standing behind them and find out if they stand to be enriched if these things transpire.

I think playing with people's trust funds is just too scary. Ther are too many problems and too many people who really distrust the Federal Government to add this to their list of things that make them angry. Most people like Medicare. Let us hope it is still in as good a shape as it is now on its next birthday.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

[Mr. DORNAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SAVING MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, this week marks the 30th anniversary of Medicare. Over the past 30 years, this program has provided essential health care coverage to many seniors. Yet today Medicare faces imminent bankruptcy.

President Clinton's own Social Security and Medicare boards of trustees, which include three appointed Cabinet members, issued their annual report this last April. I have a copy right here. In this report, they indicated that the Hospital Insurance Trust Fund will be able to pay benefits for only about 7 more years. By the year 2002, seniors who depend on this program as their primary source of health care will lose coverage unless we act now to protect Medicare.

Let me share the conclusion from this report. This is President Clinton's report, his trustees:

> We strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions and delivery mechanisms.

I have heard little or nothing from the minority party as to how to fix it. They have criticized the Republicans but they have not offered any specific methods to fix this problem.

We have two options: We can either do nothing and allow Medicare to face bankruptcy or we can strengthen, simplify and save Medicare.

□ 1530

We must strengthen this program by making it financially sound and safe.

Mr. Speaker, the current growth of Medicare is unsustainable. Instead of continuing to increase spending at 10 or 11 percent each year, we must slow the growth to about 7 percent. Even under this plan, spending for each beneficiary will increase from $4,800 per year to $6,400 by the year 2002.

We must simplify this program and make it easier for seniors to use. We must reduce fraud and abuse in Medicare. We must give seniors the right to choose their own health plan. We must go beyond the scare tactics. If we take immediate action now, we can save Medicare.

Mr. Speaker, this is indeed the 30th birthday of Medicare. We on this side of the aisle say ''Happy Birthday'' and many more.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE ON THE 50TH ANNIVERSARY OF THE NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

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

Mr. HORN. Mr. Speaker, for the past half century the members of the National Press Photographers Association have shared memorable, moving, and information images with our Nation and the world. In the process, they have documented the last half of the 20th century with photographs and pictures that have made us smile and others that have wrenched our hearts.

Who can forget the sight of man's first step on the Moon or the jubilance of the United States hockey team's victory over the sport-dominating Soviet Union in the 1980 Olympics; the newly widowed Jacqueline Kennedy holding the hand of a young John F. Kennedy, Jr.; and, especially memorable, the five marines and the Navy corpsman raising the American flag on Iwo Jima?

These images and so many more like them have defined our perceptions of history. They are the press photographers' gifts to all of us.

To provide us with these memories, press photographers have often accepted great physical risks—even the possibility of death—to be the eyes and ears of the American public and the public throughout the world. Their dedication is to be admired.

On the 50th anniversary of the National Press Photographers Association, I join with this Nation in saying, ''Thank you for all that you have given us.''

In the true spirit of the National Press Photographers Association, members have been working to ensure that we continue to be the recipients of the informative and instructional nature of their work, especially in times of disaster and emergency.

Through their experience, they know of the necessity for a harmonious working relationship between the public safety and the journalistic communities so that accurate, even lifesaving information, can be passed on very quickly to the waiting public. It is through this goal that the National Press Photographers Association created the ''National Media Guide for Emergency & Disaster Incidents'' which has been just published.

Laws can easily be based on this document, and we will be very carefully looking at them at the national level. I would hope that State legislatures would also look at the guidelines that have been made available for the use of police chiefs, sheriffs, and other law enforcement officers.

They have brought together, with the collaboration of over 100 media and public safety representatives throughout the United States, this National Media Guide, which reflects the best public information procedures from police, fire, and other emergency providers across America. It is a compilation of guidelines developed by highly experienced individuals, which ensure that journalists and public safety officials can work quickly and efficiently to keep the public informed in disaster situations.

I am delighted that Bob Riha, Jr., a photographer for USA Today in the West, who lives in Long Beach, is the cochair of the National Press Photographers Association Police-Fire-Press Relations Committee. He is joined, as cochair, by David Handschuh, staff photographer with the New York Daily News.

By working together, these leaders of the photographers, the media, the public safety representatives can all help benefit and enhance our images and the public information possibilities in the case of emergencies and disasters. This Nation has had many in recent years. Earthquakes, floods, fires, tornadoes, typhoons, you name it, we have had them all. There is a need for such guidelines, when it comes to saving lives and property.

Mr. Chairman, I salute this effort. I congratulate the National Press Photographers Association for its continuing efforts to keep the public informed. Theirs is a community spirit that is enviable and a dedication to duty that is an inspiration. What they have provided for us is a basis for law that will assure that the public's right to know is fulfilled in this land.

Mr. Speaker, I attach a summary of the ''National Media Guide'' whose ideas should interest Federal and State legislators and those public officials involved in the media coverage of the emergency activities related to a disaster.

NATIONAL MEDIA GUIDE FOR EMERGENCY & DISASTER INCIDENTS

FOREWORD

Throughout the United States, public safety agencies have standard operating procedures to guide operations during emergencies and disasters. Some of these identify policies and procedures to use when news media are at the scene of an incident. Laws and policies will vary agency to agency and jurisdiction to jurisdiction to jurisdiction. Media access laws and procedures used in California or New York, may not be legal or utilized in other states. When media representatives are denied access to an emergency or disaster scene, the flow of information to the public is restricted. During certain emergencies, such as hazardous materials incidents, the flow of information to the public could be a matter of life or death.

In 1994, the National Press Photographers Association (NPPA) appointed photo-journalists Bob Riha, Jr., in Long Beach and David Handschuh in New York as Co-Chairs of NPPA's Police-Fire-Press Relations Committee. Their assignment was to write a guidance document for journalists and public safety officials to use during emergencies. NPPA is a non-profit professional organization of more than 10,000 members worldwide including news photographers, television camera operators, freelance photographers and editors.

OBJECTIVES

The objectives of the National Media Guide are to:

Establish Standard Operating Procedures nationally for media & public safety representatives that respond to emergency and disaster incidents—taking into consideration specific needs both sides have to do their jobs effectively.

Establish media access guidelines and criteria for media access to emergency, investigation and crime scene areas.

Education media representatives & public safety officials on proper media access procedures and address problem areas and give solutions to those problems.

Develop a guidebook which could be used at journalism colleges & universities including public safety training academies to educate 'rookie' journalists & officials on how to work with each other during emergencies.

Develop a guidance document to assist Public Information Officers.

NATIONAL MEDIA GUIDE

The National Media Guide for Emergency & Disaster Incidents is a 90-page document that contains guidelines for media and public safety representatives that respond to emergency & disaster incidents. The guidebook contains guidelines for media representatives, local agencies, state agencies and the Federal Government. It was written with contributions from over 100 media and public safety representatives nationwide. Advisors contacted for this document came from all regions of the United States including: Hawaii, California, Washington, Nevada, New Mexico, Colorado, Minnesota, Texas, Kentucky, Florida, New York, Utah, Iowa, Arizona, Idaho, Montana, Maryland, Indiana and New Hampshire.

TOPICS

The National Media Guide for Emergency & Disaster Incidents contains information on many subjects including:

Media Identification, Barrier Tape Guidelines, Command Post/Media Information Centers, Private Property Considerations, Wildland Fire Incidents, National Transportation Safety Board Incidents, Undercover Incidents, Media and The Military, Federal Emergency Management Agency, Media Vehicle Identification, Media Access Photo Sites, Media Access, Hazardous Materials Incidents, Special Weapons/Tactics Team, Bomb Squad Incidents, Media Aircraft Guidelines, Media Access into Indian Lands, U.S. Department of Justice.

CONCLUSION

The National Media Guide points out that:

Nationally, only California and Ohio have Statutory Laws for media access into emergency & disaster scenes. California has PC409.5(D); Ohio has PC2917.13(B).

Media representatives are identified by possessing a media identification card issued by local law enforcement agency or an identification card issued by the media organization. Authorized media representatives work for bona-fide, news gathering media organizations. Public safety agencies should have a policy of accepting media identification issued from agencies outside their immediate jurisdiction.

Coordination with the media, especially radio and television are essential in informing the public during emergencies and major disasters. Use of media notification sources can assist 1st responders at the scene in dispersing emergency instructions and information in the shortest amount of time.

Training is needed for journalists, public safety representatives and Public Information Officers that respond to emergency and disaster incidents within the United States.

The public has a Right-To-Know and demands information during emergencies.

TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight, in the few minutes allocated, I would like to talk a bit about why our people, the American people, are working harder, but in fact, they are finding that their dollar buys less.

They are working longer hours, more hours; some families 2 and 3 jobs, and yet when they go to pay the bills at the end of the week, or at the end of the month, the dollar just does not stretch as far as it used to stretch. In fact, both Newsweek and Time magazines have had tremendous articles in the last month on wages in America and what is happening to the American family as a result.

Today, Mr. speaker, the Commerce Department announced very disappointing economic statistics for our country: basically, that the economy is stuck dead in the water. There was a story on the front page of the New York Times today which I am going to put in the RECORD that reads in the first paragraph that the economy really had extremely paltry growth in the second quarter, and we, as a country, are stuck at the 50-yard line. We just cannot seem to move forward.

The article also talks about the stagnation of wages and the job insecurity felt by millions and millions of our American families. One wonders why we do not hear more about it here in Washington because this is the reality of what our friends and neighbors are living with every day.

Mr. Speaker, tonight I want to talk a little bit about what I call the ''trade drag'' on our economy, the trade deficit drag that is really helping to hold down the ability of our people's wages to grow. If we think about the car races we might see at the Indianapolis 500, where they have to slow down and that big parachute comes out the back, and even a car that is going 150, 200 miles an hour stops almost in place. That is how a trade deficit works in terms of the ability of this economy to move forward.

Over the last decade, our Nation has lost over $1 trillion, $1 trillion of economic growth, to other places in the world. We have been amassing gigantic trade deficits, more imports coming in here than our trade deficits, more imports coming in here than our exports going abroad, and that has created pressure on the companies and the workers in our country because of low wages and working conditions.

There is no environmental enforcement in these other places around the world where these goods come from, and all of a sudden we find our workers in competition with the lowest-wage workers in the world in the most undemocratic places we could ever imagine living in.

Let us look at some of the results of that. If we take a look at this year alone, we expect that we will have $184 million more of merchandise coming in here than we are sending off shore through our exports.

This year we will have an increase over last year, when that deficit was $166 billion. When we figure every billion translates into 20,000 lost jobs in this country, all of a sudden we begin to think about things that are happening in our own communities back home and we begin to understand the dynamic of what is happening in 1,000, 2,000, 5,000, 10,000 places across this country where we are essentially exporting abroad our manufacturing productivity and importing goods from low-wage places around the world.

We were told that NAFTA, the agreement with Mexico, would be a good thing for America. I would sure like to see some of the proponents get back on television; we have not heard a word from them lately because, in fact, the numbers are working exactly in reverse.

If we look at the figures of both the United States and Mexico, prior to NAFTA signing we always sent more exports down there than imports were coming in from Mexico. But just in May of this year, we had a $1.6 million deficit with Mexico. That is just in 1 month; that is over 25,000 jobs. We have lost one plant a day to Mexico since NAFTA was signed.

Mr. Speaker, our trade deficit with Mexico this year is expected to reach over $20 billion. That is an exact reversal of the trade figures prior to the signing of NAFTA. In fact, we are also amassing gigantic trade deficits with Canada for the first time. It is projected this year to be over $14 billion. So as a result of NAFTA, this year, the United States-Mexico-Canada combined, we will have over $34 billion trade deficit just with those two countries.

Mr. Speaker, part of the reason for the fiscal drag on the people of this country is that our trade policies are absolutely backward and do not benefit our people here at home.

Mr. Speaker, I submit the following for the RECORD:

[From the New York Times, July 27, 1995]

CLINTON AND THE ECONOMY

(By David E. Sanger)

WASHINGTON, July 27.—On Friday morning, the Commerce Department will issue a figure that until very recently the White House was dreading: an accounting of the economy's paltry growth in the second quarter of the year, a grim statistic that for much of the year looked as if it would be the first step off a steep cliff.

The number will likely be around five-tenths of a percent, a long, long fall from the economy's spectacular performance last year. But now there is a growing consensus among economists and traders that the figure will likely be the year's worst and that a rebound is already under way.

They are basing their optimism on the usual hodgepodge mix of home sales, the pace of exports, inventory levels and other straws in the economic wind that recently suggest that the worst is probably over. At the White House, officials are already declaring that the much talked-about ''soft landing'' has arrived.

