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## House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
July 31, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to not to exceed 30 minutes and each Member other than the majority and minority leader limited to 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN] for 5 minutes.

### TOBACCO AND GRIDLOCK KILL

Mr. WYDEN. Mr. Speaker, I rise this morning to talk for a few minutes about the critically important public health issue of keeping America's youngsters from beginning to smoke. This is a public health problem that is growing. Three thousand youngsters in our country every day start smoking and eventually 1,000 of those kids will die of smoking-related illnesses. Most importantly, this is a public health problem that is getting worse. Last week, we learned the tragic news based

on a study from the University of Michigan that smoking among eighth graders is up 30 percent in our country.

Until recently, there have been two options for dealing with all this. One was to regulate tobacco through the Food and Drug Administration.

Last year, I asked each of the tobacco executives whether they believed nicotine was addictive. Each one of them said, no, but they are clearly wrong. Tobacco is addictive. It has drug-like properties, and the evidence is in that the Food and Drug Administration has the legal authority to regulate the product.

Unfortunately, if this option is chosen, if the FDA chooses to regulate tobacco, what will happen is the tobacco companies will go to court, they will sue and we will lose another generation of our children to political gridlock and infighting. So I and other Members of Congress believe that it is time to explore other options. In exploring these options, let us try to set aside the politics that rage about this issue and do what is best for our children.

Some of my colleagues say that if the FDA does not regulate tobacco, that would be good for the South, particularly Democrats in the South. Other colleagues say that if the FDA regulates tobacco, even if nothing gets done, that will be good for the President because the President is taking on tobacco.

Both of those views, in my opinion, do a disservice to our Nation's children.

Tobacco kills, but gridlock kills also. So for that reason, I and Congressman ROSE of North Carolina have suggested another approach. We believe it is worth exploring the concept of the Federal Government entering into a written, binding, legal agreement between the tobacco companies and the Federal Government to take dramatic, immediate measures to stop young people from smoking.

We are talking about banning vending machines from where children congregate. We are discussing banning advertising targeted at young people, and most importantly, at a time when the Federal Government is cutting funds from health and social services, we are talking about the tobacco companies putting up at least \$100 million for the States to have tough enforcement of the laws banning sales to minors and public education efforts to stop young people from smoking.

Most particularly, I believe that this agreement cannot be voluntary. It would have to be legally binding, and if at any point the tobacco companies breached the agreement, then the Food and Drug Administration would go forward and regulate tobacco.

Mr. Speaker, the interests of children has to be our top priority. If there is more gridlock and more political infighting, the tobacco companies can surely hold off FDA regulation to the point where President Clinton is no longer in office. They have deep pockets for lawsuits, and I know personally, because they have taken me and one of our colleagues, Mr. WAXMAN to court over our efforts to make sure that the health of our young people is protected.

Now is the time to act in the interests of our children. Tobacco kills, but so does gridlock. Let us act quickly to protect our children.

### ACCORD ON BOAT PEOPLE IN DANGER OF COLLAPSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nebraska [Mr. BEREUTER] is recognized during morning business for 5 minutes.

Mr. BEREUTER. Mr. Speaker, as the chairman of the Asia and Pacific Subcommittee of the House International Relations Committee, this Member has spoken several times regarding the

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

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



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damage done by section 2104 of H.R. 1561, the American Overseas Interests Act, passed by this body on June 8. The section, dealing with the issue of Indochinese boat people, is causing all the problems that this Member and others predicted. More on that subject now.

On June 20, the Washington Post cataloged the devastating impact of this legislation in an article datelined Hong Kong. This Member quotes.

At first, no one knew exactly why a riot erupted at the Hong Kong refugee detention center on May 20th. Thousands of Vietnamese violently battled back with stones, makeshift spears and anything else they could throw, leaving 168 police officers and 73 Vietnamese injured. Refugee workers soon got a clue as to what was happening when they spotted some of the rioting Vietnamese waving tiny American flags and portraits of President Clinton.

Quoting from the Post:

The evidence became ironclad about a week later, when 200 Vietnamese who had volunteered to go home unexpectedly changed their minds, just 48 hours before their scheduled June 1st departure. They told UN officials that they would rather wait in Hong Kong camps until the U.S. Congress decided on a House-passed bill providing for the rescreening of up to 20,000 Vietnamese refugees for possible admittance into the United States.

This Member had predicted before this body that this provision in H.R. 1561 would raise false expectations of resettlement among Indochinese boat people, causing violence in the camps and stopping voluntary repatriation. Unfortunately, as the Post article amply demonstrates, this prediction has come to pass.

Whether this ill-advised provision ever becomes law—and the Clinton administration has already made it clear that this issue is among those certain to provoke a Presidential veto—the damage has already been done. The article continues, and I quote:

A carefully constructed global agreement signed six years ago in Geneva, which laid out a formula for screening the Vietnamese boat people and sending home those not deemed genuine refugees fleeing persecution, seems in danger of collapse. And a more recently agreed-upon timetable for finally resolving the two-decade-old "boat people" crisis by year's end now looks unlikely.

A Hong Kong refugee official is quoted in the article saying:

Like a bolt of lightning, initiatives were taken in Congress that have thrown this program out of gear. This provision is an unhelpful intervention which has raised false hopes.

The official concludes that resolving the boat people crisis was "not easy before Congress. It is even more difficult now."

Mr. Speaker, this body must understand that amendments we approve or reject, bills we approve, laws we enact, actions we take, and statements we make oftentimes do have an important and sometimes immediate impact in the real world, outside the beltway. The best intentions, Mr. Speaker, do not necessarily make good legislation. At the time this body debated this pro-

vision and rejected the Bereuter-Obey amendment, we had ample warning of the dangerous situation we were creating. Despite pressure brought to bear on them, several refugee advocacy groups with years of experience dealing with Indochinese refugees had already publicly denounced the provision as dangerous and irresponsible, as had the United Nations High Commissioner for Refugees, the State Department, and many interested refugee resettlement and host governments.

The same article continues that the problem goes beyond Hong Kong, which is the host of more than 22,000 Indochinese asylum seekers—incidentally, more than one-half of whom come from North Vietnam and have no claim to refugee status based on close ties to the United States military from the Viet Nam era. The article quotes UNHCR officials stating that the legislation has stopped voluntary repatriation at camps throughout the region—not only in Hong Kong, but also in Indonesia, Thailand, the Philippines, and Malaysia.

This Member again quotes the Post.

There also has been violence elsewhere. In Malaysia, many thousands of Vietnamese broke through the fence around the camp on June 5th and paraded through the streets waving banners. Police fired tear gas to disperse them, and 23 people were reported injured. Violence flared again in Hong Kong on June 7, when Vietnamese rioted, torched a building, stole police uniforms and looted rations. Police fired 800 rounds of tear gas to quell the disturbance. Six Vietnamese and two police officers were injured.

Mr. Speaker, this misguided provision in H.R. 1561 was based on the view that there were serious flaws in the screening process by which the boat peoples' claims to political refugee status were evaluated. The intent of this provision is to force a massive rescreening in the camps of all 40,000 camp residents to give them another chance to demonstrate their claim to refugee status. Many objective observers, including some refugee advocates, reject this contention and oppose massive rescreening. Moreover, the Southeast Asian nations where the camps are located have made it clear that they will not countenance a lengthy rescreening process which will delay closure of the camps and could prompt another refugee outflow from Vietnam.

It would be naive to think that the screening of tens of thousands of boat people by local officials, even though under close supervision by the UNHCR, could have been accomplished without error or abuse. In fact, this Member has requested UNHCR reconsideration of 15 cases of Vietnamese asylum seekers who would seem to have a plausible case for refugee status. While this Member certainly is willing to intervene when specific cases of possible error are brought to his attention, he opposes strongly massive rescreening of asylum seekers in the refugee camps.

Moreover, it appears from information provided by UNHCR and non-

government organizations monitoring boat people who have returned to Vietnam, that massive rescreening in the camps is not necessary. These organizations attest that there is no credible evidence of persecution of returnees in Vietnam. So why shouldn't the screened out asylum seekers in the camps return to Vietnam? Recent testimony by the American nongovernmental organization [NGO], World Vision, concludes that screened out boat people have been able to return to Vietnam in safety and dignity. The World Vision witness added that, in addition to the official UNHCR monitoring, the presence of American NGO's throughout Vietnam has provided returnees "a number of options should they wish to raise a question or register a concern."

The problem the international community now faces, however, is that the damage caused by this legislation has already been done. The Bereuter-Obey amendment which would have deleted this highly problematic section of H.R. 1561 was rejected and, as predicted by this Member, the damage was done. Therefore, this Member calls on all parties: UNHCR, resettlement and first asylum countries, Vietnam, the administration, NGO's, and Members of Congress to work out a pragmatic solution to the current impasse. The question we are now facing is how to get the 40,000 plus screened out asylum seekers to return voluntarily to Vietnam. While this Member does not have a concrete solution to offer at this time, it seems that some system of reinterviewing asylum seekers after their return to Vietnam could offer an incentive for the boat people to return, while at the same time maintain the international consensus on this issue.

Mr. Speaker, this Member pledges his support for efforts to devise concrete and pragmatic solutions to this intractable humanitarian problem which the House by its unfortunate action helped to create. This Member calls on other Members of this body, including those who disagree with him on this legislation and supported the gentleman from New Jersey [Mr. SMITH], to make a similar pledge.

#### WOMEN'S RIGHT TO VOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am very pleased to have this time as we close out July to talk about what we have to look forward to in August, and one of the great things we have to look forward to in August is this stamp, this 32-cent stamp will be coming out on August 26 in celebration of women having and the right to vote for 75 years in this country.

Yes, this is really something to celebrate I think, and the stamp is very

beautiful, with the Capitol in the background, suffragettes over here who worked so hard to get that right to vote; and it flows into modern-day women still trying to use that vote to move their fights forward.

This was an incredible time 75 years ago, when you think that the fight for the right to vote started way back when this Republic began, with John Adams' wife begging to have women included in the Constitution, and of course they did not; and then the first national convention in 1848 being held in Seneca Falls where women came together and again asked for the right to vote, and it took until 75 years ago before that really happened. Almost all the people at the 1848 convention were dead by the time the reality of the vote had occurred.

But this was probably one of the most revolutionary things that happened in American society without a revolution. I add, without a revolution, because there was no war to do this. It was all done within the right to petition Government, the right of people who couldn't vote, but they still petitioned Government for that right.

The suffragettes came to Washington. They bought a house; they lived there constantly. They picketed by day, and in their lovely white dresses, they chained themselves to the White House gate because they would not let them in to see the President. They would visit Senators and Congressmen who would see them, and if they were not in jail by night, they would go back to the house where they had all rented, have a piano concerto, tea, dinner, get up and do the same thing the next day, over, and over, and over.

Finally, this Congress and finally all of the States moved to ratify that.

So what happened after that? One of the very first things that happened was then the Congress moved to make motherhood safe. At the time that women were trying to get the right to vote, more women had died in America during childbirth, all throughout World War I, than American soldiers had died in Europe in World War I. Childbirth was very risky and yet the Congress was spending more money on hog cholera than they were spending on maternal child care and infant child care.

So they immediately got those priorities shifted, and today we see childbirth as something that people do not worry about having a huge high mortality rate from.

I think that as we celebrate this stamp, and there will be celebrations all throughout America, and heaven help us if we do not see more of these stamps purchased than the Marilyn Monroe stamp. I don't know what that will say about America, but let us hope that people get these and they talk about that long history and they talk about what a difference women's vote can make and have made many a time.

And I hope if we keep seeing what this extreme new group, the new Republicans, and doing to women as they

have taken over the Congress, I hope women come out one more time and use that vote to straighten it out.

Women still do not get equal pay in this country. They are now getting 72 cents for every dollar a man gets in the same job, and yet nobody gives them that kind of discount on their rent or their food or their public utility bills or anything else. So they are still not getting equal pay, and we are seeing this Congress roll back thing after thing after thing that has affected women.

They have undone Title IX. That is the one that says, in the schools, if they get public funding, they must give women the same opportunity they give men. That may sound irrelevant to a lot of young women today, but when I was growing up, believe me, it was very relevant. We had none of the gym privileges. I was one person who wanted to be an aerodynamic engineer and, of course, the gates were closed, locked and everything else.

There was no way. It was either, get into liberal arts or get out, and there were many other instances of that.

The Federal Government made a huge difference in that and now we see them trying to roll that back. They are trying to roll back student loans. They are rolling back the choice issue all across the board.

Last week in this Congress, we even had a vote saying that women who are incarcerated in prison, even if they were cocaine addicts, could not have an abortion. That is crazy.

So as we get ready to celebrate this, I hope women not only celebrate the stamp, not only know they have the vote. They now, after 75 years, learn how to use the vote and get more respect from this Congress.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 48 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EVERETT) at 12 noon.

#### PRAYER

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

We give thanks, gracious God, for the awesome miracles of life, miracles that brighten our world, enrich our lives and testify to Your glory. We are grateful that Your spirit of creation and renewal breaks into history and proclaims to us the riches of Your

grace and even the very purpose for our existence. Bless us, O God, and all Your people and may we be alert to the miracles that bring new life into being and are a witness every day to Your abiding grace. This is our earnest prayer. Amen.

#### THE JOURNAL

The SPEAKER pro tempore (Mr. EVERETT). 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 Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY 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 with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1817 "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. GREGG, Mr. REID, Mr. INOUE, and Mr. BYRD, to be the conferees on the part of the Senate.

#### IT IS TIME TO END GOVERNMENT BUREAUCRACY AS WE KNOW IT

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

Mr. FUNDERBURK. Mr. Speaker, wherever I go in my district I hear the same thing over and over: Uncle Sam is out of control. Regulations are choking the life out of our farmers, bankers, and small businessmen. Agents, regulators, and bureaucrats are crawling all over eastern North Carolina, hounding and penalizing hard-working people who want nothing more than to be left alone by their Government.

Look at what OSHA has done to a small but vital industry in America—roofing. OSHA bureaucrats most of whom have never been out of a classroom can put a small roofing company out of business, if it catches a roofer smoking or chewing gum. OSHA says contractors must provide employees with AIDS exposure training and instruct employees on the hazards of such dangerous chemicals as chalk, lumber, and dishwashing detergent. OSHA even says contractors have to label tar filled roofing kettles, "hot." Can you see why OSHA is draining this industry of millions of dollars and thousands of jobs.

Mr. Speaker, the American people are fed up. They have had enough of bureaucrats with no grasp of reality and no sympathy for the very people who make America work. Mr. Speaker, isn't it time to end Government bureaucracy as we know it.

#### WE MUST LEARN FROM PAST ENVIRONMENTAL HISTORY

(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, I was very pleased when this House last week passed the very important Stokes-Boehlert amendment, which did not undo all of the environmental regulations.

There is a reason for environmental regulations. I am sending to every Member a copy of the August Discover magazine. It is about the last days of Easter Island. I totally believe that if we do not learn from history, we are condemned to repeat it. Scientists now, by taking core samples from Easter Island, have been able to document what happened there. As they pointed out, in just a few centuries they can tell that the people of Easter Island wiped out their forest, drove their plants and animals to extinction, and saw their complex society break down into chaos and cannibalism.

It is a very important lesson for all of us on Planet Earth that we do not become an Easter Island "wannabe." If we do not learn from history we are condemned to repeat it. I hope all of my colleagues will have time to look at this over the break, and that we certainly do not undo the progress we made last week by realizing how important some of these environmental gains can be.

#### THE MEDICARE TRUSTEES REPORT: A DOCUMENT THAT DEMOCRATS WANT TO HIDE FROM THE AMERICAN PEOPLE

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

Mrs. SEASTRAND. Mr. Speaker, it is a mystery that the Democrats would want to hide the truth about Medicare.

They come to the floor and they are literally dripping with concern over Medicare. But they never mention this—the Medicare Trustees Report.

This is the report by the Medicare Board of Trustees. The board is charged with overseeing the financial condition of Medicare, and every year they file a report. This report is like a prospectus that a company is required by law to give to their shareholders.

Mr. Speaker, I think that every American, especially seniors, should have a copy of this report. They should call their Members of Congress at 202-224-3121.

Mr. Speaker, the American people need to learn the truth about Medicare. They need to read for themselves what the Trustees say about the financial condition of their program. They need to read for themselves what the Democrats do not want them to read.

#### LABOR-HHS APPROPRIATIONS BILL, COULD SEVERELY CURTAIL CITIZENS' RIGHTS

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

Mr. MENENDEZ. Mr. Speaker, all Americans need to be aware that the upcoming Labor-HHS appropriations bill could severely curtail their rights to lobby their elected officials, and silence the voice of a majority of Americans.

The bill limits the amount of private money that Federal grantees may use to lobby, arguing that money is fungible. In other words, the Federal money makes it possible for grantees to use more of their own money to lobby. That argument is not enough to warrant these unprecedented restrictions of our first amendment rights.

Meanwhile, Americans have seen countless newspaper stories about tax-exempt groups paying to fly politicians around the country, for political advertising, or promoting their political agendas—and all this lobbying goes on tax free.