The second-quarter figure is coming out at a time that the second quarter seems no longer relevant,'' Treasury Secretary Robert E. Rubin, who has predicted publicly for several months that the rebound would start in the second half of the year, said today. ''The question now is how strongly do we resume growth.''

The political import of all this is lost on no one in Washington: It has been more than 40 years since a Democratic incumbent ran for the Presidency with the economy seemingly strong, inflation under control and unemployment off the front page. Against all the speculation just a few months ago, Bill Clinton now looks as though he may break the spell.

What that means in concrete political terms—the first primary is still seven months away—is anyone's guess. Even if the economy does bounce back in the coming months, it is far from clear that there will be corresponding political gains for Mr. Clinton.

Growth was strong and inflation was low last November, and the result was a Republican seizure of both the House and the Senate. In the postwar era, growth had to average more than 4.6 percent in the year leading up to an election for a Presidential incumbent to be re-elected.

And the stagnation of wages and the job insecurity felt by millions of Americans remain a major economic problem, and an even bigger political one, a point Mr. Rubin and other Administration officials acknowledge.

But an economy in downturn as the primaries approach seemed probable just a few months ago, and Mr. Clinton's economic advisers are delighting in the fact that the business cycle seems unlikely to give the Republicans any fresh ammunition.

''This gives tremendous momentum to the Clinton re-election candidacy,'' Secretary of Commerce Ronald H. Brown, the former chairman of the Democratic National Committee who until a few months ago was considered a likely candidate to run the campaign, said in his office today. ''We ought to take the quotes from all those guys on the Hill who were predicting doom and gloom and throw them back in their faces.''

The Republicans, of course, will retort that the man who brought about the soft landing was not Bill Clinton but one of their own: Alan Greenspan, chairman of the Federal Reserve. Last year he was regularly portrayed by the White House as the lurking force of evil in the economy, raising interest rates last year to head off inflation.

On several occasions the White House forgot its stated policy of never arguing in public with the Federal Reserve, carping about its approach and saying that it would cost jobs and growth. More than a few times Mr. Rubin had to call his colleagues in the Cabinet and ask them, politely, to shut up.

Now, after a considerable amount of revisionist thinking, Mr. Greenspan has become something of an economic hero in the White House. The interest-rate increases are now viewed in a kinder light, in part because they choked off inflation but especially because rates began to come down again last month.

Suddenly the most likely successor to Alan Greenspan, whose term runs out next March, is Alan Greenspan. (The reality is that probably no one else could get confirmed: The Republican leaders of the Senate would probably hold up the nomination of any other candidate until after the next election.)

Certainly not all the news has been good, and anyone wanting to construct a pessimistic outline for the months ahead has plenty to work with. In May, personal income declined slightly, the first fall since January

1994. In June, a leading index of manufacturing purchases declined for the second consecutive month, after nearly two years of growth. Car sales plunged alarmingly in the spring, leaving the chief executives of the Big Three shaken. Mortgage applications are down, even though interest rates have dropped nearly two points in eight months. the savings rate continues to fall.

Some economists maintain that any good news is simply a delay of the inevitable. ''If the economy survives 1995 without a recession, next year will offer no respite from hazards,'' the Jerome Levy Economics Institute at Bard College wrote last week in one of the blitz of newsletter analyses that has preceded Friday's report on gross domestic product. ''The probability of a recession beginning either this year or next is 60 percent.''

If so, Mr. Clinton could find himself in exactly the condition he managed to exploit brilliantly against George Bush.

But inflation seems increasingly unlikely to be an issue as the election approaches; it is not only down in this country but around the world. The job market has remained surprisingly strong, an impression bolstered today when the Government announced a large decline in claims for unemployment benefits. Retail sales are up, though much of that comes from huge promotions that car makers are using after they were caught by surprise by slow sales early in the year.

There are three major issues that seem to bother the Administration's top official when they talk about the economy: What will happen to personal income, whether a showdown with the Republicans over the budget sends the markets into a tailspin and what happens if the country's export boom suddenly dries up.

All the economic indicators in the country can turn up, but if income stays stagnant, Mr. Clinton's advisers agree, he will be unable to convince voters that much has changed, ''It's the problem the President works on the most,'' Mr. Rubin said today, referring to proposals in his budget for training and education. ''Because median real wages have not behaved well, too many Americans can't feel in their own lives what has happened in the economy.''

The second concern is that the battle over the budget will bring the Government to a standstill in October, with all kinds of hard-to-predict economic fallout. ''We've had the Government close for a day or two in the past; but what we are worried about is something much longer and worse,'' a top Administration official said recently. ''And it is unclear who would be blamed for that, Bill Clinton or Newt Gingrich.''

And the third concern is that the hidden miracle of the economy—exports—will finally cool off. Just how much exports are rising is a matter of how you measure, but the trend is pointing to a 15 percent increase over last year, fueled by the weak dollar. That is a remarkable achievement at any time, but particularly when the country's No. 2 and No. 3 trading partners, Japan and Mexico, are in the most dire economic trouble they have suffered in years.

Whether the country's economic growth can be sustained even if the domestic economy slows further, then, depends in large part on keeping up a huge flow of goods to Europe and Southeast Asia. And that means depending on economies over which Mr. Clinton has virtually no control.

''What no one has noticed in the past year or so is that now fully 50 percent of our exports go to the Pacific Basin,'' said Mickey Kantor, the United States trade representative and another potential candidate to run Mr. Clinton's compaign. ''That is why we have such a critical interest in continuing the market openings there and building those relationships.''

But Asia is also where the United States has its biggest trade deficits, and they, too, have widened over the year. That could be the wedge the Republicans turn to first.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REFLECTIONS ON THE DEDICATION OF THE KOREAN WAR MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. KIM] is recognized for 60 minutes as the designee of the majority leader.

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

Mr. KIM. Mr. Speaker, yesterday afternoon I joined with Presidents Clinton and Kim Yong-sam of Korea as well as with hundreds of thousands of Korean war veterans, their familes and friends in dedicating the Korean War Memorial on The Great Mall in Washington, DC.

For me, this was a most emotionally moving experience. At the time of the Korean War, I was a young boy in Seoul, Korea, trying to survive the horrors of the war. Now, 42 years later at the dedication of the memorial, I am a U.S. Congressman from California. This seems so unreal, so unbelievable.

But, as I stood there looking at the memorial, yesterday, I know this is real because this is America and only in America can such incredible things happen. Perhaps it was Washington's notoriously hot and humid weather that made me feel faint during the ceremony—but I think it could have been 10 below zero and I still would have felt overcome with pride and joy.

The Korean war is often called the forgotten war. While those of us who lived through it will never forget, I think I see why so many others have.

You see, Mr. Speaker, it is because we were successful in Korea. It was indeed a true successful story. That why it was almost forgotten. On June 25, 1950, North Korea launched its surprise attack and by August had pushed American and South Korean troops into a small pocket surrounding the southern-most port of Pusan.

But, rather than give up, the United States made a bold landing and counter-attack at Inchon that same September, thereby defeating any chance of Communist victory.

This was a victory for liberty over tyranny. Many people have forgotten that the rescue of Korea was not just an American and South Korean operation.

Twenty-seven nations, under the blue flag of the United Nations, fought to defend the U.N.'s charter principles of freedom and self-determination for Korea. And they were successful.

Just across the reflecting pool from the Korean War Memorial is the Vietnam War Memorial. While the Korean war may be the forgotten war, we still anguish over the conflict in Vietnam.

It is true that over 10 years of fighting in Southeast Asia resulted in 55,000 American deaths and 2,000 still missing in action. I give the highest honor to these sacrifices.

But it is also true that in just 3 years of vicious combat, 54,000 Americans died in Korea and over 8,000 remain missing.

Why the concentration on Vietnam at the expense of Korea? Just as many gave the ultimate sacrifice in Korea. Is it because we won in Korea?

Is is because those who protested against our brave troops in the 1960's and 1970's now feel guilty about their actions and fear that acknowledging our victory in Korea will weaken their arguments against our involvement in Vietnam?

I don't know. But, I do know that international freedom and liberty did win in Korea. And, it is past time that this victory be fully recognized.

The ultimate sacrifices made by these brave Americans and others during the Korean war were not made in vain. While the war in Korea may have left the entire peninsula looking like a wasteland back in 1953, look at how the southern half—with American help and protection—rebuilt into a strong, vibrant free-market democracy.

As President Kim said in this very Chamber just 2 days ago, ''This is the story of the Republic of Korea, a country which began with nothing but bare hands and courage and managed to achieve democratization and industrialization in a short period of time, a country now proudly marching out toward the world and into the future.''

Today, South Korea continues to pay back that help to the United States. South Korea is America's sixth largest trading partner with bilateral trade exceeding $40 billion this year alone—and the balance is tilted in favor of the United States as America has a trade surplus with Korea.

Now, compare the prosperity and success of South Korea with the misery and poverty in Communist North Korea. Despite all the Marxist propaganda claiming North Korea to be a people paradise, in reality it is a land where only two meals a day are eaten because there is not enough food for three. Despite a 40-year program for self-sufficiency, the North must accept rice from its self-described enemy, the South. There is no freedom in the North as ''big brother'' watches every move every person makes.

Economically, politically and morally, the North is bankrupt. Only through tyranny and massive military mobilization are the Communists in the North able to stay in power. The differences between the North and South are very well defined.

Yes, Mr. Speaker, we—the forces of freedom—did win the Korean war and we're winning the peace, too, with our policy of peace through strength on the peninsula.

Near the apex of the Korean War Memorial, across from the American flag, is the inscription ''Freedom Is Not Free''. That simple, four word phrase is so very meaningful.

Clearly, from looking around the memorial and reflecting on the sacrifices it represents, we can appreciate this phrase in the political-military context. But, the phrase ''Freedom Is Not Free'' has another everyday meaning, too.

Let me tell you a true story about a little boy named JAY KIM. The year was 1950 and Seoul, the capital of Korea, had been overrun and occupied by the Communists. Life was dangerous and miserable.

Because my family was educated, we were branded ''enemies of the people''. Most of our possessions were confiscated and my father was forced to go into hiding.

Others, like my adopted brother, were hunted down, lined up against the wall and executed.

They made the younger boys, including me, watch. I was so scared but I'll never forget the way he looked at me and gave me a brave, little smile, and then they shot him.

I was left to care for my mother—always wondering would the next bullet be for us?

Then came the liberation of Seoul. In retreat, the Communists tried to destroy everything. They lit our houses on fire and threatened to kill anyone who tried to extinguish the flames. We took the risk and tried to save what little we had.

As I was rushing back and forth carrying things from the burning house, I heard people shouting that the Marines were coming. I was so overjoyed I dropped everything and ran into the street, despite the gunfire.

There were tears in my eyes and I screaming with excitement that these brave soldiers had come to save our lives.

One of the marines—he seemed so big—smiled and gave me some spearmint chewing gum. Communist sniper fire rang out and the marine sheltered me from the danger. I can still smell his sweat and feel the press of his hand keeping me down out of the line of fire.

With the sniper neutralized, the marine smiled and moved on to save some other poor little soul like me. I watched him until he left my sight—this angel in a marine uniform who had come to deliver me from the hell we were in.

I knew from that very day, that I wanted to be an American. America represented so much hope, opportunity, freedom, and goodness.

Who else but Americans would come thousands of miles from their homes and risk their lives to save some nameless little boy like me?

After serving in the Korean Army, I was one of the lucky 1 in 1,000 to be able to come to the United States. I had very little money and spoke no English.

But, I had determination. Spirit was the one thing the Communists could not take away from us and I was not going to miss the incredible opportunities America presented.

I worked hard—very hard. A day only has 24 hours, but mine seemed to have 30. I went to college and worked at the same time. My wife, who joined me a year after I came to California, did the same and we started a family. I was a janitor, cleaned up after a supermarket butcher, and washed dishes. I took any job I could find to feed my family.

I didn't know about any Government assistance programs then.

And, even if I had, I wouldn't be qualified for such Government subsidy program anyway. Times were tough, but they were nothing like the war. I knew that in America hard work would pay off. It did—and it still does today. Hard work always pays in America. Through hard work and determination I came from the ashes of Seoul to the United States Congress. Only in America can this happen.

But, as the inscription on the memorial reminds us, ''Freedom is Not Free.'' Earlier today in this very Chamber, I listened to a lot of heated debate about the role of the Federal Government in housing. A few weeks ago it was welfare.

Big government, mandating all kinds of expensive one-size-fits-all programs reduces freedom of opportunity. It makes the American dream subject to Government regulations and bureaucratic delays.

Rather than depend on the Government, people must be responsible for their own lives. Those who work hard and take advantage of the opportunities in this country will succeed.

Rather than look for a free ride, they should be working hard to restore their pride.