I will be offering an amendment that will end this skirting of the law. Any politician accepting tax-exempt dollars to promote his political agenda loses his Federal salary. That is lobbying reform with teeth.

Let us not silence voices of average Americans and their organizations, and let the high and mighty take a free ride on tax exemptions.

Since the issue is the fungibility of money, we must consider all fungible Government benefits. When we vote on the Labor-HHS appropriations bill, let us look at the whole problem.

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

Mr. EMERSON. 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 Government Reform and Oversight, the Committee on International Relations, and the Committee on the Judiciary.

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

There was no objection.

#### ILLINOIS LAND CONSERVATION ACT OF 1995

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on National Security and the Committee on Commerce be discharged from further consideration of the bill (H.R. 714), to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. STENHOLM. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Missouri [Mr. EMERSON] for the purpose of explanation.

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

Mr. EMERSON. Mr. Speaker, H.R. 714 would establish a tall grass prairie in the former Joliet Arsenal. Also, this legislation would set aside portions of the land for a landfill, portions for economic development, and also a section 4(a) national cemetery.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. WELLER].

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

Mr. WELLER. My Speaker, I would like to speak briefly about the importance of this legislation, H.R. 714, the Illinois Land Conservation Act, which has overwhelming bipartisan support from Members on both the Republican and Democrat side of the aisle. This is an innovative land reuse plan which was developed by a citizens planning commission, appointed under the direction of my predecessor, former Congressman George Sangmeister, resulted from thousands of hours of volunteer time from leaders in conservation, veterans' organizations, business and labor, educators, and many civic organizations.

Briefly, the Joliet Army Ammunition Plant, commonly referred to as the Joliet Arsenal, was declared excess Federal property in April 1993. A local citizens commission developed a plan for reuse of the site, which is encompassed in my legislation.

The plan has received broad-based support from Illinois' major media, citizens organizations, veterans'

groups, business, labor, conservation, and educators. The plan includes transferring 19,000 acres to the National Forest Service for creation of the Midewin National Tall Grass Prairie. The plan also includes a veterans' cemetery, which will occupy just under 1,000 acres on the arsenal property.

There are also two sites, for a total of 3,000 acres, to be used for the purpose of economic development and job creation, and finally 455 acres will be used for a local landfill.

Since this bill's introduction, I have worked closely with all the agencies involved and have made changes in the legislation to reflect issues that they have had concerns with. This is bipartisan legislation supported by the Governor of the State of Illinois, Republicans and Democrats in the Illinois delegation, and a large number of veterans, conservation, environment, business and labor, and private organizations.

Clearly, H.R. 714 is a win-win-win for taxpayers, conservation veterans, and working men and women. I ask for and urge the bill's immediate passage with bipartisan support.

Mr. YATES. Mr. Speaker, I rise in strong support of the bill offered by the gentleman from Illinois.

H.R. 714, the bill that would establish the Midewin National Tallgrass Prairie at the former Joliet Arsenal, is an excellent piece of legislation that can serve as a model for other communities with closed military bases.

I am proud to say that I was there at the beginning, when the concept of turning an abandoned TNT factory into a multi-purpose site for the benefit of the 8 million Chicago-area residents was first conceived. I enjoyed working with our former colleague, George Sangmeister, during the 103d Congress and I have equally enjoyed working with his successor, the distinguished gentleman from Joliet.

Located less than 50 miles from the Ninth District, the Midewin National Tallgrass Prairie will offer my constituents unparalleled preservation and recreational opportunities.

The Joliet Arsenal is a treasury trove of rare and endangered species—so unique in the urban sprawl of northern Illinois. Sixteen State endangered species, 108 different birds, 40 types of fish, and 348 native plant species can all be found on the arsenal property.

In addition, the arsenal site contains the single largest tallgrass ecosystem east of the Mississippi River, and the only grassland of this size in unfragmented, single ownership. It is also important to note that the arsenal is adjacent to other reserves and when all of that open space is combined, it creates the biggest prairie in the eastern United States.

We have so few opportunities in Illinois to preserve original, intact ecosystems. Most of our land has either been consumed by ever-growing cities and suburbs or is being farmed. There are very few natural areas in our State; a forest preserve here, a park there, but not nearly enough to satisfy our most minimal needs.

That is why acquiring the Joliet Arsenal and creating a tallgrass prairie is a once-in-a-lifetime opportunity. We will never have this chance again. If we do not act now to protect this valuable site, it could be lost forever.

This is a bipartisan bill, supported by a large and diverse group, including the Republican Governor of Illinois, the Democratic mayor of Chicago, the Forest Service, and every major environmental organization.

There have been many people who have helped make this project a reality, but I want to give special recognition to Dr. Fran Harty at the Illinois Department of Conservation and Dr. Larry Strich and his colleagues at the Shawnee National Forest for their extraordinary efforts to make the arsenal a tallgrass prairie.

I also want to commend the Forest Service for their leadership in this matter. After other agencies dragged their feet on acquiring the Joliet Arsenal, the Forest Service enthusiastically entered the process. Their can-do spirit toward the arsenal is laudable and I want to express my sincere thanks to them for being so cooperative on a project that is important to me and my constituents. I hope to continue working with the Service in the future to secure adequate funding for the Midewin National Tallgrass Prairie.

The cooperation extended by the Forest Service is just one piece of the unique public-private partnership that formed to preserve the Joliet Arsenal. This is truly a national model of how closed military bases can be converted to productive civilian use and of how local communities can work with the Federal Government to ensure that these old bases are developed to benefit everyone.

There are hundreds of military installations across the Nation that have been closed by the Base Closure Commission. The Federal Government must decide what to do with these old bases.

We've seen the negative impacts that closing military bases can have on local communities. But if we follow the example of the Joliet Arsenal and let the local community decide how best to use the closed facility and have the Federal Government assist that locale, a closing military base need not destroy a struggling community.

I think it would be wise for the Pentagon to study the Joliet Arsenal model and to implement it at other facilities slated for closure.

This bill is good for the people of Illinois and clearly good for the Nation, and I urge my colleagues to support it.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 714, the Illinois Land Conservation Act. H.R. 714 is nearly identical to H.R. 4946 that was introduced in the 103d Congress by Congressman Sangmeister. H.R. 4946 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 714, introduced by Congressman WELLER, establishes the Midewin Tallgrass Prairie by initially transferring approximately 16,000 acres currently held by the Department of the Army to the Department of Agriculture. Another 3,000 acres will be transferred when the Department of the Army completes an environmental cleanup on the site. Provision is made for the continued responsibility of cleanup of hazardous wastes by the Department of the Army. The bill also provides for the transfer of approximately 910 acres to the Department of Veterans' Affairs and the establishment of a National Cemetery on the site to be administered by the Secretary of Veterans Af-

fairs. Additionally the bill provides for transfer to the county of approximately 425 acres to be operated as a landfill and approximately 3,000 acres to the State of Illinois to be used for economic development. The U.S. Forest Service is supportive of the legislation before us today.

Mr. Speaker, an amendment that will be offered to modify the language regarding special use permits is supported by the U.S. Forest Service. I ask that a letter from U.S. Forest Service Chief Jack Ward Thomas, acknowledging the new language's consistency with current U.S. Forest Service management practices, be included in the RECORD.

DEPARTMENT OF AGRICULTURE,  
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,  
Chairman, Committee on Agriculture  
Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,  
Chief.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his explanation, and urge passage of the bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 714

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "Illinois Land Conservation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

**TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE**

Sec. 101. Principles of transfer.

Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.

Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.

Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.

Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.

Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

**TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT**

Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.

Sec. 202. Disposal of certain real property at Arsenal for a county landfill.

Sec. 203. Disposal of certain real property at Arsenal for economic development.

**TITLE III—MISCELLANEOUS PROVISIONS**

Sec. 301. Degree of environmental cleanup.

**SEC. 2. DEFINITIONS.**

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

**TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE**

**SEC. 101. PRINCIPLES OF TRANSFER.**

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

**SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.**

(a) INITIAL TRANSFER OF JURISDICTION.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and

the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action, or any other action required under any other environmental law, including actions to remediate petroleum products of their derivatives, the response action or other action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

**SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.**

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA at or related to the property;

(2) all remediation actions required under any other environmental law at or related to the property; and

(3) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to non-compliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions, or related actions under other environmental laws, including actions to remediate petroleum products or their derivatives.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

#### SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010-1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 105(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 4601-5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the For-

est and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

#### SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, to cover the cost to the United States of such prairie-improvement work as the Secretary may direct. Any portion of any deposit made to the fund which the Secretary determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the

admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

**SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.**

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 27: Study Area L23, Group 62: Study Area L25, PVC Area: Study Area L33, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Proposed Future Land Use Map, dated May 30, 1995.

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the

property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

**TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT**

**SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.**

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

(e) DESIGNATION OF CEMETERY.—The national cemetery established using the real property transferred under subsection (a) shall be known as the "Joliet National Cemetery".

**SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.**

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Army (or its agents or assigns) may use the landfill established on the real property transferred under subsection (a) for the disposal of construction debris, refuse, and other nonhazardous materials from the restoration and cleanup of the Arsenal property as provided for in this Act. Such use shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary of the Army determines that the conveyed real property is not being operated as a landfill or that Will County, Illinois, is in violation of the condition specified in subsection (c), then, at the option of the United States, all right, title, and interest in and to the property, including improvements thereon, shall be subject to reversion to the United States. In the event the United States ex-

ercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property. Any determination of the Secretary of the Army under this subsection shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by Will County, Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

**SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.**

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511' x 596' around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal Re-Use Concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONSIDERATION.—The conveyance under subsection (a) shall be made without consideration. However, the conveyance shall be subject to the condition that, if the State of Illinois reconveys all or any part of the conveyed property to a non-Federal entity, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property. The Secretary of the Army shall determine the fair market value of any property reconveyed by the State as of the time of the reconveyance, excluding the value of improvements made to the property by the State. The Secretary may treat a lease of the property as a reconveyance if the Secretary determines that the lease was used in an effort to avoid operation of this subsection. Amounts received under this subsection shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

(d) OTHER CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(e) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary

of the Army makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied or that the conveyed land is not being used for economic development purposes, then, at the option of the United States, all right, title, and interest in and to the property, including improvements thereon, shall be subject to reversion to the United States. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the State of Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

### TITLE III—MISCELLANEOUS PROVISIONS

#### SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under title I and the additional real property disposals required under title II shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas, except to the extent otherwise allowable under such laws.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

AMENDMENTS OFFERED BY MR. EMERSON

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. EMERSON: In section 105(b)(2) of the bill, strike the sentence beginning with "Such special use" and the sentence beginning with "Fair market value".

In section 201 of the bill, strike subsection (e).

Mr. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Missouri [Mr. EMERSON] to explain the amendments.

Mr. EMERSON. Mr. Speaker, these are technical changes in the bill. The one offered by the Committee on Veterans' Affairs merely allows the Secretary of Veterans Affairs the authority to name the cemetery. The second amendment gives the Forest Service authority to manage land used for grazing in the same manner that other Forest Service lands are managed. These amendments have been cleared

with the minority, and it is my understanding that there is no objection.

Mr. Speaker, I include for the RECORD a letter from Jack Ward Thomas, Chief of the Forest Service, to the gentleman from Kansas, PAT ROBERTS, chairman of the Committee on Agriculture.

The material referred to follows:

DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,  
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Land Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,  
Chief.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Missouri [Mr. EMERSON].

The amendments were 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.

### GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 714, the bill just passed.

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

There was no objection.

### AUTHORIZING THE SECRETARY OF AGRICULTURE TO CONVEY LANDS TO THE CITY OF ROLLA, MO

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table the bill (H.R. 701) to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

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

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation.

Mr. Speaker, I rise today in strong support of this measure, H.R. 701, which is vital to the rural economic development efforts of southern Missouri. This legislation will authorize the U.S. Department of Agriculture to convey land within the Mark Twain National Forest to the city and citizens of Rolla, MO. This same bill was approved by the full House in the 103d Congress; however, procedural obstacles in the U.S. Senate on the last day of the 2d session, unrelated to the merits of this legislation, blocked further consideration and eventual passage.

The city of Rolla has been diligent in its plan to utilize the U.S. Forest Service's district ranger office site in the development and construction of a regional tourist center. I feel its important to note that tourism is the second largest industry in Missouri and this tourist center has already attracted great interest along with injecting needed dollars into the regional Rolla economy.

Clearly, this project is a prime example of a local community exercising its own rural development plan for local expansion and job creation. In these times of reduced Federal support for rural community-based economic enterprises, the city of Rolla is a shining example and model of both involvement and initiative that other communities around the country can clearly emulate.

For over a year now, the city of Rolla has been collecting a 3-percent tax on local hotels in the attempt to finance this project independent of any assistance from the Federal Government. Indeed, this land transfer arrangement is a very unique partnership for both Rolla and the Mark Twain National

Forest. Several of Missouri's proud historical landmarks, which are important elements of this site, will be maintained and preserved for current and future generations through the efforts of the city of Rolla—at a substantially reduced cost to State and Federal taxpayers.

This is particularly important to bear in mind, since this facility would have no further commercial viability without the direct involvement of the city of Rolla. So now, two worthy goals can be achieved—economic development and historical preservation. Indeed, there are other facilities that would serve the city's need for a tourist center, but the local community and its leaders have had the vision to realize this is a prime opportunity to help themselves and relieve Federal taxpayers from the burden of maintaining these Forest Service buildings and related facilities within the city of Rolla.

Mr. Speaker, I commend the leadership efforts of the Mark Twain National Forest and the city of Rolla. I urge the expeditious approval of this measure in order that the citizens of Rolla can get on with the business of economic development and job creation.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 701, a bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO. H.R. 701 is nearly identical to H.R. 3426 that was introduced in the 103d Congress by Congressman EMERSON. H.R. 3426 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 701 authorizes the city of Rolla to pay fair market value for the lands described by the bill. The city may pay for the land in full within 6 months of conveyance or, at the option of the city, pay for land in annual payments over 20 years with no interest. If the 20-year option is taken, the payments must be put in a Sisk Act Fund where they will be available, subject to appropriation, until expended by the Secretary. The bill also releases the U.S. Forest Service from liability due to hazardous wastes found on the property that were not identified prior to conveyance and requires the preservation of historic resource on the property.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 701

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

**SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.**

(a) CONVEYANCE AUTHORIZED.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the "City"), all right, title, and interest of the United States in and to the following:

The property identified as the Rolla Ranger District Administrative site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more or less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) CONSIDERATION.—As consideration of the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) RELEASE.—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property, including all claims resulting from hazardous materials on the conveyed lands.

(e) RIGHT OF REENTRY.—The conveyance to the City under subsection (a) shall be made by quitclaim deed in fee simple, subject to a right of reentry in the United States if the Secretary determines that the City is not in compliance with the compensation requirements specified in subsection (b) or other condition prescribed by the Secretary in the deed of conveyance.

(f) CONSERVATION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

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.

**GENERAL LEAVE**

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 701, the bill just considered.

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

There was no objection.

**MODIFYING BOUNDARIES OF TALLADEGA NATIONAL FOREST**

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill, H.R. 1874, to modify the boundaries of the Talladega National Forest, Alabama, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation of objection.

Mr. Speaker, this bill would transfer land currently under the jurisdiction of the Bureau of Land Management to the Forest Service. The land is currently being managed by the Forest Service. Another reason for the transfer is that the Penhody National Recreational Trail runs through a portion of the land that we are transferring. This transfer will enhance the management of the Penhody. The total amount being transferred is 559 acres. It is my understanding that the minority has no objection to this legislation, and that the administration is in support.

Mr. Speaker, I will include a document titled "Questions and Answers, H.R. 1874, Talladega National Forest," for the RECORD.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1874, a bill to modify the boundaries of the Talladega National Forest. This bill is a commonsense attempt to streamline and make more cost-efficient the management of our national forests by transferring two small tracts of adjacent Bureau of Land Management [BLM] land to the Talladega National Forest in Alabama. I commend our colleague, Mr. BROWDER of Alabama, in his efforts.

H.R. 1874 modifies the boundaries of the Talladega National Forest in Alabama by transferring approximately 350 acres of Bureau of Land Management [BLM] land to the Talladega National Forest. Both the U.S. Forest Service and the BLM support the concept of the transfer. The bill ensures that no existing rights of way, easement, lease license or permit shall be affected by the transfer.

According to the U.S. Forest Service this transfer will actually reduce the amount of boundary line the U.S. Forest Service will be required to maintain. Further, because the BLM lands are adjacent to or surrounded by the Talladega National Forest, the Congressional Budget Office reports that there are no significant costs to the government associated with the change in jurisdiction.

Mr. Speaker, I would also like included in the RECORD a document from the U.S. Forest Service entitled "Questions and Answers, H.R. 1874, Talladega National Forest, Alabama," regarding the transfer.

QUESTION AND ANSWERS, H.R. 1874,

TALLADEGA NATIONAL FOREST, ALABAMA

Q. Where is the Talladega National Forest located in Alabama?

A. The Talladega National Forest is broken up into two divisions—the Oakmulgee Division, located in central Alabama South and West of Birmingham, Alabama; and the Talladega Division, located east central Alabama and being East of Birmingham, Alabama.

Q. Which Division is effected by H.R. 1874?  
A. The land is located on the Talladega Division.

Q. Where on the Talladega Division are the tracts mentioned in H.R. 1874 located?

A. The first tract is located in Cleburne County and contains 399.4 acres and is more particularly described as Township 17 South, Range 8 East, Section 34, NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and S $\frac{1}{2}$  NW $\frac{1}{4}$ . This tract is located within the existing Proclamation Boundary of the Talladega N.F. and close to being surrounded by National Forest ownership.

The second tract is located in Calhoun County and contains 160 acres and is more particularly described as Township 13 South, Range 9 East, Section 28, SE $\frac{1}{4}$ . This tract is located just outside of the existing Proclamation Boundary of Talladega N.F. but is adjacent to and contiguous with National Forest ownership.

Q. What's presently located on these lands?  
A. Both properties are forested tracts with pine and hardwood. There are no known or surveyed cultural resource sites or threatened or endangered species known to be located on these tracts. However, the first and largest tract is located inside a tentative Habitat Management Area for the Red Cockaded Woodpecker, a listed endangered species. In addition, the Pinhoti Trail, administered by the Forest Service, runs through the largest tract.

Q. What is a Habitat Management Area (HMA)? and why is it "tentative"?

A. This is an area that contains pine and pine-hardwood forest types that will be managed for the recovery of the Red Cockaded Woodpecker.

It is "tentative" until the Forest has completed its Forest Plan Revision.

Q. Just what is the Pinhoti Trail?

A. The Pinhoti Trail is a National Recreation Trail that was so designated back in 1977. It is a foot trail that extends for 98.6 miles along the mountains, valleys, and ridges of the Talladega Division, Talladega National Forest.

Q. Where does the Pinhoti Trail begin and end?

A. The trail starts on the Talladega Ranger District at Clairmont Gap off of the Talladega Scenic Drive and ends on the Northeastern boundary of the Shoal Creek Ranger District at Highway 278.

Q. H.R. 1874 indicates that the first tract contains 399.4 acres while the description calls for 399.4 acres. Which is correct?

A. The 399.4 acres is correct. There was probably a typo error made while drafting the bill. However, the description is accurate.

Q. Just what does the Bill do?

A. The Bill will transfer jurisdiction of these two tracts totaling 559.4 acres from the Bureau of Land Management, U.S. Department of Interior to the Forest Service, U.S. Department of Agriculture.

Q. Why is this necessary?

A. As pointed out, the effected lands are adjacent to and mixed in with existing National Forest lands. This would ease the administration of these federal lands for both agencies.

Q. Does BLM Agree with this change of jurisdiction?

A. Yes. They have worked closely with the Forest Service on this transfer for a number of years.

Q. Does the public have any concern about the change?

A. No. They already think the land is part of the National Forest System because of their location. This is especially true where the Pinhoti Trail runs through the larger tract in Cleburne County. In fact, the Forests current Administrative Map shows the 399 acre parcel as being national forest.

The county records in Cleburne County shows the property to be owned by the "USA Talladega NF"; while the Calhoun County records shows it to be owned by the "US Forestry Division".

Q. Why does the Administrative Map show this property to be National Forest?

A. Probably an error was made when the map was last revised since the property is government land, almost surrounded by national forest land and has the Pinhoti Trail running through it.

Q. Are there any right-of-ways, easements, leases, licenses or permits on the lands being transferred?

A. There are no known right-of-ways, easements, etc. or known claims (neither properties are adjacent to residential development) on either of the properties. If there were, the Forest Service has the necessary authority and regulations to handle.

Q. What is the history of these Tracts?

A. The 160 acre parcel, located in Calhoun County, has never been patented and was not withdrawn from the Public Domain when the Talladega National Forest was established by Proclamation 2190 dated 7/17/1936. This property has always been owned by the United States.

The 399 acre parcel, located in Cleburne County, was patented to the State of Alabama back in August 1941. A clause in the Patent stated "this patent is issued upon the express condition that the land hereby granted shall revert to the USA upon a finding by the Secretary of Interior that for a period of five (5) consecutive years such land has not been used by the said State of Alabama for park or recreational purposes, or that such land or any part thereof is being devoted to other uses." On November 14, 1978, the State of Alabama Quitclaimed this land to the United States and on February 9, 1979 title was accepted by the Bureau of Land Management.

(NOTE: The 1891 Organic Act originally gave the President the authority to place forest land into public reservations by Proclamation. President Franklin Roosevelt issued a Proclamation withdrawing the land now within our forest boundary for public recreational use pursuant to the Recreation and Public Purposes Act before the Talladega National Forest was established by Presidential Proclamation in 1936. A patent on the withdrawn lands was then issued to the State in 1941 with a reversionary clause to the United States. Alabama reconveyed by Quit Claim deed to the United States in 1978 due to its non-use. The Proclamation creating the Talladega National Forest included a provision that all lands hereafter acquired by the United States under the Weeks Act should be administered as a part of the Talladega National Forest. This provision, however, only applied to lands acquired under the Weeks Act, and not the BLM land which simply reverted back to the United States. The proclamation itself no longer had the force of law when the United States regained title to the subject land due to the repeal of the 1891 Act by section 704 of the Federal Land Policy and Management Act of 1976. Hence, the subject land reverted to the status of unappropriated public land, and hence are not included within the Talladega National Forest as they had been withdrawn in favor of the State of Alabama prior to the proclamation and were later patented to the State, thus entirely escaping federal control and the scope of the proclamation.)

Q. What boundaries are being modified?

A. As previously indicated, the 160 acre parcel located in Calhoun County is located adjacent to but west of and outside of the existing Proclamation Boundary for the Talladega National Forest. The Bill would extend this boundary to incorporate the tract.

The 399.4 acre parcel located in Cleburne County is within the Proclamation Boundary. Technically no boundary modification is needed in this case as far as the Proclamation Boundary is concerned. However, the land line boundary would technically be changed in the jurisdictional transfer.

Regardless of the technicality of boundary modification, the Bill does effect the correct transfer of jurisdiction being sought by both agencies.

Q. How many additional acres of lands does the BLM presently have jurisdiction over that are within or adjacent to the Talladega National Forest?

A. None to the best of our knowledge.

Q. How is BLM presently managing these lands to be transferred to the Forest Service?

A. They are currently being managed for hunting and dispersed recreation.

Q. How much will it cost the Forest Service to administer these lands?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for maintenance runs around \$500 to \$600 per mile. However, with the tract located in Cleburne County, the Forest Service would actually lose approximately 1 $\frac{1}{4}$  miles of land lines. Therefore there is a net loss of around  $\frac{3}{4}$  miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to and/or are within the existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega Division, Talladega National Forest. (Total for the entire Talladega National Forest is 387,176 acres.)

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 1874

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

#### SECTION 1. EXPANSION OF TALLADEGA NATIONAL FOREST.

(a) BOUNDARY MODIFICATION.—The exterior boundaries of the Talladega National Forest is hereby modified to include the following described lands:

Huntsville Meridian, Township 17 South, Range 8 East, Section 34, NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and S $\frac{1}{2}$ NW $\frac{1}{4}$ , Cleburne County, containing 399.4 acres, more or less.

Huntsville Meridian, Township 13 South, Range 9 East, Section 28, SE $\frac{1}{4}$ , Calhoun County, containing 160.00 acres, more or less.

(b) ADMINISTRATION.—(1) Subject to valid existing rights, all Federal lands described under subsection (a) are hereby added to and shall be administered as part of the Talladega National Forest, and the Secretary of the Interior shall transfer, without reimbursement, administrative jurisdiction over such lands to the Secretary of Agriculture.

(2) Nothing in this section shall be construed to affect the validity of or the terms

and conditions of any existing right-of-way, easement, lease, license, or permit on lands transferred by subsection (a), except that such lands shall be administered by the Forest Service. Reissuance of any authorization shall be in accordance with the laws and regulations generally applying to the Forest Service, and the change of jurisdiction over such lands resulting from the enactment of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

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.

#### GENERAL LEAVE

Mr. EMERSON. 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. 1874, the bill just passed.

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

There was no objection.

□ 1220

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. EVERETT). 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.

#### RESTRICTIONS ON POLITICAL ADVOCACY MISGUIDED AND MISPLACED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, later this week the House will take up consideration of the appropriations bill for the Departments of Labor, Health and Human Services and Education. I want to call my colleagues' attention to the fact that not included in this appropriations bill are some 13 pages of legislation, something we are not supposed to do on appropriations bills.

The topic of this 13-page legislative provision is "Political Advocacy." It flies directly in the face of the first amendment to the Constitution which says that this body, the Congress, shall make no law concerning free speech, freedom of association, or the right to petition the Government. But that is precisely what this 13-page piece of legislation, buried in this appropriations bill, will do.

Mr. Speaker, the subtitle of this title says, "Prohibition on the Use of Federal Funds for Political Advocacy." As it happens, of course, that is already illegal. The real sweep of this legislative proposal has very little to do with Federal funds. What it does have to do with is your use of your own funds. Every single American citizen, non-profit organization, recipient of a Fed-

eral research grant likely is going to be swept into the impact of this incredible and chilling piece of legislation.

Mr. Speaker, if you look at the definition of "political advocacy," which is one of the principal operative concepts in this bill, it includes virtually everything that you might have thought was protected speech under the first amendment to the Constitution. Even an inkind contribution to a political campaign; even the purchase of something that has nothing to do with politics, if the person or the organization you are purchasing it from happens to have used more than 15 percent of its resources on political advocacy. Again, political advocacy includes just about anything having to do with trying to affect the political debate in this country not just at the Federal level, but at the State and local levels as well.

Mr. Speaker, the other principal concept that makes this such an overarching and intrusive provision has to do with the definition of grant, because it is only grantees, recipients of grants, that are swept into this new regime of accounting for political speech. But again, if you look at the definition of grant, it is not just what you might think in a commonsensical way; that is, the provision of funds to somebody directly from the Federal Government. No, it is much broader than that. It includes anything of value provided, not given, but provided, to any person or organization.

So if you consider, as absurd as it may seem, that this political advocacy restriction applies to anyone who gets a grant, it will impact, for instance, the following kinds of people: Disaster victims getting emergency housing assistance grants; nurses who may have received a national research service award; low-income tenants receiving section 8 housing grants; researchers receiving money from the National Institutes of Health or the National Science Foundation; and, Indian tribes. Now, State and local governments are excluded, but not Indian tribes, for instance, getting grants for economic development activities.

So it is incredibly far reaching and intrusive, and it not only affects what you can do with public money, but it affects what you can do with your own money. If you fall into this trap, and almost all of us will, you could not spend more than 5 percent of your own money on any of these political advocacy activities, State, Federal, local, anything at all, or you would be disqualified from getting any kind of Federal grant, again broadly defined, over a period of 5 years.

Mr. MILLER of California. Will the gentleman yield?

Mr. SKAGGS. I would be happy to yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for taking his time in pointing out what is an incredible amendment to the bill that we will be asked to vote on.

Mr. Speaker, let me ask the gentleman from Colorado a question. As

the gentleman just described it, as I understand it, if you are a big farmer in the central valley of California and you are receiving a water subsidy, or you are a timber company and you are receiving hundreds of millions of dollars in subsidies in road building or water subsidies, or if you are a mining company and you have received land under a grant from the Federal Government, or if you are an oil company and you are receiving royalty subsidies or tax subsidies, you can come here and lobby all you want to increase those subsidies, to reduce them or to change the law. But if you are a public interest group and you have received any Federal money, you then have a limitation on money that you have privately raised or the private sector has participated with you; is that correct?

Mr. SKAGGS. Mr. Speaker, actually, this goes even farther and includes some of the groups that the gentleman from California mentioned.

Now, it would not affect defense contractors, for instance, but the way I read it, somebody getting Burec water at a subsidized rate would indeed be swept under the provisions of this proposal.

#### PROTECTING AMERICAN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later this week the House will be considering the Labor and Health and Human Services appropriations bill, and this bill will have provisions in it that really punish working Americans and working families in this country.

We now believe that when we send a member of our family out into the workplace in this country, that they have a reasonable expectation, and we have a reasonable expectation, that our children or our spouse will go to work in a relatively safe workplace, and that that workplace will meet certain standards as to its obligations to members of our family as they go to work.

Mr. Speaker, that is because of OSHA and the laws of general duty and obligations that says, an employer has an obligation to provide a safe workplace, but also because of the many standards that OSHA has developed to make the construction trades safer; that make the mining industry, in the case of MSHA, safer; that make the chemical industry safer, and it has made the petroleum industry safer, throughout the American economy. We have done this all at the same time that productivity has increased dramatically in this country.

So it is not to suggest that OSHA, as others have, that somehow they have to be curtailed because they curtail productivity, because there is just no evidence that that is in fact the case.

In fact, American corporations are experiencing some of the greatest increased in productivity at the same time that they have continued to work under workplace safety standards as promulgated by OSHA.

Mr. Speaker, what is interesting is that in the same bill, while most of the other agencies are subjected to budget cuts of around 7.5 percent, we see that OSHA, that agency which protects our families when they go to work, to make sure that when they leave the house they will come back to the House in the same condition when they left, we see that the enforcement for OSHA is cut by almost 33 percent. A third of its budget is taken away from this agency that is given the obligation to protect American workers.

Mr. Speaker, this is simply unacceptable. We cannot go back to the days when American workers were chewed up in the mines in this country, in the factories in this country, in the places of manufacturing in this country. We still, even with the tremendous successes that OSHA has had in bringing down the injury rate and the loss of life in the American workplace, we still see that each day, some 6,000 Americans are injured on the job, and this costs American businesses billions of dollars a year, and that is unacceptable. But to now take off, to take off the ability of OSHA to enforce the laws, is to suggest that industries and businesses and manufacturers can engage in a race to the bottom where they can decide that they can cut the cost of doing business by having an unsafe workplace. That is not acceptable to America's workers, and it is not acceptable to America's families.

Mr. Speaker, the bill also goes on to say that OSHA cannot even promulgate regulations to try and protect workers who suffer from repetitive motion disorders because of the increased use in computers and some jobs in the assembly segment of American manufacturing. All of us are aware, we see people in the supermarket, we see people standing in line to go to the show, members of our own families, as they wear harnesses on their hands, they wear harnesses on their elbow, they go to therapy because they are trying to stay on the job.

At the same time that this Congress is asking for more ergonomic-sensitive furniture, components, machinery to protect their workers in the U.S. Congress, we are suggesting that we cannot promulgate the regulations to provide that same kind of protection to American workers in the American workplace. Yet we find that millions of Americans suffer from these kinds of disabilities that limit their ability to earn a living, to provide for their families. That is what OSHA is about. It is about Americans being able to go to work in a safe workplace, to earn a wage, to provide for their families. To the extent that they are disabled, to the extent that they are injured, to the extent that they suffer these kinds of

accidents, their capabilities of providing for their families are reduced. This budget cut in this bill is simply an attack on working families in this country and it should not be allowed to stand. The Republicans are wrong-headed in this effort and they should not be allowed to take this measure.

Mr. Speaker, I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman from California for yielding. I would just like to refer to earlier points you made in your statement that I think deserves a great deal of emphasis. You referred to the fact that our American workers cannot afford to be eaten up, and the fact that productivity has increased today. That is especially true in the coal mining industry.

#### WOMEN AND THE RIGHT TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rose earlier to commemorate this wonderful stamp that is going to be coming out on August 26 that is going to celebrate women having had the right to vote for 75 years in this country.

I must say as we see these women in the stamp marching down the avenue with men who supported them demanding the right to vote, I would be a little leery if I were a Member of Congress, because I think after 75 years women are learning how to use that vote and women are going to be very angry about what this Congress is doing to women and children.

Last week we saw a good example where in the prior Congress there had been a unanimous consent on the Violence Against Women Act, that we really had to get aggressive and do that. It passed this House unanimously. There was not one vote against it. Last week, after first attempting to zero out the funds, we finally had to get excited and be very grateful because we got 50 cents on the dollar. We have ignored it all these years, we know violence is very critical, and it is especially bad when children are learning it in the home—when they are learning it in the home, good luck ever undoing it—so we really made that commitment but we really did not mean it, and if it had not been for the Congresswoman, we would not have even gotten 50 cents on the dollar, because they were quick to say, OK, well, we voted for it, but we do not have the to fund it and it will slip away.

We are seeing women's right to choose go down the chute, we are seeing all sorts of educational programs and opportunities in the workplace going down the chute, and we are seeing all sorts of things happening to children.

In fact, a mother from Denver sent me the poster for what they thing the Labor-HHS bill that we are going to be

taking up this week should be showing. Here it is. It is this wonderful child. I think what the Congress is saying to this child is, "Let them eat mud."