Freedom from want, freedom from poverty, and freedom from illiteracy cannot be achieved through endless, free Government handouts. I know from personal experience that it is tough being poor. I hated being poor.

But, instead of blaming someone else and demanding more Government handouts, I worked hard, determined to achieve success.

Yes, I had some lousy jobs I did not like. The hours were long and the pay was poor. But, I labored hard and got an education and started my own business. I was able to buy a nice house and pay back my country by serving the public in Congress.

I did not ask for a free handout to achieve this. I only asked for the freedom to pursue the great opportunities this country provides. The rest was up to me.

That's what the American spirit is all about. That's what is reflected, so very clearly by the Korean War Memorial. Unselfish sacrifice, teamwork, pride, and courage. Mr. Speaker, I strongly urge all of my colleagues and the American public to take the time to visit this new memorial. It is a most moving and rewarding experience.

It reminds us of why America truly is the greatest country on Earth. I'm so proud I'm American.

□ 1545

SIEZE THE OPPORTUNITY: CONTINUE B–2 BOMBER PRODUCTION

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. DICKS] is recognized for 60 minutes as the designee of the minority leader.

Mr. DICKS. Mr. Speaker, tonight I rise to address my colleagues and the American people on what I consider to be the most important defense decision that will be made by this Congress in this decade. This summer, the Congress will case a deciding vote on one of our most critical issues facing the future of our Nation's defense capability. What is at stake is nothing less than the future of the Nation's only bomber industrial base and our ability to not only fight and win two major regional conflicts, as our current war fighting plans require, call for, but to deter such conflicts from arising in the first place.

During the time of diminished resources and diminished threats, we are confronting the temptation to abandon efforts at maintaining our technological superiority. In the case of the B–2 Stealth bomber, seven former defense secretaries have issued a strong warning that such a move would risk one of the key factors that will allow us to meet future defense requirements. This is a warning that the President and Congress should not ignore, in my judgment.

I have long been convinced, as have many in Congress, that the wise move at this time would be to harness the giant technological advances represented by the B–2's design and its capabilities in order to meet the new and difficult conventional power projection requirements. The wisdom lies not only in retaining the newest and least vulnerable of all the weapons we have already paid for, but also in the economic reality of defense downsizing.

When you have fewer and fewer weapons and forces, there must be an even greater premium on technological superiority. Herein lies the essential reasoning for last year's congressionally led effort to build at least an additional 20 Stealth bombers, a force consistent with recommendations of several comprehensive defense studies, one done by Rand in Los Angeles, and on bomber requirements and with the recommendations of the seven Defense Secretaries made to President Clinton in January.

Simply put, 20 B–2's do not represent enough bomber capability to meet our

Nation's future needs, even when supplemented by B–52's and B–1's. In conventional war, time plays the central role in guiding choices and measuring success. The significance of this maxim is magnified by the single most intriguing ''what if'' question of the Persian Gulf war: What if Saddam Hussein had not stopped at the Kuwaiti border and quickly proceeded into Saudi Arabia and elsewhere at a time when the United States and Allied forces in the region were minimal? Though we remember clearly the great victory of 500,000 allied troops over Saddam's Republican Guard, we should remember that we had nearly 6 months with which to ship troops and materiel into the gulf.

If Saddam's military advance had been immediate through Kuwait into Saudi Arabia, there is no doubt the cost both in terms of dollars expended and lives lost would have been much more severe on all of the allied nations, including the United States, in order to expel him. We cannot base our military capabilities on the assumption that we will have a long period to build up forces and unimpeded access to in-theater basing.

We were very fortunate in the gulf that the Saudi Arabian people had airbases, had port facilities. But if that had not been the case, we would have been faced with a much more daunting challenge.

If the B–2 currently in production could have been deployed to the Persian Gulf, as Saddam Hussein was threatening to invade Kuwait, I believe the Iraqi dictator would have had a much more difficult decision to make before crossing the border into Kuwait. With a fully equipped fleet of Stealth bombers, the President could have launched a strike force of B–52's from either Whiteman Air Force Base or Diego Garcia, and with one aerial refueling they could have engaged Saddam's prized Republican Guard.

In a Rand study, a simulation was conducted utilizing B–2's against one of Saddam's advancing armored divisions, consisting of approximately 750 combat vehicles.

□ 1600

The B–2's, armed with sensor-fused weapons known as skeet conventional munitions; they are currently in production and now coming into the inventory; managed to destroy 46 percent of those 750 combat vehicles, not only halting the armored division's advance, but inflicting so much damage that the division could not be reconstituted, and the people at Rand, I asked them had there ever been any other combination of conventional weapons that could stop a mobile division in the field, and their answer was, ''Congressman, there is no other combination of conventional weapons that could have stopped a moving division.''

Extending the Persian Gulf scenario, which is clearly the type of conflict most representative of our national security challenges in the years ahead, we should look at how we would repel the invading Iraqi forces if Saddam had not given us a 5-month head start. We know the advantage of Stealth fighters, the F–117's with smart weapons, gave us when the allied attack actually began, but without the long-range Stealth-bomber capability in the early August days of the Iraqi advance, what assets would we have used?

The answer is an expensive one, and this is the one that this administration is proposing to the Congress and one that I think is very, very foolish. With the existing fleet of bombers, primarily B–52's that are now as old as their pilots' fathers, expensive standoff weapons would have been used capable only of hitting a fixed target rather than being able to engage moving divisions. Each of these cruise missiles would have cost 1.2 million, and usually an airplane would carry somewhere between 12 and 16 of them, and the cost of the conventional munitions such as the ones that would be on the B–2, which could penetrate against fixed targets, are about $20,000, and the cost of the skeet munitions, which I mentioned earlier, are about one-fourth the cost of a load of these expensive standoff cruise missiles, and remember that those skeet munitions, these are little pucklike weapons with a parachute. They come down over the battlefield, hit the tanks, the Bradleys, all the vehicles as they come into the country. Those would cost about a fourth versus the load of cruise missiles, but of course the cruise missiles do not have any capability against a mobile target, and the two most important things were the advancing division and actually the movement of Scud missiles. We were unable to detect those Scud missiles during the gulf war, and find them and destroy them. The B–2, or the Block 30 upgrade, would give us a new capability with better intelligence to find those Scud missiles, and if those Scud missiles had had chemical, or biological, or nuclear weapons, the outcome of the war in the gulf could have been vastly different.

Now where B–2's are stealthy, survivable, and able to operate autonomously, nonstealth-bomber aircraft require significant protection including air escorts, fighters, and electronic jammers, and that is why I put this chart down here to show you the value of stealth.

On the far side is a package of airplanes. I think it is about 76 aircraft that would use nothing but dumb bombs. Then you have a package of airplanes using precision weapons, and then you got to the stealthy F–117's, and the major difference is that these nonstealthy aircraft were unable to go into the most heavily defended areas. They were forced to come back out, as General Horner has testified, and then, before we had gained total air superiority in the gulf, we used the F–117's, and eight of them were able to be used to go in and knock out these surface-to-air missiles and do it in a very timely way, and what happened also was that our pilots in these stealthy airplanes survived. They were not shot down even though they were going in against the most heavily defended areas.

And the comparison is, and here they have two B–2's because the Air Force never sends just one airplane, it always has two, but one B–2 is equivalent to these airplanes and to all of these stealthy aircraft—I mean nonstealthy aircraft in terms of their capability to attack these targets, and remember the standard package on the far right. All those 76 planes were turned back. They could not get the job done. So stealth worked, we saved money, because we were able to use less-expensive weapons. They did not use the standoff weapons, and we were able to have all of our pilots survive. That is the value of this revolutionary technology.

Now the saving comes not only in dollars, but in lives, and both, as I mentioned, are significant. In dollars we reduce the cost of weapons alone in the gulf scenario from approximately $2.24 billion per day for the expensive standoff weapons to about $300 million per day by utilizing the radar-evading capabilities of the stealth, and 1 week's savings during such a conflict could pay for nearly 20 additional B–2's. Even more important is the lifesaving ability of utilizing a much smaller attacking force of aircraft that can operate undetected in hostile airspace. The B–2 can provide us with conventional deterrence, but if deterrence fails, it can help us win wars more quickly and with fewer losses.

Mr. Speaker, I yield to my distinguished colleague, the chairman of the Subcommittee on Procurement of the Committee on National Security, and one of the real experts on defense and national security matters in the House. I yield to the gentleman from San Diego.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for that tribute, and let me just say that he has been a real expert in the area of national security as one of the leaders in the Committee on Appropriations in the Defense Subcommittee, and he made a really important point, Mr. DICKS, and that is the point that you can deter wars by having lots of air power early in the war, and all of the studies, even the studies in which conclusions were drawn adverse to B–2's by the political elements in the administration, said that bombers can stop armor, and that means that when Saddam Hussein or others who have a desire to take territory that does not belong to them fire up their tanks and put them in third gear, the only way you can stop that armor quickly is with heavy bomber attacks. You cannot sail that carrier task force into that place where you can make those short, 200- or 150-mile sorties off the carrier deck. You cannot airlift and sealift all your troops over

in a very short period of time. The one thing you know you can do without permission from anybody in the world is take your bombers off from the United States of America, maybe relay them at the Deigo Garcia, or maybe, if you have another friendly airstrip around the world, and we have fewer of them now than we had a few years ago, you could take those bombers, and you can stop that armor attack, and having the ability to do that is a very, very important thing.

Mr. DICKS. Mr. Speaker, we have never had that kind of capability before because the B–52's and the B–1's only drop dumb bombs. They do not have the capability to drop smart conventional weapons.

Now we hope to do that someday in the future on the B–1. I support that.

Also, the gentleman, another important point to think about here is if that division is moving, it is going to have air defense capabilities. Russian air defenses have proliferated all over the world, and so, if you came in with the B–52, or the B–1's, or any other nonstealthy airplane, they would be shot down.

Mr. HUNTER. If the gentleman would continue to yield, the gentleman has really made the key point for those who appreciate stealth. We developed stealth because we lost 2,200 aircraft in Vietnam. We discovered that Russian-made SAM missiles were so effective that they could be taken to any Third World nation, at that point Vietnam, along with a short training course, and in a short period of time surface-to-air missiles could be effectively operating against the best conventional aircraft that we had.

Now that lesson was driven home to us a few weeks ago in Bosnia when our F–16 pilot strayed over an area that had an old Russian SAM missile that we overlooked, and that SAM missile went up and got that F–16 at over 20,000 feet. We decided to develop stealth because we were losing pilots at an enormous rate, our pilots are important to us, our aircraft are important to us, and, you know, probably the development of radar is considered to be probably the most important military invention of this century. Will the ability to evade radar—to be invisible to radar is probably the second most important military invention of this century, and we are threatening to throw away that enormous discovery if we stop the B–2 line.

Mr. DICKS. And the gentleman is so correct. Think about our history in World War II. If the Germans had had a stealthy bomber force, they would have potentially defeated England. I mean it was the fact that those planes were not stealthy and radar was able to detect them that allowed during the Battle of London, you know, for their fighters in those days and their air defense system to function. I mean a stealthy airplane in those days could have been devastating to the effort in World War II.

And also one other thing about this. We went through this whole thing about the vulnerability of battleships, and, what was it, Billy Mitchell finally flew over and dropped down a bag of flour on the battleship, and all of a sudden the battleship admirals had to admit that they were vulnerable to air attack. It is the same mind set here. These nonstealthy airplanes are vulnerable to being shot down, and that means, as you suggested with Captain O'Grady, that we are going to lose those lives, and that is why the revolution of stealth is so important. You can go into those heavily defended targets, knock out the surface-air-missiles, gain air superiority, and then you can use your nonstealthy equipment.

Mr. HUNTER. OK, the gentleman has hit a very important point to every American, and that is called bring the crews back, bring your aircrews back. If you take that group of 75 aircraft, conventional aircraft, that are required to do the same job at the same 16 named points as one B–2 can hit, can cover, and two B–2's if you want to do it redundantly, that flotilla of conventional aircraft carriers about 147 crewmen.

Mr. DICKS. That is right.

Mr. HUNTER. So you have 147 crewmen at risk to hit the same targets where, if you use one B–2, you have two crewmen at risk, and, if you use two B–2's, you have four crewmen at risk, and the second point the gentleman made is really, really important when you went back to World War II.

You know we were developing a nuclear weapon. Well, Adolf Hitler was developing a nuclear weapon, and we beat him to the punch, and they were very close to having their heavy-water experiments successfully converted at the time when we really closed in on the Third Reich. Similarly, the Nazis were building jet engines, and they were developing jet aircraft. The last aircraft, I believe it was the last one, that Chuck Yeager shot down with a propeller-driven aircraft was a German Jet. But we had a President, Franklin Delano Roosevelt, and I say this as a Republican. He was a Democrat President who every time his inventors and his scientists came to him and said, ''Mr. President, we have something that will make this country stronger militarily,'' he would say, ''Do it, because the lives and safety of our people depend on it. Don't ever reject technology. You can't turn the clock back because the other guy is not turning the clock back.''

If we reject this stealth technology that would bring back our pilots alive, this will be the first time in this century where we as Congress have told our pilots and their families, ''You know we could have protected you. We could have kept you safe from that SAM missile, but we didn't do it because we thought it was too expensive.''

Mr. DICKS. It is because we cannot make any decisions about roles and missions, and it is not just this administration that has failed to be able to sort things out. The Bush administration with Cheney and Powell failed, as have Perry and Shalikashvili failed, to address the value of this and make room for this in the defense budget. In my judgment it is a disgrace to our country that, if we say that we are going to use B–52's after the year 2000 that are going to be 50 to 60 years old, have a huge radar cross-section, and they are going to get shot down. I mean I do not know how we explain to these kids that we are going to go put them in harm's way when we have got a better way to go, and it is not that expensive.

And the other thing that just bothers me so much in this whole thing is that the B–1B's, and I supported them, I did not like them at first, I thought the B–2's were better, but the B–1B's cannot penetrate either without being shot down because they are not stealthy, so we are going to wind up with a bomber force after the year 2000 where we have the B–52's that cannot penetrate, the B–1B's that cannot penetrate, and we are only going to have 20 stealth bombers, and the gentleman knows so well all the respected studies have said, Rand has said, Jasper, Welsh, and Colin Powell told me at the White House a few months ago that he recommended 50 to Cheney, that what we need to have a capable bomber force for future challenges is somewhere between 40 and 60 bombers, and the gentleman has been in the Congress for many years and has risen to a point of major authority. Can you ever remember in modern history seven Secretaries of Defense writing a President and saying, ''Please don't stop this program?'' I mean, if that is not a repudiation of the Defense Department and its inability to sort our priorities, I do not know what is.

□ 1615

Mr. DICKS. Those seven Secretaries of Defense, including Harold Brown, whom the current Secretary of Defense worked for, they have said that this is such an important issue that we should continue the production of this and get enough of it now.

The other problem with this, if we do not do it now, and come back to it in 5 years, it will cost 6 to 10 billion just to reopen the line. We will have wasted all the money we have invested in this and then we will not get any airplanes. Now we can get them for 15.3 for another 20 airplanes. To not do it at this juncture is, I think, the most serious mistake we will have made in the two decades I have been involved in defense policy on Capitol Hill.

Mr. HUNTER. Would the gentleman yield?

Mr. DICKS. I yield to my distinguished friend.

Mr. HUNTER. The gentleman has made a great point. Seven former Secretaries of Defense wrote this President in a very, very serious vein and

said do not stop this program. The President has decided to ignore them. Recently, Dick Cheney sent out a second letter that was distributed to Members of the House, and I think all of us, you and I especially, who are good friends of Dick and remember being with him, and it was a joy to serve with him on the House floor, remember his wisdom in many, many areas of defense. He is strongly for this bomber.

One reason he is for it is Dick Cheney was a realist. He was a man who did not say a lot. I can remember him making very few speeches on the House floor, but one thing he said stuck in my mind. He said, ''There will be another war, and we cannot control that. We can control whether we are prepared for it or not.''

When the gentleman said, How can we make such a dumb mistake as to cut down our bomber force down to such a low level? I will tell the gentleman how it came about that we came up with this dumb idea, and now that General Lowe is a civilian and not controlled by President Clinton, he says it every day, and he wrote a letter to us even while he was in the uniform saying you would take enormous risks. We had an administration looking at this little bitty bomber force, smaller than it has ever been in our modern history and saying, How can we stretch this thing between two wars?

America has to be ready for two wars because if we get engaged in the Middle East, we cannot presume that our adversaries in North Korea, for example, are not going to jump in the fray knowing that we are occupied and tied up in one place. We have to be prepared to handle two wars at the same time, and the Clinton administration was faced with this. How do you stretch this small bomber force between two wars?

I understand some staff guy came up and said, I tell you what we will do, and it was probably a guy with no military experience, and he said, we will just swing the bombers back and forth between the wars.

Now, you ask General Lowe, what if you swing the bombers out of one war theater, let us say Korea to go to the Middle East, because you desperately need them in the Middle East, and your adversary, who sees them going and leaving decides to mount a heavy armor attack. I asked General Lowe what would happen. He said, ''You could take big casualties.'' Big casualties mean American men and women, soft bodies, coming home in body bags.

There may be a time in our history when somebody looks back to say, who made this crazy idea that you could swing bomber forces back and forth between wars with no problems, and they will point to some staff guy who stood up at a meeting with the way to save money, and who probably had no military experience. I know no uniformed people who will say that that is a smart idea.

Mr. DICKS. The other problem is, those bombers, those B–52's, which we will have 66 of, and the 90-plus B–1B's, they cannot go into those heavily defended targets because they will get shot down. They have extroordinarily limited capability.

The other problem we have is that today, off of our aircraft carriers, we do not have a stealthy airplane. That means that those attack aircraft, the F–18's, have only a limited capability to go to the deep targets early in a war situation. Now we are reduced to only having 50 F–117's, and, literally, only 16 of the 21 B–2's would ever be available at any one time. Then we are going to chop off our stealth capability. Now, that is the biggest mistake that has been made, and I want to just even the score up here, that decision was made during the previous administration, and, as Cheney has pointed out, it was a political reality that Chairman Aspin at that time kind of put forward.

It was a political reality. We did the best we could in the circumstances. Now, however, with a new Congress, and a Congress that is putting more money into defense, we have an opportunity to take some of that additional money and invest it in keeping alive this stealth technology.

This is enormous value. We are buying something that will save American lives. We are buying something that will get the job done. If we had 60 bombers of these B–2's, and put 20 at Diego Garcia, 20 at Guam, and 20 at Whiteman Air Force Base, and loaded them up with smart conventional submunitions, like the centrifuge weapon where we had this division killing capability, I think you would deter North Korea, Iran, and Iraq.

Think about this. If Saddam had known, and if we had demonstrated that we had this capability and Saddam had known it, and let us say he might have been deterred, first of all, but let us say he was not and he came in, and we flew the B–2's in over that moving division, and, with those smart submunitions, destroyed that division. Do you know what it cost us to go out there and fight that war and move all that equipment from Europe and America out there? That cost $10 billion just to get the equipment out there, and then we had to spend $60 billion with our allies to win the war.

We have in our own potential the capability of possessing something that could have stopped it from happening in the first place so that not one single American life would have been lost. None of our kids would have come home with these chemical diseases and other problems that they have had because we had something that we could have used that would have gotten the job done.

In my whole career in Congress, I have never been more disappointed in any decision. It is a shame. It is an absolute shame that this is on the verge of happening. I just hope that the gentleman from California, and I and our colleagues, when they search out the truth here, will listen to the seven former Secretaries of Defense, listen to General Horner, who conducted the air war in the gulf, who said if he had had the B–2 he would have used it, because in the first couple days of the war, the F–117's flew 2.5 percent of the sorties but knocked out 32 percent of the targets.

Stealth works and it makes it possible for our kids to survive. And we proved it. It is proven.

Mr. HUNTER. If the gentleman would yield on that point, and I think it is important that our colleagues understand this, that when you go in, as we did in Desert Storm, and you have that package of conventional aircraft there, one of the first packages that we sent in to cover a number of targets in Desert Storm was a package of some 38 aircraft.

Now, we sent in 38 aircraft, and I think half of the aircraft, four of the aircraft that actually dropped the bombs on the enemy targets, were A–6 aircraft, and the other four aircraft were British Tornadoes. So you had four bomb dropping aircraft. Then, to accompany all those aircraft and support them, you had 30 support aircraft. The 30 support aircraft did all kinds of stuff.

Some of the support aircraft had to jamb enemy radar so they could not put SAM's on them. There were other support aircraft to suppress the SAM's themselves, to destroy surface to air missile sites. Then we had other aircraft there to engage enemy aircraft, so that if the enemy painted you with their radar and sent up interceptors, you could hold off the interceptors.

We had to send out 38 planes just to get 8 planes that would actually drop bombs on the target. Now, when you send in your stealth aircraft, you do not send any of these support aircraft in with them. In fact, if you sent in a support aircraft with them that was conventional, that did not have stealth, the enemy aircraft would paint the escort plane.

We found out that we actually knocked out targets on a 36-to-1 ratio, stealth aircraft over conventional aircraft. And I would tell the gentleman that Mr. KASICH admits that, who is a good friend of both of ours and is a proponent of this amendment to kill B–2. He says, Do not worry about that, because we have all those conventional aircraft, so we can send in the groups of 38 and 40 and 50. I have news for our friend. We have cut down the Air Force now in the last 3 years from 24 air wing equivalents to 13. We have cut the conventional Air Force almost in half.

When Mr. KASICH reaches out for all those support aircraft, all those EA–6B's and all those A–6 aircraft, and all the tankers and all the other aircraft that he says we can afford to risk, they have been sent to the bone yard. We will have to go out to Arizona, pull them out of the bone yard, fire them up

or get them back from military sales because they are gone.

Mr. DICKS. The gentleman is so correct.

I want to talk to my colleague a little bit about the money involved in this. Before my good friend got here I mentioned the fact that there is a great difference in the cost of the weapons. The administration says we will use standoff weapons, cruise missiles. Those standoff cruise missiles cost $1.2 million per missile. The cost of the bombs on the B–2—they are JDAMS, as the weapon of choice—cost $20,000. So 20 times 16 is, what, $320,000. That is one-fourth the cost of one missile.

There is an enormous difference because they can fly in over the targets and drop those 16 bombs. Now, the cost of the centrifuge weapon—and I will explain this, too. This is a new revolutionary conventional submunition. A B–2 would carry 36 of these bombs. Each bomb has 40 bomblets. So you are talking about 1,400 little bomblets from each plane. They are like a skeet and on the top of it you have a little parachute and you come in over the moving division. This thing will cover like 2,100 yards by 9 miles deep, and a moving division, you fly in and drop these things down. It hits the tanks and the vehicles and according to the Rand study it will knock out 46 percent of the mechanized vehicles.

So it is a much less expensive weapon than what we will have to use. The ones coming off the B–52 and the B–1's can only go to a fixed target. They have no capability against a mobile division moving in the field. The B–2 gives you the ability to attack the mobile division coming in and also to go into the heavily defended areas with 16 2,000-pound bombs.

Remember the gulf war the first day. It was the F–15 Eagle or the F–117 that dropped one of those 2,000-pound bombs right down the elevator shaft of the opposing air commander's building. This is a revolution that is going on out here.

I know what my friend and colleague and I are worried about is that here America will turn its back on the technology that gives it the advantage for the future and we are not going to buy enough of it when the line is open out in California to have a credible bomber force for the future. We can save money during this. We can use the B–2's and use much less expensive weapons than the standoff cruise missiles that are much more expensive and not nearly as effective. I would yield to my colleague if he wants to comment on that.

Mr. HUNTER. I thank the gentleman for making that point, because you have made the precise point about one of the biggest threats that we have, and that is in the post-cold-war world discovering one day that somebody like a Saddam Hussein has fired up his armor forces, his tanks, and is moving across an international line. It is very, very difficult to stop him quickly.

Now, Saddam Hussein, as Colin Powell said, was a character right out of central casting. He let us build up other forces to the point where we overwhelmed him. But the thing that you want to do——

Mr. DICKS. Which had to be one of the dumbest military moves in the history of warfare.

Mr. HUNTER. Absolutely. We built up this massive force, but what you want to do to really save casualties and to deter that enemy from really crossing that international line is to get air power in and stop the armor, destroy the tanks.

This munitions and submunitions that my friend Mr. DICKS has described is the way our technicians and our scientists have figured out to stop heavy armor advances without having to throw a lot of American boys, a lot of soft bodies and infantry divisions out there in harm's way.

□ 1630

American air power is a way to save lives. This is a real breakthrough in American air power.

If the gentleman will continue to yield, I think of one other example. When we hit Mr. Qadhafi in Libya after he had assassinated Americans, and we had proof of that, and we struck him in Tripoli, we decided we were going to do that partly with naval projection, and we moved a lot of naval ships into the Gulf of Sidra, right outside the Gulf of Sidra.

Mr. DICKS. Two carrier battle groups.

Mr. HUNTER. Which cost us about $6 billion in capital investment. Then when we flew those F–111's, those conventional aircraft, out of Great Britain, first there was a big political debate over whether they should even let us fly out of Great Britain because they were afraid of Libya. Finally, Maggie Thatcher, God bless her, let them fly out.