We are going after Head Start. Can you believe that? We have never made our commitment to Head Start. We are going after all sorts of educational programs that this child's future depends on and so forth and so on. We are going to attack their nutrition, attack their education, attack their chance to get ahead, attack a women's ability to move forward. I remind you that in the Budget Act, they put a 15-percent tax on child support enforcement. If the government collects child support, they are going to take 15 percent of that out. Yet we keep saying to these families, "Get up and get on your own."

How are you going to do that unless you were lucky enough to have picked the right parents? This child did not get a chance to pick my parents. I did not get a chance to pick my parents that I am aware of. If you are lucky enough to have picked the right parents, although I never knew you got that choice, then you are going to be OK. The idea that the government should try and create an equal playing field so you can utilize all of your abilities, be you male, female, be you black, white, be you Hispanic, Asian or whatever is really rapidly eroding. It is very rapidly eroding. If you do not think it is rapidly eroding, watch what we do this week. We are bringing the meanest bill to this floor, the most extreme bill to this floor that this Congress has seen since the end of the war. We are saying to this child, "You've got to pay for the debt." Obviously she caused it. Listen, she was not even here. She cannot even vote.

That is why I think as we get ready to celebrate women having voted for 75 years, maybe people better sit back and reflect. We may not have voted in any great numbers in 1994, but I have a feeling that women all over America are getting as angry as the mother of this child in Denver, CO and saying: What are you people doing there? You are not touching the B-2 bomber, you are not touching the space station, you are not touching really rich farmers, you are not touching the traditional pork. You are going after kids. You are going after the people who cannot fight back.

You may find that women unite this year and we do fight back. We have had the vote long enough. We now know how to use it, and I think this Congress better be careful. This war on women and children had better end or women and children will declare war on the Congress.

#### MASSIVE CUTS LOOM IN LABOR-HHS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I, too, want to rise in great dismay and almost shocked disbelief at the bill that we are being asked to consider this week which provides funding for programs in the Departments of Labor, Health and Human Services and Education.

Most of the people who hold public office today, whether in local, State, or national capacities, have always made a very strong and vocal commitment to the importance of education, not just to the children that are here today but virtually for the future of this country. In order for us to be truly competitive in a world sense we have to be sure that the children of America are being given the fullest opportunity for education, for training, for career development, and certainly in meeting the changes that occur in our economy and in jobs throughout the Nation, we have to also be prepared to make sure that there are funds available for job retraining of workers who are displaced in a wide variety of industries, outcomes of such things as NAFTA and GATT, and simply the downsizing of our megacorporations.

So it is almost with a dismay and disbelief that I rise today to advise the people in the country about these massive cuts that are coming in the field of education. The budget that we are going to be asked to vote for this week cuts \$3.8 billion in education and about \$2.8 billion of this cut are going to affect the local schools directly. It is astounding that such a major cut would come from a field that everybody agrees is the most important responsibility of Government. But there you have it. Now, how do these cuts come into the budget category?

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The first major cut is \$1.1 billion in title I, which is a special program that has been in existence since 1965.

I happen to have been here in the Congress in 1965, where the debate over 25 years finally came to fruition and the first federally financed Aid to Education was enacted. It was then called Public Law 8910; and that program has continued over the years. Although never fully funded, it has provided billions of dollars of assistance directly to our schools.

How is it determined what the schools are to get? It is targeted to economically and educationally disadvantaged children in our schools. In some instances, private schools are able to benefit by sending their children out to partake of the various programs that are located in the public schools.

We have a devastating impact. Our report shows that 1 million of our most disadvantaged children in our neediest schools that do not have the real property tax base or the financial wherewithal to pay for an adequate education are going to have these funds stripped away. I think this is the most egregious of all of the cuts that we are being asked to make this week.

Mr. Speaker, the other program which has had widespread support throughout the country is a program that we call Head Start. Time and again, people have stood on the well of this floor, Presidents have announced that we must achieve full funding of Head Start.

It takes into consideration the need to prepare disadvantaged children, particularly, at age 4 and 5 years of age to make it possible for them when they enter the public schools in first grade that they can achieve at a far more adequate and rapid pace.

This is a program that has bipartisan support and yet I am dismayed to report that the Committee on Appropriations cut Head Start by \$137 million, which means 45,000 to 50,000 children who are currently in the program will not be able to participate any longer. What a tragedy for these youngsters.

What makes up an adequate educational system in America? What produces quality education? It is not money in itself, it is the quality of the teachers, and so one of the important areas that we have funded in the past is teacher education, and that program is being totally eliminated, that is known as the Eisenhower Professional Development Program for teachers. I see that my time is up, and I will be back again on the floor.

#### EDUCATION CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, I rise the same as Mrs. MINK in vehement opposition to the new majority's Labor, HHS, and Education appropriation bill. It is a bill that is so bad that we should not even try to amend it, even if we could, because I do not believe there are any amendments that could improve it, so let it come to the floor just the way it is and show the American people what the new majority is really all about.

Some have come to this floor and said that the new majority are mean spirited. Mr. Speaker, this goes beyond mean spirited. The Labor HHS bill is a cold-blooded attack on the American dream.

It is especially damaging for those at the very bottom of the ladder. The cuts in education are at the very heart of the American dream. Education has always been a plus, something to laud, in America. Without education, would we have had the major technical advancements that we have known? That came from people that were well educated in this country? I doubt it.

I do not believe even in the past people like George Washington Carver, who gave us more than just the development of so many things from the peanut, would have had the advantages that he did later in his life after he received the formal education.

Mr. Speaker, education, to me, has been at the heart of every advancement

of our Great Society. The new majority cuts and slashes. Their cut-and-slash tactics cut everything. They cut education, a second chance for people. They say they want everyone to speak English. Where do they think adults are going to learn English? They are going to learn in school.

They are slashing a program so that adults have to wait in line to get into the ESL classes. Community-based organizations, which take up much of the slack, are already short of funds to provide services, and the bill is cutting their aid even further.

Even though the Federal Government contributes only a small percentage of the education money that is spent in this country, they want to take that away.

With this legislation, Congress is ignoring the national leadership role that it has. When local school boards all over the country are having hard times paying for their schools, this bill is denying the very little help we do give. The no-tax phobia has school districts around the country desperate for funds. If we do not help, no one will.

Initiatives like California's proposition 13 and the two-thirds requirement for any new increase in funds for schools handcuff the ability of communities to implement a bond measure to raise taxes for those needs that they believe are priorities like schools.

Mr. Speaker, I have never been offended by taxes as long as the revenue is spent well.

Mr. Speaker, I believe we must grow up and the new majority must grow up and face the responsibility for a sensible society. Without taxes, there would be no local law enforcement, no local fire safety, no local sewage treatment, no health and safety protections. Taxes are a part of a civilized society.

If we think we have it bad, we ought to look at some of our neighboring countries. Some nations have more onerous taxes than we will ever have, but they do not have the advancements in technology that we do.

Taxes are a sacrifice made to investment in our country.

We hear our colleagues every day come to this floor and say, we have to run Congress like a business. I was in business for many years, but I got into politics and I saw other businesses around me fail because they would not make the sacrifice that we need to make to make an investment in our business. Well, we are now giving a tax break to the rich at the expense of an investment in the programs for the poor of our country.

The Labor, HHS, education bill is a disinvestment in the future of the children of this Nation that is irrational and unfair. Mr. Speaker, what has happened to the promise of a brighter tomorrow, a kinder and gentler America that we heard about not so long ago, a future for our children that people, and especially politicians, love to make in speeches?

## TOBACCO AND AMERICA'S YOUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert extraneous material.

I have taken out this special order to talk again about the No. 1 threat to the health of our children—tobacco.

A lot has happened since I spoke to this body last week. They Justice Department has confirmed that it will impanel a grand jury in this city to consider perjury charges against tobacco company CEO's. The U.S. attorney in New York has confirmed that he will impanel a grand jury in Manhattan to investigate whether tobacco companies lied to Federal regulators about the health effects of tobacco. And the President has begun to consider how best to regulate tobacco.

Almost unnoticed amid the headlines, however, is the damage cigarettes have done to the health of our Nation. In the last week alone, over 7,000 Americans have died from lung cancer, heart disease, and other illnesses caused by addiction to tobacco.

Even worse, in the last 7 days, 21,000 American children have begun to smoke for the first time. One-third of these children—7,000 kids—will become lifelong nicotine addicts and eventually die from a tobacco-related disease.

Clearly, the time has come for commonsense regulation to discourage children from smoking.

When I appeared before this body last week, I reported on my investigation into the research activities of Philip Morris, the Nation's largest tobacco company. This investigation revealed three important facts.

First, Philip Morris conducted secret research on nicotine pharmacology for more than a decade.

Second, top company officials—including the Philip Morris board of directors and at least three separate vice presidents for research and development—had knowledge of the secret nicotine research program.

Third, Philip Morris conducted research for the specific purpose of determining the pharmacological effects of nicotine on children and college students.

One major question remained unanswered, however. Did Philip Morris use its secret nicotine research to design cigarettes sold to the American public?

We know from the documents I released last week that Philip Morris' secret research program was undertaken for commercial reasons. The document describing the plans and objectives for the behavioral research laboratory in 1979, for example, stated expressly:

The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

Philip Morris, however, has consistently maintained that it never commercialized this research or manipulated nicotine. A year ago, the Philip Morris CEO, William Campbell, testified before my subcommittee that "Philip Morris does not manipulate nor independently control the level of nicotine in our products."

Last month, when the New York Times first reported on the secret Philip Morris research program, Philip Morris asserted that it never used the research results in creating products for the market.

Today, I will present evidence that conflicts fundamentally with these Philip Morris statements. I will present evidence that appears to prove beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public.

My investigation of nicotine manipulation by Philip Morris has been hindered by two obstacles. First, Philip Morris has not cooperated with the investigation. Over a year ago, on June 29, 1994, I wrote Philip Morris to request copies of Philip Morris documents relating to nicotine manipulation. With minor exceptions, Philip Morris has refused to provide these documents.

The second obstacle is that the Congress has apparently ceased its investigation of the tobacco industry. This makes it impossible for me to call Philip Morris witnesses before an investigative committee to respond to my inquiries.

Because of these obstacles, I cannot yet provide a complete and final record of Philip Morris's efforts to manipulate nicotine. Nevertheless, what I have recently learned is so significant that I believe I must take the extraordinary step for reporting on it in this chamber today. I believe I have an obligation to the Members of this body, to the administration, and ultimately to the American people to tell what I know so that together we can move closer to the truth.

As I did last week, I will first present a summary of my investigation. Then I will then read into the RECORD a chronology of excerpts from previously secret Philip Morris documents. Finally, I will present the documents themselves for publication in the CONGRESSIONAL RECORD.

#### SYSTEMATIC MANIPULATION IN THE LABORATORY

The evidence of nicotine manipulation begins in the very same Philip Morris laboratories in Richmond, VA, that conducted the electric shock studies and the nicotine pharmacology research that I described last week. Throughout the 1970's, researchers in these laboratories engaged in a systematic search "to determine optimal nicotine/tar ratios for cigarette acceptability in a low delivery cigarette."

The nicotine/tar ratio is a ratio that compares the amount of nicotine delivered by a cigarette with the amount of

tar delivered by the cigarette. Officials of the tobacco industry have long maintained that because nicotine levels follow tar levels, there is a single, fixed nicotine/tar ratio in all cigarettes. For instance, Alexander Spears, the chief operating officer of the Lorillard Tobacco Co., testified before my subcommittee on March 25, 1994, that:

We do not set nicotine levels for particular brands of cigarettes. Nicotine levels follow the tar level. . . . The correlation . . . is essentially perfect correlation between tar and nicotine and shows that there is no manipulation of nicotine.

The objective of the Philip Morris researchers, however, was to break this essentially perfect correlation between nicotine and tar. Their goal was to determine if an increased ratio of nicotine to tar would make low-tar cigarettes more acceptable to the smoker.

The first document to discuss the secret search for the optimal nicotine/tar ratio is a December 1970 research report. In this report, Philip Morris scientists stated that they were "initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures."

In May 1974, the Philip Morris scientists described their research as involving the systematic manipulation of nicotine. Although Philip Morris CEO William Campbell testified last year that Philip Morris does not manipulate nicotine, the researchers stated that they were "systematically manipulating tar and nicotine parameters of cigarettes \* \* \* to predict nicotine/tar ratios for optimal cigarette acceptability."

By November 1974, the Philip Morris scientists achieved a breakthrough. According to the researchers, the natural ratio of nicotine to tar in tobacco is 0.07—that is, 7 parts nicotine to 100 parts tar. The researchers found that by boosting this ratio in low-tar cigarettes, about 40 percent to approximately 0.10—or 10 parts nicotine to 100 parts tar—they could produce a low-tar cigarette that equaled a regular-delivery cigarette in both acceptability and strength. In other words, the researchers found that by increasing the nicotine level in a low-tar cigarette by 40 percent while leaving the tar level unchanged, they could produce a stronger and more acceptable low-tar cigarette.

By October 1975, the scientists completed a follow-up study to replicate their findings. This follow-up study confirmed the initial results. The scientists found that "the optimum nicotine to tar ratio for a 10 milligram cigarette is somewhat higher than that occurring in smoke from the natural state of tobacco."

#### COMMERCIALIZATION

There is compelling evidence that not long after completing this research, Philip Morris used the research findings to manipulate nicotine levels in cigarette brands sold to the American public.

One brand in which manipulation seems certain to have occurred is the regular-length Benson & Hedges cigarette. I have a chart that shows what happened to the nicotine/tar ratios in this cigarette between 1968 and 1985, the first and last years for which data is available for this cigarette variety.

As you can see, the nicotine/tar ratio remained essentially flat at 0.07, the natural nicotine/tar ratio in tobacco, from 1968 to 1978. From 1978 to 1983, however, the ratios changed significantly. During this period, the nicotine/tar ratio did exactly what the Philip Morris researchers recommended—it increased.

As the chart shows, the nicotine/tar ratio reaches a high of 0.2 in 1981. By 1983, the nicotine/tar ratio in the Benson & Hedges cigarette is 0.11—virtually the exact level recommended by the Philip Morris scientists.

These increases in the nicotine/tar ratio resulted from increases in the nicotine level of the Benson & Hedges cigarette. The tar level in the cigarette in 1983 is exactly the same as it was in 1978—but the nicotine level is more than 50 percent higher.

A key question arises from these facts: Were the increases in the nicotine level and the nicotine/tar ratio of the Benson & Hedges cigarette the result of the deliberate design decisions of Philip Morris? Or were they the result of chance or random variation?

To answer this question, I asked Dr. Lynn Kozlowski from Penn State University, one of the Nation's leading experts on low-tar cigarettes, to perform a statistical analysis of the changes in the nicotine/tar ratio of the Benson & Hedges cigarette. His analysis shows that the increases in the nicotine/tar ratio were not the result of chance or random variation. Specifically, he found the possibility that the elevated nicotine/tar ratios could be explained by chance or random variation is less than 1 in 100,000. In other words, the possibility is virtually zero.

Benson & Hedges is not the only example of commercialization I found during my investigation. In 1981, Philip Morris introduced a new cigarette brand, the Merit Ultra Light. Like the Benson & Hedges cigarette, the Merit Ultra Light had an increased nicotine/tar ratio.

I have a chart that shows the nicotine/tar ratio in the Merit Ultra Light. As the chart illustrates, the nicotine/tar ratio is significantly elevated from the natural ratio of 0.07. The ratio in this cigarette is 0.11—virtually the exact level recommended by the scientists.

In summary, the evidence I will present today shows three crucial points.

First, Philip Morris researchers determined that the natural nicotine/tar ratio in cigarettes is 0.07.

Second, Philip Morris researchers recommended that this natural nicotine/tar ratio be increased to approximately 0.10 in low-tar cigarettes to increase acceptability and strength.

Third, shortly after this recommendation was made, Philip Morris raised the nicotine/tar ratio in Benson & Hedges cigarettes to the recommended level of 0.10 and above and introduced a new brand, the Merit Ultra Light, with a similar elevated nicotine/tar ratio.

There appears to be only one conclusion that can be drawn from this evidence: Philip Morris deliberately increased nicotine levels in commercially marketed cigarettes.

At this point, I want to begin to read excerpts from the documents.

CHRONOLOGY OF PHILIP MORRIS RESEARCH ON  
NICOTINE MANIPULATION

*December 1970.*—Philip Morris researchers commence a study that directly involves manipulation of the nicotine/tar ratio in cigarettes. The study involves reducing tar levels and boosting nicotine levels by adding nicotine salt, a commercial form of nicotine. Specifically, the researchers write:

We are initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures. Using Marlboro as a base cigarette we will reduce the tar delivery incrementally by filtration and increase the nicotine delivery incrementally by adding a nicotine salt. All cigarettes will be smoked for several days each by a panel of 150 selected volunteers.

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report of Projects 1600 and 2302"—Dec. 31, 1970.

*September 1971.*—Philip Morris researchers describe their research objectives for 1972. They state that their goal is "to determine optimal nicotine/tar ratios for cigarette acceptability of relatively low delivery cigarettes."