Then France told us we could not fly the aircraft over France so we had to go around the perimeter of France, and we loose one of those aircraft. Probably one reason we lost it was just simple fatigue on the part of the pilots, because they had to do all these silly things because of international politics.

If we had flown one B–2 aircraft out of the United States, we could have done the same job as that entire carrier battle group that had a $6 billion capital investment.

I am for carrier battle groups and I am for force projection in a number of ways. But the point is that one thing we can always rely on its being able to fly out of airfields in the United States, and if you have got a bomber that will make it all the way and hit the target, you have quick reaction time, and that means deterrence.

American mothers and fathers who do not want their youngsters to have to go out there and be part of an infantry division that stops a frontal assault believe in deterrence. Americans believe in deterrence. That is why the American people have always believed in the nuclear deterrent. That is why they have always allowed us to build these pretty ugly looking machines, because they did not want to have to fight the war. If you have enough B–2's, you will not have to fight some wars.

Mr. DICKS. On that point, what it says to me is that we are in a very different world in the post-cold-war era. We face terrorists, we face people like Qadhafi. We have situations like North Korea, Iran, Iraq where there is peril out there that has already been demonstrated. We have also seen that sometimes, even with our nuclear deterrent, because people do not think we will use it, that someone like Saddam invades.

But the revolution here in technology, with precision-guided munitions and these smart submunitions and a bomber with long range and stealth, means that we now have a conventional capability that if deterrence fails we can destroy that man's divisions, and he has got to take that into account because he knows we could use that capability unlike nuclear weapons where the American people do not want to use them unless the survival of the country is at stake. I think it is this compact kind of weapon that we need for the future.

As the gentleman and I both know, we have gone through a major reduction in defense spending. People forget that in 1985, if we took today's dollars, we were spending about $350 billion on defense. We have cut it down to $250 billion. The gentleman is an expert on procurement. We have reduced the procurement budget from $135 billion down to $40 billion. Yes, the Republican Congress is putting a little bit of money back into defense, and that helps.

Mr. HUNTER. God bless them.

Mr. DICKS. And I support that aspect of it, especially because we need a little bit more money in there for procurement. But we have already reduced defense spending by 37 percent. We need to have a technological advantage in order to be able to prevail in the future with a much smaller force. What the B–2 allows us to do is keep America secure for the future, because even though we have got a smaller Army, a smaller Navy, a smaller Air Force, we still would have a highly credible force.

Another point is, we are going to have fewer air bases abroad. That is why having a bomber that can go one-third of the way around the world with one aerial refueling is really a revolutionary capability.

I had a hearing the other day with Brent Scowcroft. I said, ''Tell me about the 3 days before the war started.''

He said, ''NORM, people always say we are going to have actionable warning time. Well, there was not any actionable warning time because the intelligence community was telling us that

Saddam was preparing to invade, but all the leaders in the gulf were saying he would not do it, so we did not do anything. We did not take any steps.''

For this administration, for the Cominsky study to say that there is going to be 14 days of actionable warning time so we can move 800 tactical aircraft to the gulf in order to stop the guy from coming in is laughable. It is a joke.

When in the history of this country have we had 14 days of actionable warning time? We certainly did not have it at Pearl Harbor, we certainly did not have it in the Korean war, and we certainly did not have it in the war in the gulf.

What this country needs is the ability within a matter of hours to interdict an invading division, whether it is in Korea or in the gulf or anywhere else, and stop it with long-range bombers that are stealthy and survivable, that will get the job done. This is a revolutionary potential.

To stop it prematurely, to not get enough, there is not one study that says 20 of these bombers is enough. Every study that has been done says you need somewhere between 40 and 60 so you can get the sortie rates up, so you can use the whole potential of them. Then you can have a smaller bomber force, get rid of some of the older planes to take care of life cycle costs, and there are many ways we can finance it.

The gentleman from California is an old pro up here. You have been on the Hill as long as I have. I went back to our staff on the defense appropriations subcommittee and I said, ''How much do we cut out of that budget every year in low-priority items?''

For the last 2 years, even when the budgets are down, with a $250 billion budget being sent up here, the professional staff of the Committee on Appropriations with the chairman and the ranking member have cut out $3.5 billion a year, in just things you do not need to do, that are not important, low priority, and can be put to the side. All we are asking in order to keep this thing going, to keep this line open, is about $2 billion a year in Air Force procurement.

Mr. HUNTER. If the gentleman will yield, that is roughly 5 percent of the procurement budget. We spend between $20 and $30 billion a year just for professional shoppers in the Department of Defense.

Mr. DICKS. It is a joke that we have reduced procurement from $145 billion down to $40 billion and we still have as many people over there as we have had in the past. I commend the gentleman for his initiative to try and reduce the number of those people, because that saving can also help us pay for the B–2.

But remember something: I think, and can the gentleman think, I do not think there is one thing in this budget in procurement that I can think of that has more defense potential capability for this country than the B–2. So how can anyone say, ''We cannot afford it''? But we are going to buy a bunch of other things that are not real important, that are not stealthy, that cannot get the job done, but we are going to buy them because we have already made up our budgetary mind to say, ''We have this much for the Army, the Navy, and the Air Force and we can't make any hard decisions on roles and missions and we can't face the reality.'' It reminds me of those old admirals in the Navy who were defending the battleships. They just did not get it. This is the future. Stealth technology is the future. We are about to end this line in California and it will go down as the greatest mistake in the history of this country from a military perspective. It ranks with not being prepared for World War II.

Mr. HUNTER. If the gentleman will yield further, the gentleman asked me what type of decision this would be if we decided to cut the B–2 bomber and eliminate it. I think that if we decide with this great technology, this ability to evade radar, having this technology in hand and giving it away, stopping it and terminating it, would be just as dumb as if in 1941 when we looked at our defense budget, we looked at all the things we were doing in 1941 and 1942 and we made a determination to stop spending money on radar.

Radar was the greatest military invention of this century, the invention of the atomic bomb notwithstanding. The ability to evade that radar, to evade losing 2,200 pilots like we did in Vietnam, or 2,200 planes shot down, to evade having to watch your pilots being paraded by our adversaries on international television, to be able to bring your aircraft back so they can run another sortie, to give that away is just as dumb as if in 1941 some staff guy had said, ''Hey, I've got a great way to save money with the 1941 defense budget. Let's stop spending money on radar. It is one of those whiz bang things, and I think we need to have more horses in the cavalry.''

Mr. DICKS. ''We'll do it with standoff capabilities.''

The gentleman has asked me and I wanted to put up this chart. This is a chart that shows the letter that was written by seven former Secretaries of Defense, including Harold Brown, who is the father of stealth technology, and let me read it to my colleague.

Mr. HUNTER. Do not forget Dick Cheney, the guy who won Desert Storm.

Mr. DICKS. Right. Let me read this letter. I think the American people need to know what the President received on January 4. I want to tell the names here: Mel Laird, Jim Schlesinger, Donald Rumsfeld, Harold Brown, Caspar Weinberger, Frank Carlucci, and Dick Cheney.

DEAR MR. PRESIDENT: We are writing you to express our concern about the impending termination of the B–2 bomber production line. After spending over $20 billion to develop this revolutionary aircraft, current plans call for closing out the program with a purchase of only twenty bombers. We believe this plan does not adequately consider the challenges to U.S. security that may arise in the next century, and the central role that the B–2 may play in meeting those challenges.

At present the nation's long-range bomber force consists primarily of two aircraft: the B–52 and the B–1. The 95 B–52's are all over thirty years old, and their ability to penetrate modern air defenses is very doubtful. The 96 B–1's were procured as an interim bomber until B–2's were available.

Even after all twenty B–2's are delivered, the inventory of long-range bombers will total barely 200 aircraft. This is not enough to meet future requirements, particularly in view of the attrition that would occur in a conflict and the eventual need to retire the B–52's. As the number of forward-deployed aircraft carriers declines and the U.S. gradually withdraws from its overseas bases, it will become increasingly difficult to use tactical aircraft in bombing missions. It therefore is essential that steps be taken now to preserve an adequate long-range bomber force.

The B–2 was originally conceived to be the nation's next generation bomber, and it remains the most cost-effective means of rapidly projecting force over great distances. Its range will enable it to reach any point on earth within hours after launch while being deployed at only three secure bases around the world. Its payload and array of munitions will permit it to destroy numerous time-sensitive targets in a single sortie. And perhaps most importantly, its low-observable characteristics will allow it to reach intended targets without fear of interception.

The logic of continuing low-rate production of the B–2 thus is both fiscal and operational. It is already apparent that the end of the Cold War was neither the end of history nor the end of danger. We hope it also will not be the end of the B–2. We urge you to consider the purchase of more such aircraft while the option still exists.

Mr. HUNTER. Could the gentleman recite the names of the people once again who signed that letter?

Mr. DICKS. I will be glad to do it. Melvin Laird, former member of the Subcommittee on Defense of the Committee on Appropriations; Jim Schlesinger, former Secretary of Defense, Secretary of Energy, head of the CIA; Donald Rumsfeld; Harold Brown; Caspar Weinberger; Frank Carlucci, and our good friend and former colleague Dick Cheney who was involved in the decision with Les Aspin to go to 20. He has now written us a letter saying he only did it because the political realities of the time were such. But he signed this letter that we need to keep this low-rate production.

There is a major industrial base problem. I come from the State of Washington. The great Boeing Co. is in my State.

I went to them and I said, ''Tell me, if the Congress kills this, and we have to do it again, how long do you think it would take us to build a B–3?''

They said, ''It would take 15 years, from start to finish.''

I said, ''How would it differ from the B–2?''

They said, ''It wouldn't differ from the B–2. We would have basically built

the same airplane. We build a plane that has long-range, enormous carrying capability and is stealthy and would look a lot like the B–2.''

Mr. HUNTER. If the gentleman will yield further, let us explain that for a minute.

People need to know that in the old days, when we built these conventional bombers, they were not a lot different from the domestic aircraft that we build, so we could go to the gentleman, who is one of the greatest representatives that area has ever had in Washington, my colleague, and go to his hometown and talk to the Boeing management and Boeing workers, we could have gone back in the 1950's and the 1960's and said, ''We need a new bomber line and can you change your jigs and your tooling a little bit and build us a bomber,'' and they say, ''Yeah, we can do it,'' because the conventional bombers were not that much different from conventional aircraft, the type you use for commercial airlines.

□ 1645

If you have got a picture of that B–2 bomber, everybody knows it looks like a bat. It is very, very different from anything. I have got a poster that has got it on this side, if the gentleman would put that up for us. I have a poster right here.

The B–2 looks different and is different from any conventional aircraft by a very, very wide margin. So the suppliers, if you look at that bat-shaped aircraft and all the different composites and components and things that allow it to evade radar, you do not want your commercial aircraft to evade radar, you want them to use radar because you want your flight control people to know where that plane is at all times. So it is a totally unique, different aircraft.

We did not do what we did in the 1940s and 1950s and 1960s and go to our domestic aircraft companies and tell them to reconfigure their domestic production line a little bit, just like Rosie the Riveter did in World War II, and make a bunch of war planes. We have a very unique set of suppliers that make the thousands and thousands of various components that comprise a B–2 bomber.

If we close down that line, those people and a lot of them are small businesses, are going to go off and do other things. And if we get on the phone and call them up 10 years from now and say, It looks like we made a mistake; we need more B–2's, it is going to be enormously expensive to get that line started up again.

Mr. DICKS. General Skantze, who was one of our best procurement people in the history of the Air Force wrote me a letter, a very strong statement saying:

There are no bomber engineering design teams left at Rockwell or Boeing. Nor can you assemble them overnight, nor do they come up with a sophisticated design in less than 2 or 3 years at best. Building Boeing 747's is no more like building B–2's than building Cadillacs is like building M1A2's.

Ask the Boeing people who build the After Center Section and the Outboard (Wing) Sections of the B–2. The Aft Center Section of the B–2 begins manufacturing and parts fabrication; assembly of bulkheads, skins, panels, and beams. Then it goes into sub assembly of spars, carry through assembly, keel beams, upper panels and ribs. Most of this work involves careful layups of special composite materials. The final assembly goes through clean, seal, paint, installation, test, and preparation for shipment.

Most of this is very sophisticated composite work and assembly with tolerance of thousandths of an inch. The process takes 37.5 months. When this assembly comes together with the Outboard Section, the Intermediate Sections, and the Forward Center Section at the B–2 final assembly at Palmdale, California, the buildup goes through an excruciatingly accurate mating process to ensure the careful laser-measured joining preserves the aircraft outer mold line, which is fundamental to the very low radar signature.

The resulting total flow time from the B–2 from lead time to rollout is currently 6 years.