The researchers also identify tobacco's natural nicotine/tar ratio, stating that a ratio of 0.07 is "characteristic of a broad range of natural leaf."

Source: Memorandum on "Plans for 1972," from W. Dunn et al. to P.A. Eichorn—Sept. 8, 1971.

*January 1972.*—Philip Morris researchers report plans to conduct a national mail-out of cigarettes with altered nicotine/tar ratios. Specifically, they write:

Low delivery cigarettes with varying tar and nicotine deliveries are being made with both low nicotine tobacco and with ordinary tobacco. These cigarettes will be used in national mailouts to determine what combinations of tar and nicotine make for optimal acceptability in a low delivery cigarette.

Source: T.R. Schori, "Smoking and Low Delivery Cigarettes," in *Consumer Psychology Monthly Report*—Dec. 16, 1971, to Jan. 15, 1972.

*October 1972.*—Philip Morris researchers develop a three-stage study for determining the optimal nicotine levels in menthol cigarettes. The researchers write:

This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes. Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make

for optimal acceptability. And then in stage 3, cigarettes with these combinations of nicotine and menthol will be tested against current brands of known quality and sales potential.

The researchers also describe their ongoing "tar and nicotine studies." They state:

We have done a number of nicotine to tar ratio studies. . . . When we get successful models, we will go out to a national panel in an attempt to determine combinations of tar and nicotine for optimal acceptability.

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Oct. 5, 1972.

*November 1972.*—Philip Morris researchers state that one of their research objectives for 1973 is to determine if "a cigarette with a high nicotine/tar ratio has market potential."

Source: Memorandum on "1600 Objectives for 1973"—Nov. 11, 1972.

*May 1973.*—Philip Morris develops a 5-year plan for research and development. This plan states explicitly the nicotine/tar ratio studies are being conducted to develop new cigarette designs. Specifically, the R&D plan states:

This program comprises a number of studies expected to provide insight leading to new cigaret designs. These include studies of optimum nicotine/tar ratios [and] nicotine/menthol relationships.

Source: Philip Morris, USA, "Research and Development Five Year Plan, 1974-1978"—May 1973.

*October 1973.*—The Director of Research at Philip Morris, Thomas Osdene, who subsequently became vice president for science and technology, circulates the company's R&D strategy for the next 5 years. The strategy makes it clear that manipulating the concentration of smoke constituents was one of the major priorities of Philip Morris's research efforts.

Osdene's strategy states:

R&D management will concentrate a large part of the resources at its disposal in two major long-range new product programs: a cigarette with controlled-composition mainstream smoke, and a "full-flavor" cigaret delivering less than ten milligrams of FTC tar.

The strategy then explains that the full-flavor/low-delivery program requires developing new means of manipulating the relative concentrations of key smoke constituents. Specifically, the strategy states:

This program is directed at a dramatic reduction in cigaret tar level while maintaining subjective responses equal to our present major brands. . . . The task requires . . . developing means of increasing the relative concentration of desirable constituents.

Source: Memorandum on "5-Year Plan," from T. S. Osdene to W. L. Dunn et al.—Oct. 29, 1973.

*May 1974.*—Philip Morris researchers state that they are engaged in systematic manipulation of nicotine. In a monthly research report, they state:

Having done a number of studies (JND-1, JND-2, TNT-3, TNT-4) in which we have systematically manipulated tar and nicotine parameters of cigarettes, we are trying to see if we can make any overall conclusion.

Specifically, we are trying to predict nicotine/tar ratios for optimal cigarette acceptability at differing tar deliveries.

Source: T.R. Schori, "Regression Analysis," in *Smoker Psychology Monthly Report*—May 9, 1974.

*November 1974.*—In the 1974 annual report of research activities, Philip Morris scientists report a breakthrough in their efforts to develop "low delivery cigarettes with increased nicotine/tar ratios." A low delivery cigarette with an increased nicotine/tar ratio of 0.12 was found to be "comparable to the Marlboro in terms of both subjective acceptability and strength." According to the researchers:

Although we previously have had cigarettes in this delivery range which achieved parity with Marlboro in acceptability, this is the first time that such a cigarette has achieved parity in both acceptability and strength.

The researchers also described a follow-up study to determine whether "the high nicotine/tar ratio was the primary determinant of the smokers' favorable perceptions of the cigarette." According to the researchers:

In this study we will make three 10 mg tar cigarettes with N/T ratios of 0.07, .10, and .13—insuring that tar is constant over cigarettes—and a Marlboro control. From this test, we will be able to determine: (1) whether we can reliably make full flavored cigarettes in the 10 mg range; and (2) whether a relatively high N/T ratio is essential in order to do so.

Top officials at Philip Morris were informed of the results of this research. The 1974 annual report was approved by the Director of Research, Thomas Osdene and distributed to the vice president for Research and Development, Helmut Wakeham.

Source: "Behavioral Research Annual Report, Part II," approved by T.S. Osdene and distributed to H. Wakeham et al.—November 1, 1974—reprinted in 141 CONGRESSIONAL RECORD at H7658-62—daily edition. July 25, 1995.

*October 1975.*—Philip Morris researchers report the results of the followup study to Helmut Wakeham, the vice president for Research and Development. The followup study successfully confirmed the original results. According to the researchers:

This study provides evidence that the optimum nicotine to tar ratio for a 10 mg tar cigarette is somewhat higher than that occurring in smoke from natural state of tobacco.

Specifically, the follow-up study involved boosting nicotine levels by adding a nicotine salt—nicotine citrate—to low-delivery cigarettes to raise the nicotine/tar ratio above the natural ratio of 0.07. These experimental cigarettes were then sent to a test panel of hundreds of smokers. The results showed:

[T]he experimental cigarette with the moderate level of nicotine addition was rated higher in acceptability than the proportional reduction cigarette and equal to the Marlboro control.

Source: "Low Delivery Cigarettes and Increased Nicotine/Tar Ratios, A

Replications," approved by William L. Dunn and distributed to H. Wakeham et al.—Oct. 1975.

*December 1978.*—Philip Morris researchers analyze the nicotine levels in cigarettes produced by other manufacturers. They prepare a table listing the tar and nicotine levels and the nicotine/tar ratios of competitors' brands. Then they state:

The table suggests . . . that our competitors' brands . . . seem to be higher in nicotine delivery than we would otherwise expect from our own experience with low delivery cigarettes . . . We suspect that in some cigarettes the use of high alkaloid blends may . . . be an important contribution to the higher ratios.

A high alkaloid blend refers to a blend of tobacco containing high concentrations alkaloids. The principal alkaloid in tobacco is nicotine.

Source: Memorandum on "Plans and Objectives—1979," from W.L. Dunn to T.S. Osdene—Dec. 6, 1978—reprinted in 141 CONGRESSIONAL RECORD at H7668-70—daily edition. July 25, 1995.

*February 1979.*—Philip Morris researchers plan a study on the changes in nicotine levels detectable by smokers. This study is intended to address "the recurring expression of concern about the relative downness of N/T ratios in PM products."

Source: "Notes on Program Review Presentation 2/79."

#### THE FTC DATA

The documents I have just read show that during the 1970's, Philip Morris researchers learned that the optimum nicotine/tar ratio in low-delivery cigarettes is approximately 0.10, compared to a natural ratio of 0.07. This raises a question of central relevance: Did Philip Morris commercialize this research? In other words, did Philip Morris design commercial cigarettes with an elevated nicotine/tar ratio of 0.10 or above?

To answer this question, I reviewed the tar and nicotine data from the Federal Trade Commission for low-delivery cigarettes manufactured by Philip Morris. The FTC has collected tar and nicotine data on cigarettes since 1968. For each variety of cigarette, the FTC tests 100 cigarettes collected at random from 50 different geographical locations. The tar and nicotine numbers reported by the FTC show the results of this extensive testing.

As I summarized earlier, this FTC data provides compelling evidence that Philip Morris commercialized its research on optimum nicotine/tar ratios in at least two cigarette brands.

The first example of commercialization is the regular-length—70 millimeter—Benson & Hedges filtered cigarette. The first year that data is available for this brand is 1968. At that time, the tar level was 21 milligrams/cigarette, the nicotine level was 1.29 milligrams/cigarette, and the nicotine/tar ratio was 0.06.

From 1968 to 1978, tar and nicotine levels in regular-length Benson & Hedges filtered cigarettes dropped sig-

nificantly to 0.9 milligrams tar and 0.06 milligrams nicotine. Throughout this period, however, the nicotine/tar ratio in the cigarette remained essentially the same. In 1978, the nicotine/tar ratio was 0.07, virtually the same level as in 1968. My chart illustrates this point.

This changed after 1978, due to significant increases in the nicotine levels in the cigarette. In 1978, the nicotine level in the Benson & Hedges cigarette was 0.06 milligrams. By 1981, however, the nicotine level had doubled to 0.12 milligrams. In 1983, the nicotine level was 0.10 milligrams—an increase of over 60 percent from the 1978 level.

As the nicotine level was rising, so was the nicotine/tar ratio. The chart again illustrates this point. The nicotine/tar ratio rose in the Benson & Hedges cigarette to 0.09 in 1979 and then to 0.2 in 1981. In 1983, the ratio was 0.11—virtually the same ratio recommended by the Philip Morris researchers.

In 1984 and 1985, Philip Morris reduced the nicotine/tar ratio in the Benson & Hedges cigarette to the original 0.07 level. Nothing is known about why Philip Morris took this step. It could be because Philip Morris found other, more subtle ways, to manipulate nicotine delivery, such as by increasing the pH of the cigarette smoke, or perhaps it simply reflects a decision to phase-out the product. In any case, Philip Morris apparently stopped making the regular-length Benson & Hedges cigarette after 1985, because no further FTC data is available.

There are two further points that emerge from the Benson & Hedges data. First, the increased nicotine/tar ratios from 1978 to 1983 are almost certainly due to the design decisions of Philip Morris—not to chance or random variation. Dr. Lynn Kozlowski, the head of the Department of Biobehavioral Health at Penn State University, has reviewed the FTC data for the Benson & Hedges cigarette. His analysis shows the possibility that the elevated nicotine/tar ratios could be due to random fluctuations in tar and nicotine levels is virtually nonexistent—less than 1 in 100,000.

Second, the data refute the tobacco industry's claim that higher nicotine/tar ratios in low-tar and ultra-low-tar cigarettes are unavoidable because they are a necessary consequence of filtration. The Benson & Hedges cigarette was an ultra-low-tar cigarette throughout the period from 1978 to 1985. The tar levels in the cigarette were consistently below or near 1 milligram during this period. Yet in three of these years—1978, 1984, and 1985—the cigarette had a natural nicotine/tar ratio of 0.07.

This history shows that Philip Morris was capable of producing—and in fact did produce—an ultra-low-tar Benson & Hedges cigarette with a natural nicotine/tar ratio of 0.07. This plainly demonstrates that the much higher nicotine/tar ratios observed in the Benson & Hedges cigarette between 1978

and 1983 were avoidable. In other words, the high ratios recorded during this period must have reflected intentional design decisions of Philip Morris.

The second example of commercialization involves the king-size—85 millimeter—Merit Ultra Light. This cigarette was introduced in 1981 as a low-delivery cigarette. Its nicotine/tar ratio, however, was not the natural ratio of 0.07. Instead, like the Benson & Hedges cigarette, its nicotine/tar ratio was elevated. Specifically, the ratio was again 0.11—the level recommended by the Philip Morris researchers.

A chart again illustrates this point.

#### CURRENT EVIDENCE OF MANIPULATION

The evidence I have reviewed appears to show beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public in the late 1970's and early 1980's. Is there evidence that Philip Morris continues this manipulation today?

Recent data from the Federal Trade Commission is telling. It shows that the nicotine/tar ratio in the Merit Ultra Light cigarette has remained elevated. For instance, from 1988 through 1993, the nicotine/tar ratio in king-size Merit Ultra Light cigarettes sold in soft packs was 0.10—virtually the same elevated level as in 1981. This strongly suggests continued manipulation in this cigarette brand by Philip Morris.

There is one caveat in the recent data that should be noted. Starting in 1988, the FTC stopped doing its own tar and nicotine testing and instead began to rely on data submitted by the tobacco industry. The tobacco industry data is not as precise as the previous data. For this reason, it is possible that the actual nicotine/tar ratio in Merit Ultra Lights from 1988 to 1993 could deviate somewhat from the reported level.

Manipulating FTC nicotine deliveries is only one of several ways to manipulate the amount of nicotine received by the smoker. For instance, the amount of nicotine absorbed by a smoker can be increased without changing the FTC nicotine delivery by increasing the alkalinity—or pH—of smoke. Alternatively, changes in filter design, such as using ventilation holes that are covered by a smoker's lips, can be used to increase nicotine intake without affecting the FTC nicotine delivery.

I have tried to investigate whether Philip Morris uses these or other techniques to manipulate nicotine in cigarettes sold to the American public. Unfortunately, as I mentioned earlier, Philip Morris has not cooperated with this investigation. As a result, the full extent to which Philip Morris manipulates nicotine in its cigarettes is still unknown.

#### CONCLUSION

Today, another 3,000 children will begin to smoke. One third of these children will become addicted to nicotine and eventually die from lung cancer,

heart disease, or other illness caused by smoking.

We have it in our power to protect these children. Voluntary agreements with the tobacco industry will not work. The tobacco industry has pledged for decades to stop selling cigarettes to children, but it never does. In the last 3 years, despite the industry's pledges, the teen smoking rate actually increased by 30 percent.

The answer is commonsense regulation by an independent Federal agency—the Food and Drug Administration. We cannot trust the tobacco companies to determine when an advertisement is targeted at children. They continue to insist that Joe Camel is geared to adults. Only the FDA can make these determinations.

Ultimately, the question in front of President Clinton, the Members of this body, and the American people is a political question—not a legal or factual one. We must decide whether we are going to protect the health of our children or the profits of the Nation's most powerful special interest, the tobacco companies.

We are at a historic moment in the history of tobacco control. If we miss this opportunity, we will lose another generation of kids to nicotine addiction. I therefore call upon my colleagues to study the evidence I am presenting and to reject any legislative effort to block commonsense regulation.

Let us show the American people—and especially the children of this Nation—that we will represent their interests, not the special interests of the tobacco companies.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour, as well as the analysis of Dr. Kozlowski. Pursuant to my earlier unanimous consent request, I am inserting these documents into the RECORD for publication.

Mr. Speaker, I submit the following documents for the RECORD.

[The documents will appear in a future issue of the RECORD.]

□ 1315

#### RECESS

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COMBEST) at 2 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to the provisions

of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate later today.

#### DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2017), to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2017

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Highway Relief Act".

#### SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—In this section, the term "eligible project" means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay the Federal share of the costs of the project under title 23, United States Code, during the period beginning on the date of the enactment of this Act and ending September 30, 1996;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

#### SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, and to repay the United States for increased Federal shares of eligible projects paid pursuant to section 2(a). The fund shall be separate from the general fund of the District of Columbia.

(b) PAYMENT OF NON-FEDERAL SHARE.—For fiscal year 1997 and each fiscal year thereafter, amounts in the fund shall be sufficient to pay, at a minimum, the cost-sharing requirements established under title 23, United States Code, for such fiscal year.

## (c) REPAYMENT REQUIREMENTS.—

(1) FISCAL YEAR 1996.—By September 30, 1996, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid by the United States in such fiscal year pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(2) FISCAL YEAR 1997.—By September 30, 1997, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a) and with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(3) FISCAL YEAR 1998.—By September 30, 1998, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(4) DEPOSIT OF REPAID FUNDS.—Repayments made under paragraphs (1), (2), and (3) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(d) ENFORCEMENT.—If the District of Columbia does not meet any requirement established by subsection (a), (b), or (c) and applicable in a fiscal year, the Secretary of Transportation shall not approve any highway project in the District of Columbia under title 23, United States Code, until the requirement is met.

(e) GAO AUDIT.—Not later than December 31, 1996, and each December 31 thereafter, the Comptroller General of the United States shall audit the financial condition and the operations of the fund established under this section and shall submit to Congress a report on the results of such audit and on the financial condition and the results of the operation of the fund during the preceding fiscal year and on the expected condition and operations of the fund during the next 5 fiscal years.

**SEC. 4. ADDITIONAL REQUIREMENTS.**

(a) EXPEDITIOUS PROCESSING AND EXECUTION OF CONTRACTS.—The District of Columbia shall expeditiously process and execute contracts to implement the Federal-aid highway program in the District of Columbia.

(b) REVOLVING FUND ACCOUNT.—The District of Columbia shall establish an independent revolving fund account for Federal-aid highway projects. The account shall be separate from the capital account of the De-

partment of Public Works of the District of Columbia and shall be reserved for the prompt payment of contractors completing highway projects in the District of Columbia under title 23, United States Code.

(c) HIGHWAY PROJECT EXPERTISE AND RESOURCES.—The District of Columbia shall ensure that necessary expertise and resources are available for planning, design, and construction of Federal-aid highway projects in the District of Columbia.