Mr. HUNTER. If the gentleman will yield, I want to say to the gentleman he has made a tremendous presentation for B–2, and I hope that all Members of the House, whether they are here or in their offices, have been watching this.

I have two colleagues that have a colloquy to do. They are two strong B–2 supporters, so I am going to break off my comments at this time. I want to thank the distinguished gentleman from Washington, who is a conservative Democrat who stands for a strong national defense and he has done a great service in trying to keep American air power alive. We appreciate you.

Mr. DICKS. I want to say one final thing. This is a bipartisan effort and the support for the B–2 has always been bipartisan. I just hope that the people who are watching C–SPAN all over this country will let their Members know and then tell them what they think about this.

This is not just some pork barrel project. This is the future security of our country. I enjoy working with the gentleman from California [Mr. HUNTER], because I know he too cares about the future of our country; he too has seen too many body bags come home and know we have a way to prevent that, to save American lives, and to have a less expensive program. Because we can have fewer people in the military if we have this technological superiority and we can save money for the taxpayers; we can save American lives in future conflicts, and we can, I hope, some day have a conventional deterrent in the B–2 that will prevent a future war. Then everyone will recognize why we fought so hard to try and save this capability.

Mr. Speaker, I submit the following:

JANUARY 4, 1995.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing you to express our concerns about the impending termination of the B–2 bomber production line. After spending over $20 billion to develop this revolutionary aircraft, current plans call for closing out the program with a purchase of only twenty bombers. We believe this plan does not adequately consider the challenges to U.S. security that arise in the next century, and the central role that the B–2 may play in meeting those challenges.

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MELVIN LAIRD.
JAMES SCHLESINGER.
DONALD RUMSFELD.
HAROLD BROWN.
CASPAR WEINBERGER.
FRANK CARLUCCI.
DICK CHENEY.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 21, TERMINATING THE UNITED STATES ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged (Rept. No. 104–213), on the resolution (H. Res. 204) providing for consideration of the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–214), on the resolution (H. Res. 205) providing for consideration of bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE PROBLEM OF ELECTION FRAUD

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, I rise today to talk about two issues. One concerns the integrity of the electoral process, and in that respect, Mr. Speaker, I want to talk about the Maryland gubernatorial election, November 8, 1994.

After my brief comments on that, I am going to engage my fine colleague from Indiana, Mr. MCINTOSH, concerning the issue of grant reform.

But, Mr. Speaker, before I get to that, I wanted to talk about the hearings this past week that the Committee on Government Reform and Oversight conducted with respect to vote fraud in America, geared primarily to the Federal motor-voter law.

Officials and advocates from around the country speak of abuses and misconduct that occurred during the balloting process. In California, Mr. Speaker, witnesses testified that noncitizens regularly voted, as did a 5-year-old child and a dog.

In Alabama, witnesses reported three briefcases containing 1,100 completed absentee ballots where hand-carried to an election board on election day. These, and similar incidents, Mr. Speaker, impugn the integrity of this country's electoral process.

This issue is particularly important to me in light of allegations of election abuse and official misconduct in Maryland during the general election of November 1994. That election, the gubernatorial election, Mr. Speaker, was decided by a very slim margin of several thousands vote. Concerned citizens from around the State began to investigate widespread reports of irregularities in the days following the election.

Besides problems with extremely lax voting security, Mr. Speaker, these investigations determined that 34,000 voters were not purged in Baltimore City in 1994 prior to the election as required by State law.

The Baltimore City elections supervisor was reminded by a deputy 7 months prior to the election that the purge had not been conducted. It was never done and that fact appears, at least at this point in time, to have been concealed from city and State election officials. The enormous implications of this official problem, I will characterize it, is apparent from the following sample facts about the November election in Maryland.

Mr. Speaker, a computer analysis done of total vote counts for each of the 408 precincts in Baltimore City using the Baltimore City Election Board electronic tape of registered voters and the certified list of votes cast on election day forwarded to the State Board of Elections revealed, Mr. Speaker, 5,929 more votes were cast in the election than individuals recorded as having appeared to have voted at the polls or by absentee ballot; 5929, Mr. Speaker.

Another analysis was done comparing the same electronic tape of registered voters in Baltimore City with thousands of abandoned housed provided by the city housing commission. This revealed a total of 667 votes cast in the election.

Furthermore, Mr. Speaker, 1,881 votes were cast from houses owned either by the mayor and city council of Baltimore or the city housing authority. There is compelling evidence, Mr. Speaker, that a total of potentially as many as 2,548 votes were cast from abandoned or unoccupied buildings in that election.

Where did these voters live, Mr. Speaker? Was there a direct correlation between the failure to purge and these terrible statistics? I think that there was. So did State Election Board officials. After these facts, and others, Mr. Speaker, were discovered the State election board made a bipartisan call for the purge to be conducted after the fact to prove that mistakes had been made.

Let me reiterate, the State Board of Elections, consisting of three Democrats and three Republicans, wanted the purge to be done to prevent similar problems from occurring in the future.

Instead, the State Attorney General's office represented the city election board against the State Election Board and convinced the court to retroactively apply the Federal motor-voter law in order to prevent any purges from being conducted. This is not the original purpose of the Federal motor-voter law, Mr. Speaker. Clearly, we in Congress are, and should be, concerned that similar problems are not repeated in other States.

Problems such as those encountered in Maryland should be corrected immediately. Vigorous investigation must be conducted to determine if there was any fraud or official misconduct or simple negligence in that election that affected the outcome, Mr. Speaker.

If there is evidence of such behavior, it should be prosecuted to the fullest extent possible. It should not and must not be condoned or ignored using the cloak of law applied retroactively.

Mr. Speaker, In conclusion, in an election there is no such thing as a little fraud or a little problem. Such behavior attacks the very foundation of our society, because it destroys the fundamental trust between the voters, our constituents, and their government. This during a time, Mr. Speaker, when we are attempting to get more people to vote and we are having problems, as you well know.

To tolerate such abuse or circumvent the laws of the land designated to protect the sanctity of the citizen's right to vote by any means possible, will only make Americans more cynical and more disinterested in this process. In Maryland, we must not let this situation happen again.

Mr. Speaker, those are my comments with respect to the integrity of the voting process. You very well know I feel very strongly about this, because of in my view some of the substantiated allegations concerning events surrounding the general election in Maryland in November.

GRANT REFORM

Mr. Speaker, there is another issue that is coming to this floor next week, and I rise to engage my friend and colleague and chairman, Mr. MCINTOSH from Indiana, in a colloquy about grant reform. Before I get into grant reform, Mr. Speaker, I would like the country to know of Mr. MCINTOSH's leadership on this issue.

I truly appreciate the leadership you have shown, Mr. MCINTOSH, my colleague and friend, concerning this very important issue and I know you have introductory comments to make.

Mr. MCINTOSH. Thank you very much, Mr. EHRLICH. I appreciate those kind remarks. Your leadership on this issue has been equally important for us. When I came here last January as a freshman, I did not have any idea that there was some vicious little cycle that was going on. It is one of Washington's best-kept secrets: That we give out billions of dollars in grants to entities that are supposed to be helping the poor, helping us clean up the environment, providing a solution to many of our social problems, but those entities take this Federal money and use it to help subsidize an incredibly extensive lobbying and political network. That political network comes back and lobbies for more spending, and so you get this vicious cycle here in Washington.

As I say, it is one of those secrets that they have tried to keep from the American people.

When I go home to my district in Indiana and I tell people what we have uncovered here in the subcommittee, and we have had two hearings on it already and plan to have more hearings in the future, they are shocked. They say, I do not believe that is happening. And when you show them the documented evidence, they are outraged that their taxpayer dollars are being used to subsidize this type of lobbying and political activity.

I would like to work with you, Mr. EHRLICH, because you have helped us write a bill to put an end to this and this is a great opportunity to tell the American public about the things we have discovered in our hearings and the way we are going to solve this problem next week with the Istook-McIntosh-Ehrlich amendment.

Mr. EHRLICH. I am glad you brought up our friend Mr. ISTOOK. He is not here today. I believe his son is returning from a 2-year mission and family obligations come first with Mr. ISTOOK, and we love him for that. He has also been a wonderful member of this team, this true team effort; not just the three of us, but our staffs and the leadership as well.

I think we would be remiss if we did not give credit where credit is due, and that is to the leadership in this House who came through for us when the chips were down to get this rider out of the Committee on Appropriations, so that next week on this floor the American people can really take advantage of a full and fair debate about an important issue.

□ 1700

Now, Mr. Chairman, I have a question for you: During our hearing today we had had a number of witnesses come forward, and those witnesses were not happy. Those witnesses, in my view, had either misread the bill or not read the bill. If they have not read the bill, I have very little sympathy for them. If they misread the bill, I think it is up to us on our side of the aisle, I mean our side of the aisle, not Republicans-Democrats, but all Republicans and all Democrats who support us in this reform effort, to explain not just to these advocates but to the American people what precisely we are doing. I understand you have some graphs with you, and I know you want to talk about those graphs.

I see a pig.

Mr. MCINTOSH. Yes. Let me explain this graph here. It is titled ''Welfare for Lobbyists.'' That is, in fact, what we have going on here. This graph represents the cycle of what happens: The taxpayer pays in taxes due to the Federal Government; they go to these grant recipients, approximately $39 billion worth of grants each year; and the grant recipients end up turning around and lobbying the Government to spend more of the taxpayer dollars.

Mr. EHRLICH. I think we need to, at this point, get it very straight for the American people. These are grant recipients, recipients of Federal dollars who are not using the grant money for the money's intended purpose. Is that correct?

Mr. MCINTOSH. That is correct. In fact, let me make a distinction here, because there are a lot of grant recipients who work very hard to provide services. They set up Meals on Wheels for the elderly, they have programs to help clean up the environment, they set up programs to fight drug addiction in their communities. They use these moneys for a very good purpose. But there are other groups who take these moneys and then also have more private donations, set up a lobbying campaign.

I was, quite frankly, shocked at the hearing today to hear people who were representing some of our charitable organizations say that really what they wanted to do would be lobbyists. They were less concerned about providing the programs to help those who are unfortunate in our society and wanted to be able to come in and lobby Congress, and they wanted to be able to do that while maintaining all of these taxpayer grants.

The second chart I have there shows you the breakdown, and this statistic comes from the group themselves. This is a coalition of very large, very rich, very well-endowed nonprofit groups called the Independent Sector, and it shows where they get their funding. If you can see the chart there, you notice that they estimate just under $160 billion ends up coming from government sources. Now, that is not all of their funding. A larger portion of it comes from the private money. But $160 billion comes from the government taxpayer funding, and yet they today were out walking the halls of Congress lobbying against our proposal to say we are going to end welfare for lobbyists.

I should take a few minutes at this point to explain to the public how our proposal works. It basically says we are going to give you a choice. You can either be a grant recipient, in which case we want you to engage in social, helpful activities, helping the poor, helping the disadvantaged, helping clean the environment, helping do research; or you can be a lobbyist organization. In that case we are not going to give you taxpayer-funded grants.

Mr. EHRLICH. I really believe my colleague has hit the very bottom line with this issue, and the reason I think, we believe the American people support us, and we will get in a few minutes into the groups that support us, but the difference between doing in a tradition sense what nonprofits are supposed to do, which is help people, and the difference between actually performing the service and acting as an advocate, those lines have become skewed. That distinction is no more, in any respects.

Is that not correct?

Mr. MCINTOSH. That is correct. In fact, many of them now consider themselves primarily advocates or lobbyists and engage in political activity. You know, I think we should share with folks some of the things we found out at our hearings.

The record has shown that there are numerous instances where these groups who receive grants have come to lobby congress. The most recent one that I am aware of was the American Bar Association that received $2.5 million last year in Federal grants. They were here in Washington when we were debating the flag burning amendment, standing on the steps of Capitol Hill, saying that congress should not pass an amendment to protect the flag from desecration. Now, if that is their view, I disagree with them totally, but if that is their view, they are entitled to it. But I do not think we should have a Government subsidy going to a group that comes and lobbies us on those types of issues.

Mr. EHRLICH. The reality of it is, with the law in its current shape, we can not prove or disprove where that $2.2 million poison was spent. Is that not correct?

Mr. MCINTOSH. That is correct. The reporting by these organizations is nonexistent in some cases. In some cases they have one report that they turn in to the IRS because they have a tax-exempt status, but it is very, very general. It gives no detailed accounting of how the Federal moneys are spent, and, frankly, the government agencies do not know where all of their grants go. You can have a very difficult time finding out exactly how many grants that are given to each of these groups.

So, there is no accountability and money is fungible. They end up subsidizing the overhead to groups that end up engaging in this lobbying activity.