(d) PROGRAMMATIC REFORMS.—The Secretary of Transportation, in consultation with the District of Columbia Financial Responsibility and Management Assistance Authority, may require administrative and programmatic reforms by the District of Columbia to ensure efficient management of the Federal-aid highway program in the District of Columbia.

(e) GAO AUDIT.—The Comptroller General of the United States shall review implementation of the requirements of this section (including requirements imposed under subsection (d)) and report to Congress on the results of such review not later than July 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Speaker, H.R. 2017 provides for an increased share in certain Federal-aid highway projects in the District of Columbia for the fiscal years 1995 and 1996.

This bill will also require the District to establish a dedicated highway fund for the first time to meet future local cost-share requirements, and repayments of the amounts weighed, and will ensure that improvements are made in the District's highway program. The District has been unable to provide local matching funds this year, as required under the Federal highway program; generally, 20 percent of the cost of the highway project.

In the past, the District has financed its entire capital improvement program through the sale of general obligation bonds. Because the District's bond rating now stands at junk bond status, the District has not sold any bonds these years, so it does not have the approximately \$20 million that is necessary to leverage over \$80 million in Federal highway funds.

Due to the lack of the local match no new construction projects are underway in the District today, and no new bids have been solicited in over 20 months.

Mr. Speaker, I am very pleased to see that the Washington Post and others have editorialized very strongly in support of this legislation, arguing that highways are good for the District, that they create jobs, and they stimulate economic activity. I am thrilled that they noticed this about the District of Columbia. We have been saying this about the rest of America for many, many years, and what is good for the rest of America is good for the District of Columbia as well.

This legislation, as amended by our committee, will allow an increased Federal share during 1995 and 1996 for certain highway projects. However, by December, 1995, the District, for the first time under our legislation, will have to establish a dedicated highway fund separate from the general fund. That is the good news.

Gas taxes and other motor vehicle taxes collected by the District must be deposited in this fund in amounts sufficient to repay the amounts waived in 1995 and 1996 to meet their annual match for fiscal 1997 and every year thereafter.

Currently, the gas taxes collected by the District are deposited in the general fund and mostly allocated to the metro account. The \$35 million in annual gas tax revenues will be more than adequate to meet cost-sharing requirements.

This legislation also includes a strict 3-year repayment schedule. By September 30, 1996, the District must repay 50 percent of the amount waived in 1995, approximately \$8 million; by September of 1997 another 50 percent; and then in 1996 another. By 1998, the District must make its final repayment of approximately 50 percent of the amount waived in 1996.

If the District does not meet any of these requirements, then the Secretary of Transportation must withhold approval of highway projects in the District until the requirement is met.

Finally, H.R. 2017 includes several other requirements to ensure that the District's highway program operates efficiently during the waiver period and in the future, with GAO reporting on the implementation of these requirements. The provisions in the legislation are significantly tougher than any other proposals which have been put forth to address this current crisis. However, the Committee on Transportation and Infrastructure believes that this temporary waiver is an extraordinary action, and these stringent requirements are justified.

I was a little concerned, Mr. Speaker, to see a statement of administration policy today which says "Similar waivers have been previously granted to 26 States." That is disingenuous at best. In the past, we have written into the law when there was substantial increased funding provided by the Federal Government that States would have time to make up the match, and we made this temporary waiver available to all 50 States. In no case were we faced with a situation where we had to give a waiver because a State was about to go into bankruptcy, as is the case with the District, so the District is unique.

This is different. We did not do it 26 times in the past, as has been suggested by the administration, but nevertheless, nevertheless, we think there are some big pluses in this action we are taking today, and that is imposing stringent requirements on the District for the first time.

Mr. Speaker, it is not the intention of the committee that the District receive further waivers in the future. For that reason, this legislation has been crafted to ensure that the improvements that are made in the current program as the dedicated highway fund will provide a stable revenue source for the District's match requirements in the years to come, long beyond the waiver period, so we should not be faced with this situation again in the district. We have worked very closely with the D.C. Control Board. I am told they support this legislation.

Also, I would emphasize that the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, has been a leader in helping us craft this legislation, along with other representatives from the region, the gentlemen from Virginia, Mr. DAVIS and Mr. WOLF, the gentlewoman from Maryland, Mrs. MORELLA, the gentleman from Virginia, Mr. MORAN, along with the help and cooperation of the gentleman from California, Mr. DIXON.

Therefore, Mr. Speaker, we bring this to the floor today with bipartisan support, support on the committee, support from the regional representatives, and we ask that this legislation be passed. It is unfortunate that the financial mismanagement of the District has forced this House to consider this bill today, but I think we have taken a bad situation and imposed tough requirements that will in the long run make much more discipline and stability in the District's highway program. That will be good not only for the residents of the District of Columbia, but for all Americans who visit our Nation's Capitol.

For all of these reasons, Mr. Speaker, I urge the House to adopt H.R. 2017.

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

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

Mr. Speaker, the distinguished chairman of the Committee on Transportation and Infrastructure has explained the pending matter and I commend him for bringing the bill to the floor in such an expeditious manner.

This is one of those rare instances where the administration, the Senate, and the House are joining together in concert to provide relief to the residents of the District of Columbia.

In this regard, I think it important to point out that the issues raised by this legislation affect more than just the District, and more than the neighboring States of Maryland and Virginia which support it on the basis of maintaining a sound regional transportation system.

This bill has national and international implications as well.

For it is here, at the Nation's Capitol, that many American and foreign visitors alike come to witness the seat of the greatest democracy on this Earth.

As such, it is important that the gateway arteries into the city, those

roads with the greatest significance, at least be in passable if not excellent condition.

With respect to the pending matter, I would note that Congress on three other occasions granted temporary waivers from the local cost-sharing requirements under the Federal Aid Highway Program.

It is true that these waivers were generic in nature, with all States and territories eligible to participate.

On the other hand, while the pending bill relates only to the District of Columbia, it contains far more conditions to obtaining the waiver than were required in the past.

First, the bill provides for a very stringent repayment schedule, with payments made on an incremental basis.

Second, the repayment must be made in cash, with no option for the repayment to be made in the form of a reduction in the amount of future Federal aid highway funds available to the District.

Third, as a condition of obtaining the temporary waiver, the bill requires the District to establish a dedicated highway trust fund comprised of motor fuel tax receipts.

And fourth, if the District fails to meet these obligations in any respect, the Secretary of Transportation would be prohibited from approving any highway project in the city.

There are other conditions as well, conditions that any State would view as an intrusion on its rights, as a Federal mandate, as a regulatory burden.

But, as well all know, the District is not a State, and the conditions imposed by this legislation are agreeable to the local Government, the Control Board, and to the duly elected Representative of the District of Columbia in this body, Delegate ELEANOR HOLMES NORTON.

With that stated, Mr. Speaker, I urge adoption of the pending measure, and I reserve the balance of my time.

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

Mr. Speaker, I would emphasize to the House that the Speaker, the gentleman from Georgia, NEWT GINGRICH, has certainly pushed hard. He is really the one who came to our committee and said we should consider this legislation, so the Speaker certainly deserves great credit for his interest in seeing to it that we be helpful to the District on this particular issue.

Mr. DAVIS. Mr. Speaker, anyone who drives a car in Washington, DC, knows that this city needs highway money. Practically every street and highway in this town has potholes or broken pavement. Many of the bridges are in dire need of repair or replacement. It seems like every other bridge in the District has at least one heavy metal plate stuck in the pavement to cover a hole in the bridge. The road infrastructure in the District is falling apart. The \$82 million in Federal highway trust fund money is absolutely vital if the District is to reverse this trend.

But, as we are well aware, a decaying transportation infrastructure is not a unique

problem in Washington, DC. Many other cities face similar problems. So why should this city receive a total waiver of fiscal year 1996 and fiscal year 1997 matching funds requirements to get their highway money as the administration has asked for?

The District is in this position, because of years of fiscal mismanagement. The city could not sell bonds to raise the capital necessary to meet the 20-percent match requirement, because its bond rating is so poor. I do not think we want to reward the District's fiscal mismanagement by waiving the share requirement for 2 years. This would be unprecedented in the 39-year history of the Federal highway program and is simply the wrong direction to go in. This legislation does not grant a complete waiver and as a result, does not set such a precedent.

However, I support H.R. 2017, the District of Columbia Emergency Highway Relief Act, sponsored by Delegate NORTON and which I have cosponsored with Members from the region. I strongly support the Transportation Committee's mark up of H.R. 2017 which is being considered on the floor today. The District is in a budget crunch—one of its own making. But, we have acknowledged the mismanagement of the past that brought the District to this position, and we have put in place a Control Board to bring financial responsibility to the city's budget. That Board is in operation and has already taken aggressive steps to get control of this situation. There will be budgetary responsibility in the future.

With this bill, we are trying to respond to the immediate problem—the District will lose its Federal highway funding by August 1, if we do not act. This waiver is part of the solution we are trying to reach in the District. We are not penalizing the city for past sins by denying desperately needed highway funds. We are deferring payment of the matching share recognizing the city's immediate cash crisis and structuring a repayment program. This is a disciplined, responsible approach. I would note also that this is not unprecedented, on three occasions in 1975, 1982, and 1991 the States were given an opportunity to defer payment of their matching share and many States took advantage of that Federal offer. Admittedly, this is a different situation, the District is requesting this deferral, but after all, the District doesn't have a State to turn to like Fairfax County might under similar circumstances. The District of Columbia, as our national city, is unique and in many ways the Federal Government must act as the State for the city.

I have looked at the final bill reported from the Transportation Committee, and I heartily applaud their efforts. They have imposed financial restrictions on the District to ensure that this waiver does not become a permanent IOU to the Federal Government. Working in consultation with the District of Columbia Control Board, they have come up with restrictions that the city can live with.

Finally, I want to point out that this is a regional and a national problem. Hundreds of thousands of people in this region drive through the District daily and millions of tourists travel to Washington. They have a right to visit the Nation's Capital without having their cars swallowed by a pothole, because the District Government was not managing its budget properly in the past. We are now moving toward a solution to the District's problems, the waiver proposal in this bill is one more step

down that road, and I urge the committee to support it.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure.

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

Mr. Speaker, because of the severe financial crisis of the District of Columbia and its inability to provide a 20-percent local match share, no Federal-aid highway funds have been obligated in the District for all of 1995. The highway program is at a virtual standstill, highway contractors are being forced to lay off workers, and there are concerns regarding the conditions of several of the major routes traveled each day by 300,000 commuters and visitors to the Nation's Capital.

H.R. 2017 would waive for 2 years the District's local cost share necessary to access roughly \$82 million in Federal highway funds in 1995 and a similar amount next year. However, because of the serious concerns on the part of the Transportation and Infrastructure Committee regarding this unprecedented waiver, other very substantial requirements and safeguards have been included in H.R. 2017.

The annual gas taxes and other vehicle use taxes collected by the District each year are currently earmarked for the Metro account of the general fund.

H.R. 2017 will require that the District establish a dedicated highway fund by the end of this year which must maintain, at a minimum, amounts necessary to meet the District's cost-sharing requirements beginning in fiscal year 1997. The fund must also have amounts necessary to meet the strict repayment schedule over fiscal years 1996 through 1998 of the approximately \$35 million of local match funds that are temporarily waived under this legislation. If any deadlines are not met, the Secretary of Transportation will withhold any further project approvals until the requirement is met by the District. By establishing this dedicated fund, the District will no longer rely on the bond market to secure the funds for its local share as has been its practice in the past. Rather, a stable and more secure source of the match, as well as repayment funds, will be in place.

Finally, section 4 of H.R. 2017 imposes additional requirements on the District which should lead to improvements in the District's highway program both during the 2-year waiver period and in the future.

Mr. Speaker, I do have concerns about moving forward with legislation which will waive, however temporarily, cost sharing requirements for one particular State due to its financial condition. The cost sharing principle is basic to the Federal Aid Highway Program and has been one of the reasons for its success over the past 40 years. We do

not grant this waiver lightly, nor do we intend that this be an invitation to other States to seek waivers in the future.

The Transportation Committee has worked closely and cooperatively with the various parties which have an interest in this legislation. These include Congresswoman NORTON and other Members representing the capital region, the Subcommittee on the District of Columbia, the recently created D.C. Financial Authority, and the District itself. The Speaker of the House also has an interest in this legislation. While I am disappointed that the financial mismanagement of the District has forced us to consider this bill today, passage of H.R. 2017 will allow critical highway projects to move forward in the District immediately, and will also result in a better, more stable highway program in the future.

I urge the House to approve H.R. 2017. Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] has justifiably come to the Speaker of this body and asked for his support of this legislation.

I would also like to take one quick moment to commend the legislation led by the chairman of the Department of Transportation, Federica Peña, and most importantly Rodney Slater who has been most helpful on this legislation. Mr. Slater testified before our subcommittee in support of the bill. We have a statement of administration policy in support of this legislation, and so I commend them as well.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking minority member.

Mr. MINETA. Mr. Speaker, many of my colleagues have raised two questions about today's legislation. First, will the District pay the money back and second, will we be here a few years from now facing a similar situation?

I want to assure the Members that this bill was crafted specifically to address these two concerns. That's why it contains numerous accountability provisions to ensure that the District will not only promptly repay, in full, its local share, but also will dedicate stable, reliable funding for the future transportation program.

Unlike previous, broad-based waivers, such as the one offered to all States in 1991, this bill requires the District to repay in cash, beginning next year.

The bill also requires the District to establish a dedicated highway account, funded by motor fuel taxes and vehicles fees, to ensure that funds are available for the cash loan repayment and for future local shares. No longer will the District be able to rely solely on general obligation bonds to fund its local share.

In addition, the District's new financial control board has assured the Committee on Transportation and Infrastructure that the Board will closely

monitor District compliance with the terms of today's bill.

In closing, let me just remind my colleagues why we have Federal involvement in highway construction. Local road conditions have regional and national effects. The District's infrastructure affects not just District residents, but also thousands of daily commuters and millions of tourists.

This bill limits the use of the higher Federal share financing to projects of regional significance or those on National Highway System routes. The Federal Highway Administration has announced that it will closely monitor these projects, even locating some of its staff in the District's Department of Public Works, to ensure that Federal dollars are used wisely on only the most critical regional needs.

I think particular credit for pulling together this solution should go to ELLEANOR HOLMES NORTON, to Chairman SHUSTER, and to Speaker GINGRICH, all of whom have persevered in the face of great obstacles, because they know how important it is to solve this problem, rather than to ignore it.

The District's infrastructure is too important to both the region and the nation to allow it to deteriorate further. So, I urge my colleagues to recognize the importance of this legislation and to vote for the bill.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding time to me.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the Committee on Transportation and Infrastructure, for his work in finding an appropriate way to release funds for the resumption of street repair work in the District at a time when its financial condition does not allow the city to fund its matching share. My deep gratitude goes as well to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation, who quickly prepared a hearing and brought forward the information that was necessary to arrive at a viable bill. The work, advice, and counsel of the gentleman from California [Mr. MINETA], the full committee ranking member; and the gentleman from West Virginia [Mr. RAHALL], the ranking minority member of the Subcommittee on Surface Transportation, were indispensable to the bill, and they have my deep appreciation as well.

Mr. Speaker, in the Senate I am grateful to Senator JOHN WARNER who has already led that body to the passage of a bill similar to the one before the House today, and to Transportation Secretary Federico Peña and highway administrator Rodney Slater who have rendered extraordinary assistance. May I say also that I do not believe this bill would be on the Floor today without the indispensable assistance of Speaker NEWT GINGRICH.

Mr. Speaker, it is perhaps not surprising that a city close to insolvency would have difficulty making its matching share to obtain Federal funds. At the same time, my colleagues know that this body has taken definitive action to permanently repair the malfunction that led to the District's financial problems. In April, you approved the establishment of the financial responsibility and management assistance authority, whose work has only recently begun.

What H.R. 2017 does in large part is not only to allow the highway funds that have already been set aside to be used, but the bill of the gentleman from Pennsylvania also does what the financial authority would have done had it not been just established to correct the problems and prevent them from arising in the future.

Mr. Speaker, this waiver does not differ substantially from waivers previously granted to 39 States, except that it poses more stringent conditions on the District than on those States. Like those States, full repayment must be made. Unlike those States, the District must make a cash repayment of its waived funds, while waivers for other jurisdictions have allowed repayment from future highway fund apportionments. Unlike those States, the District is required to establish and maintain a separate dedicated revolving fund account to maintain its matching share. The GAO, the Highway Administration, and the D.C. Financial Authority, are given specific responsibilities to see that all the requirements of this bill are carried out.

Mr. Speaker, the other difference from waivers routinely granted in other States is that the District's waivers are granted individually by the bill at the end of the fiscal year rather than as part of a group of States at the time of the reauthorization of a highway bill.

Mr. Speaker, the individual waiver to the District is more than justified by three circumstances. First, this city is totally dependent on the Congress in time of emergency because under the Constitution, the District of Columbia is not a jurisdiction of any State, but is under the exclusive jurisdiction of the Congress. Other large cities and localities experiencing difficult times would turn on their States to develop a plan like that outlined in the Chairman's bill before you.

Second, the financial condition of the District of Columbia is due in large part to the fact that it must fund State, county and municipal functions that no large city could meet on its own today. These unfunded mandates include programs that cities do not fund at all, including medicaid and prisons. The many unfunded Federal mandates financed solely by District of Columbia residents, such as Aid to Families with Dependent Children, are funded entirely by businesses and residents of a city with less than 600,000

people, with a rapidly diminishing tax-paying population.

Mr. Speaker, it is easy enough to blame the District for its predicament, but fairness requires that the Congress look at the entire picture and ask yourselves whether any large city in the United States today could have carried this heavy State, county and municipal load alone without going under.

Mr. Speaker, finally, this waiver is surely warranted because the District of Columbia is our Nation's capital. Whenever the District has sought the same democratic rights as those enjoyed by citizens of the 50 States and the four territories, our citizens have been told that we cannot have full democracy because we live in the Nation's capital. This justification does not meet the high standards of democracy we have set for ourselves and have insisted upon throughout the world. Until the District of Columbia status is satisfactorily resolved, however, Congress must assume some of the responsibility that attaches to such a weighty denial of democracy.

Mr. Speaker, this is particularly the case for roads. The streets involved are mostly gateway streets traveled far more by 20 million tourists and commuters than by District residents. To miss another construction season is to condemn your constituents as well as mine to unsafe and uncomfortable road conditions. It would be unseemly at best for Congress to force the District to forego 2 years of already apportioned general highway funds while the Congress continue its work in a city collapsing around it.

Mr. Speaker, to its credit, the full committee and subcommittee have chosen a responsible course. The Chairman's version is a risk-free bill for the Congress because repayment is guaranteed, and because the bill contains structural changes to keep the situation from arising again.

Mr. Speaker, may I once again say that I appreciate the tremendous help we have received on this matter from Speaker GINGRICH, minority leader GEPHARDT, Chairman SHUSTER, Chairman PETRI, ranking member MINETA, ranking member RAHALL, the Regional Delegation and the Clinton administration. I ask for approval of the bill.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 2017, the District of Columbia Emergency Highway Relief Act. This legislation is of vital importance to our Nation's capital and the Washington metropolitan area and I urge Congress to approve this legislation as quickly as possible.

For the past 1½ years, the District of Columbia has not moved forward with critically important highway projects. As a result of the D.C. financial crisis, the District of Columbia has been unable to fund the matching share required before it may obligate Federal highway funds. The District of Columbia has been unable to plan and implement necessary highway projects. Now, roads and bridges in and around the District of Columbia are literally falling apart. Some roads are barely passable,

and without necessary repairs, may need to be closed off to traffic.

Our Nation's capital must have a basic network of transportation which includes safe roads. Transportation is about getting to work, the grocery store, church, and recreational activities. Safe roadways are critical for ambulances, fire and rescue vehicles, and police. Finally, roadways provide access to the Nation's capital, allowing thousands of Federal employees to get to work, and serving thousands more tourists who visit annually.

H.R. 2017 offers a reasonable and necessary solution to the District of Columbia dire financial situation. This legislation will grant the District of Columbia additional time in which to pay its matching share of the highway funds. The District of Columbia would be permitted to use its portion of Federal highway funds now rather than lose these funds forever. I want to underscore an essential aspect of this legislation: The bill does not provide a forgiveness of the matching fund requirement. The District of Columbia will still be required to pay the requisite matching portion. H.R. 2017 merely allows the District of Columbia additional time in which to make this payment while allowing critical road work to go forward.

In addition, as amended by the Transportation and Infrastructure Committee, H.R. 2017 includes important provisions aimed at improving highway program oversight in the District of Columbia by requiring it to institute programmatic reforms and establish a dedicated highway fund. Finally, the District of Columbia is subject to strict enforcement procedures if the repayment requirements of this legislation are not met.

The District of Columbia simply does not have the money necessary to pay its portion of the highway funds at this time. Additional oversight and control over the D.C. financial affairs has been implemented and I am hopeful that the control board can make needed improvement in the D.C. financial position. However, since the District of Columbia cannot pay its portion of the highway funds now, it will lose \$82 million in Federal highway funds unless legislation delaying payment of the District of Columbia portion is enacted.

Legislation is needed to allow for needed repairs and upgrades to the most heavily traveled roads leading to and within the District of Columbia. Timely enactment of this legislation will allow the District of Columbia to begin road work right away, during the summer construction period. I urge passage of H.R. 2017.

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

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

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2017, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within 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 matter.

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

There was no objection.

**LIMITING TIME FOR CONSIDERATION OF DINGELL AMENDMENT TO H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996**

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the time for consideration of the Dingell amendment to H.R. 2099 and all amendments thereto be limited to 30 minutes to be equally divided and controlled.

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

There was no objection.

**PARLIAMENTARY INQUIRY**

Mr. WILSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Mr. Speaker, is the Durbin-Wilson amendment the pending business before the House?

The SPEAKER pro tempore. It will be as soon as we are in the Committee of the Whole.

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

The SPEAKER pro tempore. 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.

□ 1430

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 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 Friday, July 28, 1995, pending was amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN] and title III was open for amendment at any point.

Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining in debate and the gentleman from California [Mr. LEWIS] has 1 minute remaining in debate.

□ 1431

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

Mr. LEWIS of California. Mr. Chairman, I think we have had enough debate on this matter. It is a very, very cleverly worded amendment that has a tremendous effect upon EPA, broadening its authority. I ask very strongly for a "no" vote of the membership.

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

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. DURBIN].

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

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

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

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title III?

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

Mr. Chairman, I rise with great respect for the gentleman from California [Mr. LEWIS], the chairman of the committee, to discuss a matter which I think is of importance to the House.

I have here before me a release from the Chemical Manufacturers Association in which this trade association of the businesses which pay most of the costs of the Superfund tax are complaining.

In the beginning it says, nearly three-quarters of all Americans believe that money paid to the Federal Government to clean up our hazardous waste sites should not be diverted to other Federal programs or to help pay for the Federal deficit according to a recent national public opinion survey.

It goes on to discuss whether or not a prohibition for that use exists, and it points out, more properly, that no such prohibition does exist. Then, Mr. Fred Weber, the president of the Chemical Manufacturers Association which sponsored the research, says, and I quote now, "Almost from the very beginning, Superfund has been used by the government as a cash cow. This has to stop. Every dollar raised for Superfund should be spent on cleanups, not on other programs, and not on deficit reduction."

That is the thing, I think, with which every Member of this body fully agrees.

It certainly was the intention of the committees of the House, the Committee on Transportation and Infrastructure and the Committee on Commerce, when we adopted that legislation, that this would be a trust fund, it would be protected against being raided for such interesting programs as it has been tapped for, for other purposes.

Mr. Weber in his press release goes on to state as follows: "Nearly \$3 billion originally intended for cleaning up waste sites has been used for deficit reduction and to offset the cost of other Federal programs and administrative costs such as at the Environmental Protection Agency and at other agencies.

"For example, the Congress has used Superfund money to offset the costs of developing the Space Station," and he goes on to say the fact that Superfund money has been used by the government on things other than cleaning up waste sites is one of the great untold stories of the program.

It is also one of its greatest outrages, and he goes on to say a little later, "For years the government has collected more money for Superfund than it spends. For example, in fiscal year 1994, total Superfund receipts were nearly \$2.1 billion. However, the Congress appropriated only about \$1.5 billion for Superfund activities. By earmarking the nearly \$600 million in excess Superfund collections for deficit reduction and for use by other agencies, the Congress avoided having to cut spending to meet other budget guidelines."

Mr. Chairman, I am telling my colleagues something which is very important. Shortly we are going to be considering an amendment which will address the question of whether we are going to have new starts under Superfund to clean up hazardous waste sites now ready. Moneys which would normally be available for that activity are not being spent here.

I would like the attention of my dear friend and my respected colleague, the gentleman from California [Mr. LEWIS], on this matter, because I am told that the moneys that are being spent for Superfund cleanups are General Fund moneys, and the Superfund moneys in the Superfund account or trust fund are not, in fact, being so spent.

In point of fact, we are going to spend a little over a billion dollars on cleanup, but we have about \$1.6 billion in the trust fund. Mr. Chairman, can the gentleman from California tell me whether I am correct on that point?

Mr. LEWIS of California. Mr. Chairman, I would respond to the gentleman and say that we are taking all the authority out of Treasury.

Mr. DINGELL. Mr. Chairman, I am not talking about my amendment; I am asking a question to find out how this money is being spent. I am told that we are going to spend a billion for cleanup. We have \$1.6 billion in Superfund, but we are spending General Fund moneys; is that correct?

Mr. LEWIS of California. Mr. Chairman, that is correct.

Mr. DINGELL. Mr. Chairman, that is rather peculiar, and it is not in conformity with the intention of the House and the Senate when they passed the original Superfund legislation or the amendments to it, because that was supposed to be a trust fund for the cleanup of these hazardous waste sites.

Mr. LEWIS of California. Mr. Chairman, the gentleman has been a leader in this field for a long, long time, and as the former authorizing committee chairman, he knows full well that Superfund has not been reauthorized and so we are operating with a statute that all sides agree is in need of major reform. To say the least, there are problems with the way the Superfund operates. I would urge the authorizing committees to go forward quickly as possible to overcome these problems.

Mr. DINGELL. What the gentleman is telling me is that we are spending Superfund moneys for other purposes.

AMENDMENT NO. 38 OFFERED BY MR. DINGELL

Mr. DINGELL. 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. DINGELL:

Page 59, line 23, before "to remain available" insert "(increased by \$440,000,000)".

Page 64, line 16, after "\$320,000,000" insert "(reduced by \$186,450,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan [Mr. DINGELL] and a Member opposed will each be recognized for 15 minutes.

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

Mr. DINGELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is an amendment which I offer on behalf of myself and the gentleman from Ohio [Mr. BROWN],

my friend and colleague. Mr. Chairman, this is a very simple amendment. Without the adoption of this amendment, 58 new starts of cleanups of hazardous sites will not be begun; there will be, without the adoption of this amendment, no new Superfund cleanups started next year.

The amendment is a very simple one. All it does is put about \$400 million more into Superfund. It takes it out of FEMA. We have it costed out very carefully by the Congressional Budget Office. Some 52 Members of this body will find that the land, the air, the water, the subsurface waters of their districts will continue to be contaminated with imminent endangerment to the health, welfare, and environment of their people and the districts that they serve.

Mr. Chairman, I would urge my colleagues to vote for this amendment because, I reiterate, without the adoption of this amendment, there will be no new starts under the cleanup program.

At the appropriate time, Mr. Chairman, I will insert into the RECORD a list including these 58 sites and the areas in which they are located.

Why is the amendment necessary? Because, as reported, the legislation contains a harmful reduction in the Superfund program of over \$500 million below the President's budget request and more than \$140 million below the fiscal year 1995 level.

Under this greatly reduced funding, progress at many sites will be frozen. Many other cleanups will be stopped. No new starts will occur, and there will be significant delays in cleanups all throughout the programs and throughout the sites in many parts of the country.

This is going to affect, I reiterate, the air, the water, the subsurface water, the soil, the environment and the health of the people in the area. This makes no sense. If this amend-

ment is not passed, the new sites that are now scheduled for cleanup—and all that has to be started is to do the digging and the work of making the cleanup move forward—will not start.

Communities will be denied cleanups that have been promised and in many cases contamination of the air, the water, the soil, and the subsurface waters especially, will continue to spread, and other cleanups further down the pipeline will have to wait even longer.

From a financial and cost standpoint, stopping these cleanups fits the old adage of "penny wise and pound foolish." Spreading contamination means ultimately higher cleanup costs, greater risk to the health and welfare of the American people. And stopping cleanups can harm and hurt economic development as well as the health of the people.

By stopping cleanups ready to go, which will happen unless this amendment is adopted, Congress will be breaching faith with the citizens who live around these areas and the affected communities.

The amendment, as I have observed, is outlay neutral, and it should be observed that cleaning up and protecting the health and the welfare of the American people by good forward on sites now ready to start, some 58 of them in districts of Members in every part of this country, Republican and Democratic districts alike, is something that we must address forthwith. I urge my colleagues that the amendment be adopted.

Mr. Chairman, let us begin the cleanups on these sites which would otherwise be stopped. I remind my colleagues, without this amendment, there will be no new starts on cleanup of Superfund sites in the United States.

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

REMEDIAL CLEANUPS SCHEDULED FOR FISCAL YEAR 1996

State	Cong. dist.	Member	City	Site name
MA	03	Peter I. Blute	Dartmouth, MA	Re-solve Inc.
MA	05	Martin T. Meehan	Tyngsborough, MA	Charles-George Reclamation Landfill.
ME	02	John Baldacci	Washburn, ME	Pinette's Salvage Yard.
NH	01	Bill Zeff	Kingston, NH	Ottai and Gross/Kingston Steel Drum.
NH	02	Charles Bass	Milford, NH	Savage Well Site.
NJ	02	Frank LoBiondo	Vineland, NJ	Vineland Chemical Co.
NJ	03	Jim Saxton	Beverly, NJ	Cosden Chemical Coatings Corp.
NJ	04	Christopher Smith	Roebling, NJ	Roebling Steel Co.
NJ	10	Donald Payne	Orange, NJ	U.S. Radium Corp.
NJ	11	Rodney Frelinghuysen	Millington, NJ	Asbestos Dump.
NJ	12	Dick Zimmer	East Brunswick Township, NJ	Fried Industries.
NY	04	Daniel Frisa	Franklin Square, NY	Genzale Plating Co.
PA	06	Tim Holden	Worman TWP., Boyertown, PA	Cryochem Inc.
PA	11	Paul Kanjorski	Valley TWP., PA	NW Manufacturing Site.
PA	16	Robert Walker	Newlin TWP., PA	Strasburg Landfill.
VA	04	Norman Sisisky	Chuchatuck, VA	Saunders Supply Co.
VA	10	Frank Wolf	Front Royal, VA	Avetx Fibers, Inc.
WV	02	Robert Wise, Jr	Nitro, WV	Fike Chemical Inc.
AL	01	Sonny Callahan	Bucks, AL	Stauffer Chemical Co. (Cold Creek Plant).
FL	01	Joe Scarborough	Pensacola, FL	American Cresote Works (Pensacola Plant).
FL	22	E. Clay Shaw, Jr	Miami, FL	Anodyne Site, Inc.
MI	09	Dale Kildee	Pleasant Plains TWP., MI	Wash King Laundry.
MN	04	Bruce Vento	New Brighton, MN	MacGillis and Gibbs Co./Bell Lumber and Pole.
OH	16	Ralph Regula	Uniontown, OH	Industrial Excess LDFL.
OK	06	Frank Lucas	Cyril, OK	Oklahoma Refining Co.
TX	30	Eddie Bernice Johnson	Dallas, TX	RSR Corp.
NE	03	Bill Barrett	Hastings, NE	Hastings Ground Water Contamination Site.
CO	03	Scott McInnis	Summitville, CO	Summitville Mine Site.
AZ	01	Matt Salmon	Scottsdale, AZ	Indian Bend Wash Area.
NV	02	Barbara Vucanovich	Moundhouse, NV	Carson River Mercury Site.

REMOVAL CLEANUPS SCHEDULED FOR FISCAL YEAR 1996

State	Cong. dist.	Member	City	Site
NJ	02	Frank Lobiondo	Pedricktown, NJ	NL Industries
NY	30	Jack Quinn	Minetto, NY	Columbia Mills
WV	01	Alan B. Mollohan	Fairmont, WV	Fairmont Coke Works.
VA	03	Robert C. Scott	Richmond, VA	Hymon Viner
DE	01	Michael N. Castle	New Castle, DE	Halby Chemical Co.
WV	04	Nick J. Rahall II	Fairdale, WV	Holly Hills
OH	13	Sherrod Brown	Lorain, OH	Lorain County Pesticides Site
OH	04	Michael G. Oxley	Mansfield, OH	Lincoln Fields
MI	01	Bart Stupak	Manistique, MI	Manistique River and Harbor.
MI	06	Fred Upton	Benton Harbor, MI	Benton Harbor
IN	03	Timothy J. Roemer	Osceola, IN	Galen Meyers Site.
AK	02	Ray Thornton	Jacksonville, AK	Vertac.
OK	02	Thomas A. Coburn	Miami, OK	Tar Creek (Ottawa County).
TX	02	Charles Wilson	Jasper, TX	Hart Creosote.
LA	04	Cleo Fields	Bossier City, LA	Highway 71/71 (Old Citgo Refinery)
MO	01	William (Bill) Clay	St. Louis, MO	East Texas.
MO	01	William (Bill) Clay	St. Louis, MO	Dioxin Sites.
CO	01	Patricia Schroeder	Denver, CO	Ramp Industries.
UT	03	Bill Orton	Magna, UT	Kennecott Tailings/North Zone (Cobalt Ponds).
CO	06	Dan Schaefer	Conifer CO	Conifer/Aspen Park Carbon Tet.
UT	03	Bill Orton	Midvale, UT	Midvale Slag.
UT	02	Enid Waldholtz	Salt Lake City, UT	Sandy City Smelter Residential.
CO	03	Scott McInnis	Grand Junction, CO	Hansen Container.
WY	At Lrg	Barbara Cubin	Lovell, WY	Lovell Refinery.
UT	02	Enid Waldholtz	Salt Lake City, UT	Butterfield Lumber.
AZ	01	Matt Salmon	Tempe, AR	Saunders Aviation.
CA	01	Frank Riggs	Clear Lake, CA	Sulphur Bank.
CA	25	Howard P. McKeon	Los Angeles, CA	Superchrome.