Mr. EHRLICH. I know a source of frustration for you, for myself, and the gentleman from Oklahoma [Mr. ISTOOK] has been the apparent confusion concerning the difference between laws which cover contractors and laws which cover Federal grantees, and I know you want to get into this. But I brought one of your favorite props with me today, my colleague, and what I have brought with me is laws relating to, the actual laws of the land, relating to Federal procurement. These are the laws, and these are the regulations that govern Federal contractors, and people know this, people know these laws are on the books and these regulations have been promulgated.

Yet today we have people coming before our committee and making the charge that we should include contractors in our law because there is no difference between contractors who provide a good for consideration of the Government and these nonprofit grantees, when everybody knows the difference is obvious. There is law on the books concerning contractors, but there is no law concerning grantees. That is the purpose of this bill.

Is that not correct, my colleague?

Mr. MCINTOSH. The gentleman is absolutely correct. I think you make a very telling point. You have also touched upon something else that is occurring. The opponents of this legislation cannot come out and argue the merits. They cannot come out and say we need to keep our $39 billion in grants so we can be an effective, powerful Washington lobbying organization.

So, what they are going to try to do is scare people and they are going to come up with a lot of false scenarios.

Mr. EHRLICH. We have seen that strategy before, have we not?

Mr. MCINTOSH. Yes, we have. We see it a lot of times. Frankly, we are going to get to the bottom and be truthful with the American people about what is going on. What they are saying, for example, is students who receive a grant to go to school might be covered by this. Well, no. Our legislation says individuals who are getting a study grant, it is fine for them to engage in advocating whatever views they want. They are going to say that famers who receive price supports would be covered by this. Well, no, that is not a grant for research or other social activities. They are not covered by this legislation.

What we are going to do is say to very powerful, rich, well-endowed groups that spend a lot of their time walking the halls of Congress lobbying us for more Federal spending, they are covered by this law, but enough is enough. The American people are going to finally find out about this dirty little secret and put an end to it.

I think you have pointed out one of the fallicies very well, that in the case of contractors, there is established law. If that needs to be strengthened, that can be addressed by the appropriate committee. But what we have here is an entire group of people who are totally unregulated in their lobbying activities, totally unfettered, and that would be fine with me except that they are getting all of this taxpayer money that ends up subsidizing their activities.

Mr. EHRLICH. Facts are dangerous; facts are dangerous, particularly in a debate like this where demagogues can use misinformation or lack of information to their advantage.

Now, speaking of demagoguery on this issue, we have both heard the charge, the traditional charge, and I guess it has been thrown around this town quite easily over the last few years, of defunding the left, they are trying to defund the left, those mean, nasty Republicans are trying to defund the political left.

The fact is, as you know, anyone who has read this legislation would know there is defunding those who misuse public money regardless of right, left, far right, far left, or the political center. If you are the NRA, if you are the Chamber of Commerce, if you are an environmental group, it does not make any difference to us. We do not care about your philosophical direction. We care how you spend taxpayer money. I know you want to comment on this.

Mr. MCINTOSH. That is exactly right. We are getting to the bottom line, which is that we are not going to have this abuse of taxpayer funds to support lobbying activities. You know, if you step back and think about it, the contrast between the groups who want to lobby and those who are out there trying to do good in society is enormous.

In my hometown of Muncie, there is the Muncie Mission, which is, as far as I know, supported completely by donations from citizens in the town of Muncie. They do not have a big lobbying outfit. They do have a building which is kind of run down. They can house up to 20 homeless people who are down on their luck, need a place to live, and they actually have a program where they, kind of like the Salvation Army, take old equipment, old household goods and have people work on them.

Mr. EHRLICH. I am not familiar with this group. Do you mean they actually help the homeless?

Mr. MCINTOSH. Yes. They actually do. They are very effective. They are right in one of the worst areas of town in terms of people who have trouble and need help, and they do not come up here and lobby us in Washington. They are very quietly out there doing their mission, helping the people in my home town of Muncie, and you compare that to one of the groups we heard about in the first hearing, the Nature Conservancy, that was bragging about in one of its reports a grant that they received that was used in the State of Florida to lobby local government to successfully defeat an effort by farmers to preserve their ability to continue to grow crops on their land.

Now, to me, those are two completely different types of charitable activities, and I think if someone wants to lobby, let them do it with their own money. But do not come here to Washington and say we need Federal grants to be able to support our operations out in the countryside and we are going to lobby against what the people in local areas, like this area in Florida, may want, and we are going to use taxpayer money to help us in that effort. To me that is wrong and needs to be cut out.

Mr. EHRLICH. You have provided great leadership in securing support from a variety of groups around this country, and this is a true grassroots effort, and I know because of your efforts, particularly, and it has been a team effort, but your efforts particularly, we have groups like, and I have the letters right here, the National Taxpayers Union, Citizens for a Strong Economy, the Association of Concerned Taxpayers, the 60-Plus Association, a seniors group, and that needs to be emphasized, I believe, we have the chamber of commerce, who may actually feel the sting from this piece of legislation, yet coming forward and saying you are doing the right thing, we are with you, and that is to be commended, the Seniors Coalition, another group, the Association of Concerned Taxpayers, Americans for Tax Reform, the National Association of Manufacturers, Chairman ARCHER, the National Restaurant Association, and on and on and on and on and on, and you deserve the credit because we have started a grassroots movement. People love to talk about lobby reform. They love to talk about getting our fiscal house in order in this town. Here we are, with maybe arguably one of the more important lobbying reform measures that has hit this floor in the last decade, and we are receiving this type of support, and it must be gratifying for you.

Mr. MCINTOSH. It is tremendously gratifying to see that kind of grassroots response. To be honest, a lot will be told next week when Congress comes back into session.

If voters call up their Congressmen and say, ''Get rid of this welfare for lobbyists, we have had enough of taxpayer subsidies for lobbying,'' then this body will be able to pass this reform and send it over to the Senate.

I heard that one of the groups, the National Taxpayers Union, is actually sending out an alert to its members to call in to Members of Congress, and once they find out the facts, tell them about how terrible it is that we have been continuing this process and to support our amendment to put an end to it.

Mr. EHRLICH. When you really come down to it, the average taxpayer, the person who keeps the lights on in this country, should ask himself or herself the following question when it comes to this issue: Do the groups that I just read and that we have analyzed here have his or her best interest at heart, or is it the groups who are fighting this bill? And I know we, as the three cosponsors of this piece of legislation, will rest with that individual taxpayer because we believe that individual taxpayer and that individual constituent will make the right determination when confronted with that issue.

Mr. MCINTOSH. If the gentleman would yield, let me share with you and my colleagues and the American people one of the things that happened today in our hearing on this issue, and then I must excuse myself. I have to go to an appointment.

□ 1715

But one of the witnesses was Mrs. Arianna Huffington, and she brought with her several leaders here in Washington, DC, who had been working on their own to try to combat crime, try to help in poor neighborhoods to give children a chance, try to really establish hope and good deeds in these communities that are falling apart all around us here in the Nation's Capital.

One of them she brought with her was a lady named Mrs. Hawkins. She was a black lady, retired. She started contributing her pension to set up a program where young black kids who are in danger of joining gangs, starting to use drugs, going down a path where their lives would be totally ruined, she set up a program with her own retirement money to have them come to her house after school to give them a program and an opportunity, something to do so they were not turned loose onto the streets, so they were not captured by the gangs, they were not captured by the drug dealers who wanted to corrupt them and destroy their lives, and Mrs. Hawkins is one of the noble heroes in America. She did this with her own money. She is not wealthy. It was very clear that she was a strong lady of

faith, and she had contributed her retirement to set this up for young people in this country. And she said that she is troubled that there are these groups that receive all of these taxpayer dollars who claim to be helping people, and could they not take that money, and stop lobbying, stop coming up here and giving out meals, trying to win and influence votes in the Halls of Congress and use a little bit of that money to go help the young people in this country, the people who do not have an opportunity, who need these programs, who need love, who need to be told you are important by people like Mrs. Hawkins.

So we need to engage her and people like her, and I think one of the most telling things about our grant reform proposal is that, if we can succeed in cutting off this welfare for lobbyists, we will actually have more people like Mrs. Hawkins contributing their own money, working with their own time, providing these services that are very much needed in our community.

And so we will see that charitable activity in this country actually increases and actually is directed to the people who need help, and so I am confident that not only is this the right thing to do for the taxpayers, but, based on our hearing today, this is the right thing to do to make sure that these activities to promote a good society will flourish in our country, and I thank you for giving me an opportunity to speak on this today and would welcome you, hope you can continue to inform the American people about our efforts on this.

Mr. EHRLICH. I thank my colleague as well, and your last point is really the point to leave the American people to ponder, because no longer should there be a distinction between the mission of a group and the actual work, and that fine lady we saw today does not distinguish between those two concepts, and that is why she is successful, and we really appreciate her.

Mr. MCINTOSH. I thank you for your leadership on this as a freshman colleague. You have taken the bull by the horns, and I do not think we would be here if you had not worked very, very hard to make this legislation come to fruition. I know you spent several nights working on drafting the actual text of the legislation, something that a lot of Congressmen turn over to their staff, and so you are to be commended for this hard work on this, Mr. EHRLICH.

Mr. EHRLICH. It is wonderful to work with such a great colleague, and I appreciate the time tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today until 12:30 p.m., on account of illness.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 1:45 p.m., on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 2 p.m., on account of personal reasons.

Mr. MCKINNEY (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. TANNER (at the request of Mr. GEPHARDT) for today after 11:30 a.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DICKS, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. POMBO) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. FRANK of Massachusetts, and to include extraneous material, during debate on the Vento amendment to H.R. 2099 in the Committee of the Whole on Thursday, July 27, 1995.)

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. DE LA GARZA.

Mrs. MALONEY.

Ms. NORTON.

Mr. SANDERS.

Mr. RUSH in two instances.

Mrs. SCHROEDER.

Mr. JOHNSON of South Dakota.

(The following Members (at the request of Mr. POMBO) and to include extraneous matter:)

Mr. EHLERS in two instances.

Mr. CRANE.

Mr. MARTINI.

Mr. THORNBERRY.

ADJOURNMENT

Mr. EHRLICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, July 31, 1995, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1275. A letter from the Under Secretary of Defense, transmitting a report entitled, ''Report to Congress: The International Cooperative Research and Development Program,'' pursuant to 10 U.S.C. 2350; to the Committee on National Security.

1276. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–119, Rock Creek Parish Cemetery Equitable Real Property Tax Relief Act of 1995, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1277. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–120, College and University Campus Security Amendment Act of 1995, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1278. A letter from the Director, Office of Personnel Management, transmitting a report entitled, ''Physicians Comparability Allowances (PCA's),'' pursuant to 5 U.S.C. 5948(j); to the Committee on Government Reform and Oversight.

1279. A letter from the Secretary of Defense, transmitting a report entitled, ''Plan for the Further Development and Deployment of Existing Defense Technologies in Support of the Dredging Requirements of Dual-Ports,'' pursuant to section 1143 of the National Defense Authorization Act, fiscal year 1995; to the Committee on Transportation and Infrastructure.

1280. A letter from the Chief, Forest Service, transmitting the Department of Agriculture's annual report of the Forest Service accomplishments, pursuant to 16 U.S.C. 1602; jointly, to the Committees on Agriculture and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 714. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; with an amendment (Rept. 104–191 Pt. 2). Ordered to be printed.

Mr. WALKER: Committee on Science. H.R. 1601. A bill to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station; with an amendment (Rept. 104–210). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 629. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado (Rept. 104–211). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACKARD: Committee of Conference. Conference report on H.R. 1854. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–212). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 204. Resolution providing

for the consideration of S. 21, terminating the United States embargo on Bosnia and Herzegovina (Rept. 104–213). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 205. Resolution providing for the consideration of H.R. 2126, Department of Defense appropriations for fiscal year 1996 (Rept. 104–214). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 714. Referral to the Committees on National Security and Commerce extended for a period ending not later than August 4, 1995.

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. ENGLISH of Pennsylvania (for himself, Mr. ENSIGN, and Mr. FRAZER):

H.R. 2138. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 2139. A bill to establish a commission to study the question of adding the Niagara River Gorge to the Wild and Scenic River System; to the Committee on Resources.

By Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. RAMSTAD, Mrs. MALONEY, Mr. ENGEL, Ms. NORTON, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Mr. DELLUMS, Mr. DEFAZIO, Mr. MANTON, Mr. FROST, Ms. JACKSON-LEE, Mr. HILLIARD, Mr. EVANS, Ms. LOFGREN, Mr. WAXMAN, Mr. WYNN, Mr. FRANK of Massachusetts, Mr. UNDERWOOD, Mr. GEJDENSON, Mr. YATES, Mr. REYNOLDS, and Mr. SMITH of New Jersey):

H.R. 2140. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to permit the creation or assignment of rights to employee pension benefits if necessary to satisfy a judgment against a plan participant or beneficiary for physically, sexually, or emotionally abusing a child; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, 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. SHAYS (for himself, Mr. LUTHER, Mrs. WALDHOLTZ, Mr. BARRETT of Wisconsin, Mr. KLUG, Mr. CASTLE, Mr. MINGE, Mr. MCHALE, Mr. DEAL of Georgia, Mr. DICKEY, Mr. ZIMMER, Mr. MEEHAN, and Mr. INGLIS of South Carolina):

H.R. 2141. A bill to amend the Federal Election Campaign Act of 1971 to provide for a reduction in the limitation amount for multicandidate political committee contributions to candidates, and for other purposes; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

144. The SPEAKER presented a memorial of the Senate of the State of Texas, relative to petitioning the Secretary of Health and Human Services to award to the Texas Council on Family Violence the National Domestic Violence Hotline Grant to set up a national hotline for victims of domestic violence; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

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

H.R. 65: Mr. DELLUMS, Mr. JACOBS, and Mr. BRYANT of Tennessee.

H.R. 109: Ms. DANNER, Mr. HALL of Texas, Mr. BRYANT of Tennessee, Mr. DIAZ-BALART, and Mr. LAUGHLIN.

H.R. 303: Mr. BRYANT of Tennessee.

H.R. 427: Mr. WICKER, Mr. MANZULLO, Mr. CONDIT, and Mr. BILBRAY.

H.R. 436: Mr. HORN, Mr. STOCKMAN, and Mr. HERGER.

H.R. 528: Mr. STENHOLM.

H.R. 533: Mr. HUTCHINSON and Mr. MATSUI.

H.R. 743: Mr. CALVERT and Mr. PARKER.

H.R. 789: Mr. BAESLER.

H.R. 798: Mr. MARKEY.

H.R. 883: Mrs. SCHROEDER.

H.R. 899: Mr. TORKILDSEN, Mr. FRISA, Mr. FRANKS of Connecticut, and Mr. SCHIFF.

H.R. 995: Mr. TRAFICANT, Mr. BOEHLERT, Mr. ROYCE, Mr. DICKEY, Mr. PACKARD, and Mr. NEY.

H.R. 1000: Mr. LUTHER.

H.R. 1090: Mr. YOUNG of Florida.

H.R. 1114: Mr. COLLINS of Georgia, Mr. SHAW, and Mrs. VUCANOVICH.

H.R. 1161: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1162: Mr. RAMSTAD, Mr. MCKEON, and Mr. WHITFIELD.

H.R. 1172: Mr. BONILLA.

H.R. 1204: Mr. LIVINGSTON.

H.R. 1234: Mr. STUMP.

H.R. 1242: Ms. ROS-LEHTINEN and Mr. NEY.

H.R. 1309: Mr. ANDREWS, Mr. DAVIS, and Ms. WOOLSEY.

H.R. 1454: Ms. LOFGREN.

H.R. 1627: Mr. BATEMAN, Mr. CHAPMAN, Mr. MILLER of Florida, Mr. SKELTON, Mr. RIGGS, Mr. VOLKMER, Mr. MCCOLLUM, Mr. FARR, Mr. TATE, Mr. PAYNE of Virginia, Mr. HUNTER, and Mr. CRAMER.

H.R. 1707: Mr. CARDIN, Mr. KLECZKA, and Mr. LEWIS OF GEORGIA.

H.R. 1753: Mr. CLYBURN, Mr. DELLUMS, Mr. CHAPMAN, Mr. NEAL of Massachusetts, Mr. BALLENGER, Mr. HORN, Mr. QUINN, Mr. SMITH of New Jersey, Ms. DANNER, Mr. CANADY, Mr. DIAZ-BALART, Mr. JEFFERSON, and Mrs. CLAYTON.

H.R. 1872: Ms. PRYCE, Mr. BARRETT of Wisconsin, Mr. RICHARDSON, Mr. FLAKE, Mr. KLECZKA, and Mrs. KELLY.

H.R. 1885: Mr. FOX and Mr. COBLE.

H.R. 1915: Mr. KINGSTON, Mr. TAYLOR of North Carolina, Mr. ROGERS, Mr. SOLOMON, Mr. ROBERTS, Mr. EVERETT, Mr. DOOLITTLE, Mr. HEFLEY, Mr. SCHAEFER, Mr. GOSS, Mr. BUNNING of Kentucky, Mr. PARKER, Mr. TAYLOR of Mississippi, Mr. EMERSON, Mr. BOUCHER, Mr. SHUSTER, Mr. FIELDS of Texas, Mr. QUILLEN, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. MCCRERY, Mr. STEARNS, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. BAKER of Louisiana, Mr. BACHUS, and Mr. LIGHTFOOT.

H.R. 1932: Mr. OBERSTAR, Mr. CALLAHAN, Mr. TATE, Mr. ROEMER, Mr. WAMP, Mr. DICKEY, and Mr. DORNAN.

H.R. 1950: Mr. LIPINSKI, Mr. KLECZKA, Mr. NADLER, and Mr. ACKERMAN.

H.R. 2013: Mr. TALENT and Mr. FILNER.

H.R. 2024: Mr. ACKERMAN and Mr. DEUTSCH.

H.R. 2026: Mr. OXLEY, Mr. MYERS of Indiana, Mr. LANTOS, Ms. RIVERS, Mr. COLEMAN, and Mr. REGULA.

H.R. 2078: Mr. MCHUGH.

H.R. 2101: Mrs. MORELLA.

H.R. 2104: Mr. UNDERWOOD.

H. Con. Res. 78: Mr. STARK, Mr. YATES, and Mr. PALLONE.

H. Res. 30: Mr. NETHERCUTT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 50, line 23, insert ''(a) PROHIBITION.—'' before ''No common carrier'', and on page 51, after line 4, insert the following new subsection:

''(b) LIABILITY FOR CHARGES.—Any common carrier that violates the verification procedures described in subsection (a) and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by such subscriber after such violation, in accordance with such procedures as the Commission may prescribe. The remedies provided by this subsection are in addition to any other remedies available by law.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 73: Page 87, after line 25, insert the following new section:

SEC. 519. The amounts otherwise provided in this Act are revised by increasing the amount made available in title I for ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS'', and reducing the amount made available in title III for ''INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'', by $39,500,000.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 74: Page 87, after line 25, insert the following new section:

SEC. 519. The amount otherwise provided in title I of this Act for ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS'', and the amount otherwise provided in title III of this Act for ''INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'' are, respectively, increased by $39,500,000 and reduced by $1,800,000.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 75: Page 87, after line 25, insert the following new title:

TITLE VI—ADDITIONAL PROVISIONS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For replacement of a medical facility at Travis Air Force Base, California, $39,500,000, of which amount $1,800,000 shall be derived from amounts provided in title III of this Act for ''INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES''.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 76: Page 87, after line 25, insert the following new title:

TITLE VI—ADDITIONAL PROVISIONS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For replacement of a medical facility at Travis Air Force Base, California, $39,500,000, which amount shall be derived from amounts provided in title III of this Act for ''INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES''.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 77: Page 87, after line 25, insert the following new title:

TITLE VI—ADDITIONAL PROVISIONS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

For replacement of a medical facility at Travis Air Force Base, California, $39,500,000.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 78: Page 87, after line 25, insert the following new section:

SEC. 519. The amount otherwise provided in title I of this Act for ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS'' is increased by $39,500,000.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 79: Page 87, after line 25, insert the following new section:

SEC. 519. The amount otherwise provided in title I of this Act for ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS'' is increased, for providing amounts for replacement of a medical facility at Travis Air Force Base, California, by $39,500,000.

H.R. 2126

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 4: On page 15, at the end of line 5, insert the following: ''*Provided,* That none of the funds appropriated under this heading may be used to finance housing for members or former members of the uniformed armed services of the Former Soviet Union or the Russian Federation.''

H.R. 2126

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 5: Under general provisions section of the bill, add following:

SEC. . Notwithstanding any other provision of law, none of the funds provided in this Act may be used to procure vessel propellers six feet in diameter and greater unless such propellers are manufactured in the United States incorporating only castings which are poured and finished in the United States. Nor may any of the funds provided in this Act be used to procure ship propulsion shafting unless such ship propulsion shafting is manufactured in the United States: Provided, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

H.R. 2126

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 6: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act may be obligated or expended—

(1) after July 1, 1996, for the operation of Operational Support Aircraft of the Department of Defense in a number in excess of two-thirds of the number of such aircraft as of July 1, 1995; and

(2) after January 1, 1996, for the operation of helicopters by the Army and the Air Force for administrative purposes in the National Capital Area in a number in excess of two-thirds of the number of such helicopters as of July 1, 1995.

H.R. 2126

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 7: Page 94, line 3, insert the following new section:

SEC. 8017. None of the funds appropriated by this Act shall be obligated or expended for the construction, operation, or administration of any golf course or other golf facilities at Andrews Air Force Base, Maryland (other than for a golf course or golf facilities in existence on the date of the enactment of this Act).

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: Page 94, after line 3, insert the following new section:

SEC. 8107. Notwithstanding any other provision of this Act, the amount made available for the Central Intelligence Agency (other than for the Central Intelligence Agency Retirement and Disability System Fund) from the appropriations provided in this Act shall not exceed 90 percent of the amount made available for such Agency (other than for such Fund) from the appropriations provided in the Department of Defense Appropriations Act, 1995 (Pub. L. 103–335).

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 9: Page 94, after line 3, insert the following new section:

SEC. 8107. Notwithstanding any other provision of this Act, the amount made available for the National Foreign Intelligence Program (other than for the Central Intelligence Agency Retirement and Disability System Fund) from the appropriations provided in this Act shall not exceed 90 percent of the amount made available for such Agencies (other than for such Fund) from the appropriations provided in the Department of Defense Appropriations Act, 1995 (Pub. L. 103–335).

H.R. 2126

OFFERED BY: MR. KASICH

AMENDMENT NO. 10: Page 23, line 17, strike ''$7,162,603,000'' and insert ''$6,669,603,000''.

H.R. 2126

OFFERED BY: MR. KASICH

AMENDMENT NO. 11: Page 23, line 17, insert ''(reduced by $493,000,000)'' before ''to remain available''.

H.R. 2127

OFFERED BY: MR. GANSKE

AMENDMENT NO. 10: Page 71, strike line 7 and all that follows through page 72, line 15 (relating to certain medical training programs).

H.R. 2127

OFFERED BY: MR. GORDON

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for grants to students at an institution of higher education under the Pell Grant program under subpart 1 of part A of the Higher Education Act of 1965 when it is made known to the Federal official having authority to obligate or expend such funds that such institution is ineligible to participate in a loan program under part B of title IV of such Act as a result of a default rate determination under section 435(a) of such Act.

H.R. 2127

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 12: Page 42, line 20, strike the colon and all that follows through ''8003(e)'' on line 22.

H.R. 2127

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 13: Page 54, strike lines 6 through 18.

H.R. 2127

OFFERED BY: MR. MORAN

AMENDMENT NO. 14: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the amount made available in this title under the heading ''NATIONAL INSTITUTES OF HEALTH—BUILDINGS AND FACILITIES'', $4,600,000 is transferred and made available for carrying out the activities of the Office of Alternative Medicine under section 404E of the Public Health Service Act.

H.R. 2127

OFFERED BY: MR. MORAN

AMENDMENT NO. 15: Page 41, after line 8, insert the following section:

SEC. 210. Of the amount made available in this title under the heading ''CENTERS FOR DISEASE CONTROL—DISEASE CONTROL, RESEARCH, AND TRAINING'', $4,600,000 is transferred and made available to the Office of the Secretary of Health and Human Services for carrying out the activities of the Office of Disease Prevention and Health Promotion under section 1701 of the Public Health Service Act.

H.R. 2127

OFFERED BY: MR. TORRES

AMENDMENT NO. 16: On page 31, line 5 strike ''$146,151,000'' and insert: ''$139,651,000.''

On page 42, line 16 after ''1965'' insert: ''and section 418A of the Higher Education Act''.

On page 42, line 16 strike ''$6,014,499,000, which'' and insert: ''$6,024,791,000 of which $10,292,000 for section 418A of the Higher Education Act shall become available on October 1, 1995 and the remainder.''

H.R. 2127

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 17: Page 50, after line 8, insert the following new item:

JACOB K. JAVITS GIFTED AND TALENTED STUDENTS

(INCLUDING TRANSFER OF FUNDS)

For the gifted and talented programs as authorized under subtitle B of title X of the Elementary and Secondary Education Act of 1965 (29 U.S.C. 8031 et seq.), to be derived from amounts provided in this Act for ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', $9,500,000.