Mr. LEWIS of California. Mr. Chairman, I rise in strong opposition to the amendment of my colleague. Mr. Chairman, just for the record, the gentleman from Michigan [Mr. DINGELL] mentions that there will be no new sites, and he mentions, specifically, 58 sites that will not be moving toward construction if we do not move forward with this amendment, and the volume of money that is involved here.

Mr. Chairman, I would suggest to the gentleman that it would have helped the process an awful lot if over the last several years we had gone about reauthorizing and fixing Superfund. The Secretary herself, testifying before my subcommittee, said that Superfund absolutely needs to be fixed. It is broken. Indeed, there is a long process with those 15 sites. They have to go through a record of decision. There is environmental impact analysis to be done. There is no question that there is need for money, but why should we throw good money after bad if the program is not fixed by the authorizing committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio. [Mr. OXLEY].

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

Mr. OXLEY. Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my good friend, the gentleman from Michigan.

As the chairman of the primary subcommittee in charge of reforming the Superfund program, I also wanted increased funding for Superfund. I, along with the gentleman from Virginia, Chairman BLILEY, and the gentleman from Pennsylvania, Chairman SHUSTER, wrote to Chairman LEWIS and requested funding for the Superfund program that reflected fiscal year 1995's appropriation. Unfortunately, the Appropriations Committee simply could not provide that level of funding. While that makes my job of reforming the Superfund program more difficult, the appropriators' rationale is a sound one—that we can no longer afford to

waste money on a Superfund program which simply doesn't work.

If you are under the impression that Superfund works well, we need only to look at the case of Southern Foundry Supply Co., a family-owned business located in Chattanooga, TN. As shown on this chart, EPA spent approximately \$1.3 million studying the site. Southern Foundry was forced to spend an additional \$500,000 in attorneys' fees and in conducting its own studies. Some 15 years and \$2 million later, Southern Foundry escaped the Superfund web by spending \$38,000 and 2 days scooping up nonhazardous dirt and shipping it off-site. It is a perfect example of how Superfund works—millions for lawyers and consultants but little for actual cleanup. It's no wonder that the Appropriations Committee doesn't think that this program should continue without significant reform.

I think it is vitally important that we are clear about what the Appropriations Committee is doing in this bill. Realizing that we will have limited funds now and into the future, the appropriators have said that we can no longer afford to throw away money on ineffective cleanups and endless litigation. They have said that EPA should wait until Congress reforms this program before they go forward with any more flawed remedies or make the Federal Government responsible for any new sites. And, frankly, I agree.

Superfund's track record speaks for itself: since the program was enacted in 1980, only 75 sites have been cleaned up at a cost to the Federal Government of more than \$15 billion.

What many of my colleagues fail to realize is that the appropriations bill before us actually spends more on cleanup than EPA has in the past. In this bill, nearly 65 percent of the funds are directed to cleanup. Even though EPA claims that as much as 70 percent of Superfund dollars are for cleanup, my subcommittee found that less than 50 percent of that money ends up being spent on Superfund sites. What is re-

duced in this bill is EPA bureaucrats and Justice Department lawyers.

This appropriations bill is the natural predecessor to my subcommittee's reform effort. It redirects funds to cleanup, and imposed a deadline on the Congress and the administration for reforming the Superfund program. If we can't make this program work by the end of the year, then the American people are better off without it.

If we leave the status quo intact, who wins? Not the environment; not the people who live near these sites; certainly not the American taxpayer. A little more money won't help this program clean up more sites or make Americans any safer, particularly when shifting that money from FEMA will leave our citizens more exposed to the ravages of disasters, both natural and manmade. The only thing that can make Superfund more effective in protecting our citizens' health is top to bottom reform, and the bill we are debating today is the first step in that effort. The authorizing committee will totally change the Superfund program for the better. The authorizing committee will take the next step this fall.

I urge my colleagues to oppose the Dingell-Brown amendment and support the bill as is on final passage.

□ 1445

Mr. DINGELL. Mr. Chairman, I yield myself 1 minute.

My good friend from Ohio, for whom I have the most enormous respect, sent a letter to the appropriating subcommittee, which I will insert the entirety of in the RECORD because I know the gentleman has forgotten sending the letter, in which the gentleman from Ohio [Mr. OXLEY], the chairman of the committee, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Pennsylvania [Mr. SHUSTER], and this letter written to you, to my good friend, the gentleman from California [Mr. LEWIS], "Therefore, we respectfully request that you include in your subcommittee mark of the VA-

HUD appropriations bill an appropriation for the Superfund program of at least \$1.5 billion in new budgetary authority," quite different from what my friend from Ohio tells us today.

I would also remind my good friend from Ohio that last year, out of the Committee on Commerce came a bill passed 44 to nothing which was endorsed and supported by the administration, by industry, by the environmentalists and by everybody on the committee. It has been reintroduced by the gentleman from California [Mr. MINETA] and me, and lies in the gentleman's subcommittee.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 20, 1995.

Hon. JERRY LEWIS,

*Chairman, Subcommittee on VA-HUD and Independent Agencies, Committee on Appropriations, Washington, DC.*

DEAR JERRY: As you know, the authorization of appropriations for the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as Superfund, expired at the end of fiscal year 1994, and the program has been operating without an authorization since then. The various committees of jurisdiction have tried unsuccessfully for years to make Superfund into a program that achieves the goal of protection of human health and the environment. We intend to reverse that failed record this year by reforming Superfund to make it fairer, cheaper, and more effective.

We are writing to request your assistance in rebuilding this broken program from the bottom up. We want to ensure that Superfund is actually protecting Americans from the hazards of toxic waste and not just financing another generation of lawyers at the expense of the taxpayers. To do that, we need a program focusing on finding cost effective solutions to hazards rather than on assessing blame and raising funds.

At the heart of the Superfund "blame game" is the system of strict, joint and several, and retroactive liability. If we, the authorizing committees, are to reform this program and get Superfund out of the courts and onto these sites, then we must comprehensively reform the current Superfund liability system, including a repeal of retroactive liability. In order to do that and still ensure that truly hazardous sites are being cleaned up, we must have the maximum funding possible for fiscal year 1996 and into the future.

Therefore, we respectfully request that you include in your Subcommittee mark of the VA-HUD Appropriations bill an appropriation for the Superfund program of at least \$1.5 billion in new budget authority. This amount is consistent with funding levels for previous years, and is necessary to ensure that we have the operating funds necessary in the first years of the reformed program. We are open to working with you on reprogramming funds within Superfund to ensure that this year's program is consistent with the goals we have set forth for our reform effort.

There is broad consensus that Superfund is a broken program in need of immediate fixing. If we cannot achieve the kind of meaningful, comprehensive reform of CERCLA that all of us believe is necessary—and which prior Congresses have been unable to deliver—this is a program which simply should not be continued. Accordingly, we also ask that you make the availability of appropriations for Superfund beyond December 31, 1995 contingent upon the enactment of CERCLA's

reauthorization. We believe the program should be terminated if we cannot pass a Superfund reform worthy of being signed into law.

Thank you for considering our views. We stand ready to work with you to reach a consensus on a reform package allowing us to achieve the kinds of fundamental reforms necessary while fulfilling our common goal of a balanced budget.

Sincerely,

THOMAS J. BLILEY, Jr.,  
BUD SHUSTER,  
MICHAEL G. OXLEY.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Let me point out, I pointed out in my response about that letter; I referenced the fact that Chairman BLILEY, Chairman SHUSTER, and I sent a letter to the gentleman from California in my remarks and recognize that they have a job to do as well, and they recognize that the program as it is now constituted is simply not working.

And so they said to us, "Look, you get your act together, get a good bill passed, and we will reconsider the kind of money that will be available in the Superfund Program." I think that is entirely, entirely reasonable.

As a matter of fact, the bill that the gentleman from Michigan referred to we all worked very hard on, did not pass.

Mr. DINGELL. The Republicans killed it.

Mr. OXLEY. Right. If you recall, the last time I looked in the 103d Congress, the Democrats were in control. We were not able to kill anything.

The fact is this bill will pass this year and will be a major reform of the Superfund Program. We will keep faith with the appropriators, keep faith with the American people, we will keep faith with the environment. I am entirely confident that will be the case.

Mr. LEWIS of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I might mention at the tail end of that discussion between the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. OXLEY] that we are allocated only so many dollars within our bill, very difficult dollars to stretch among these various accounts.

This specific proposal would be a budget buster insofar as our bill is concerned. We are talking about approximately \$89 million in outlay. We would be short if this amendment were to become law.

I strongly urge the membership to refuse this additional allocation and recognize the bill does have to stay within its outlay targets.

I ask for a "no" vote.

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

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Michigan [Mr. DINGELL], in large part

because there will not be one new started cleanup, not one new cleanup if this amendment does not pass.

This amendment ensures 55 important projects currently slated to begin in fiscal year 1996 can go forward. It is fully funded through an offset in funding for FEMA, which currently holds nearly \$1.8 billion in unobligated funds.

In Elyria, Ohio, in my district, hundreds of homes and businesses have been affected by application of methyl parathion, a toxic pesticide which can damage the central nervous system and the brain. This pesticide was illegally applied by an unlicensed exterminator, affecting many Ohio communities.

Short-term effects of exposure to methyl parathion include headache, vomiting, lung damage, mental disorder, coma, paralysis, heart failure, and even death. As little as a teaspoon can cause serious illness, especially in children or elderly who are particularly vulnerable.

This cleanup in Elyria is ongoing. As of June 10, 105 units were decontaminated, 75 residential homes restored, 430 residents were temporarily relocated, and 225 returned to their homes.

But these numbers represent only 50 percent of what needs to be done. Contaminated homes are still being identified. The situation is dire in Lorain County and needs continued attention.

This is only one example of the 55 sites which would be restored by this amendment, and I repeat what the gentleman from Michigan said, that if this amendment does not pass, none of these cleanups will begin.

Certainly we must reform Superfund to ensure that it cleans up more sites rather than continuing to line lawyers' pockets, but the projects that will be eliminated by cutting funding included in this bill pose an imminent threat to the health of human beings in our communities.

This is the very goal, obviously, for which Superfund was created. The funding cut will halt the progress that we have made. It will tie the hands of the EPA. It will punish residents in Lorain County, Ohio, and 54 other communities, including one in Richland County in the district of my friend, the gentleman from Ohio [Mr. OXLEY].

Furthermore, the longer we wait the more expensive the cleanup will become. As pesticide leaches into ground water, rivers, streams, and contamination spreads, cleanup costs will only increase.

The language of the report accompanying H.R. 2099 seems to say that it is OK to finish studies but not to design the remedy. It is OK to finish the design but not to proceed with cleanup. It is OK to prohibit EPA from overseeing cleanups being undertaken by private, responsible parties, and it is OK for Congress to tell our communities that we will just have to wait indefinitely for this cleanup.

Mr. Chairman, this is wrong. It is not OK to ask our communities to wait for us to address the toxic chemicals that

contaminate our homes and schools and businesses.

The Dingell amendment simply makes sense so our communities do not have to wait for this cleanup.

If the gentleman from Michigan [Mr. DINGELL] would engage briefly in a colloquy, is it correct, I ask the gentleman from Michigan [Mr. DINGELL], whether State cleanup managers of the 50 States strongly support this amendment restoring cleanup money now for fiscal year 1996?

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

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. The answer to the question is "yes," and I have a letter on that point which we will insert in the RECORD at the appropriate time.

Mr. BROWN of Ohio. It is my understanding these same managers in the 50 States have said that overall costs will increase if we do not pass this amendment, that contamination, if unabated, could spread, and that most important, surrounding communities will continue to be subjected to health risks posed from these sites. Is my understanding correct?

Mr. DINGELL. If the gentleman will yield further, that is correct, and these are Superfund sites, because they have been chosen under the criteria as areas and as contamination sources which impose imminent endangerment upon the public health in the area.

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,

Washington, DC, July 26, 1995.

Hon. JOHN D. DINGELL,  
Ranking Member, House Commerce Committee,  
Washington, DC.

DEAR CONGRESSMAN DINGELL: I am writing on behalf of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), whose membership includes the State cleanup program managers. Our members are engaged in the day-to-day remediation of sites throughout the country and therefore have a fundamental interest in ensuring the Superfund program is adequately funded. The purpose of this letter is to communicate our strong support for your amendment to H.R. 2099 restoring \$440 million to the Superfund budget.

After 15 years of experience with the Superfund program, many NPL sites are now in the remedial design and construction phase. Delaying site progress at this stage will have far reaching impacts, i.e., the overall costs associated with these sites will increase; contamination, if left unabated, could spread; and most importantly, surrounding communities will continue to be subjected to health risks posed from these sites. We believe an expectation has been created in the minds of the American public that no matter where one lives or what economic class one belongs to, human health will be protected. As we understand, your amendment will allow at least fifty-five (55) remedial and removal actions to proceed uninterrupted.

While the federal Superfund program is directly responsible for ensuring the remediation of approximately 1300 NPL sites, it can also be credited with indirectly spurring the growth of over 20 State Voluntary cleanup programs and over 40 State Superfund programs. As of 1992 State programs have reme-

diated 2,689 sites and are currently working on an additional 11,000 active sites. The Federal Superfund program provides the backbone for these cleanups and must be sufficiently funded.

State Waste Officials thank you for your support.

Sincerely,

TERESA D. HAY,  
President.

Mr. BROWN of Ohio. I again ask for support of the Dingell amendment. Fifty-five sites will not be cleaned up if this amendment does not pass.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my distinguished friend, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I am pleased to support the Dingell amendment to restore funding for the Superfund hazardous waste cleanup program.

What is the major complaint heard year after year about the Superfund program? Not enough cleanup, not enough shovels in the ground. Well, EPA heard those criticisms and rearranged the priorities of the Superfund program to assure the maximum amount of cleanup with the minimum amount of delay. Now, as EPA is continuing to increase the number of cleanups, the Appropriations Committee decides to refuse to fund those cleanups.

This is not what is in the best interests of the Superfund program. And, it clearly is not what is the best interests of the people living in the vicinity of the 58 sites which will receive no cleanup should the Dingell amendment fail.

There is no valid reason to hold back on the cleanup of these sites just because you believe, as we all do, that the Superfund program needs reform. The cleanups which would be restored by the Dingell amendment are EPA cleanup sites. They are sites at which the Superfund program is providing the funding for cleanup. These are not sites which would be affected by any change in the liability mechanism of Superfund.

Congress may or may not determine to alter the liability mechanism of Superfund. But, liability is not an issue in the cleanup of these 58 sites. These are EPA-led sites where there is no private party involvement. Congress can repeal the liability mechanism, retain it, or adopt a compromise—it will not matter to the cleanup of these sites. What will matter is whether EPA is allowed the resources to initiate cleanup action on these sites.

Failure to initiate cleanup at these sites poses a serious health threat to those who live nearby. Twenty-five of these sites are scheduled removal actions. Removal actions are only undertaken as short-term responses where there is a public health threat which needs to be abated. Without the Dingell amendment, some 25 sites, in 19 States, and in 22 congressional districts, will not receive attention next year, yet the health threat will remain.

An additional 30 sites are scheduled for remedial actions. Again, this bill

will prevent the cleanup of sites in 19 States, and in 30 congressional districts. Superfund reform is supposed to be in the name of getting on which cleanups, yet when EPA proposes to move forward on cleanups, EPA is told it cannot have the resources to do so.

I question whether the Republican leadership is serious about Superfund reform. As we debate this bill in July, there is but one comprehensive reform bill pending before the Congress—H.R. 228, which was introduced on the first day of the session by Mr. DINGELL and myself. Now, 7 months into the Congress, there is not one comprehensive reform bill pending from the majority party. At the same time, the Appropriations Committee has determined that Superfund will be shut down entirely should reform not occur before the end of this year.

Why the delay? The bill Mr. DINGELL and I introduced from last year had the support of organizations such as NFIB, CMA, the U.S. Conference of Mayors, the American Bankers Association, several environmental groups, and the administration. But, there has been no action. There is not even anything scheduled toward enacting reform.

If the majority wants Superfund reform, pass H.R. 228, but don't kill the program while awaiting reform. There has been a reasonable, responsible proposal before the House for over 6 months, let's get on with it.

Let's also get on with cleanups which are ready to go—support the Dingell amendment.

Mr. DINGELL. Mr. Chairman, how much time remains to me?

The CHAIRMAN. The gentleman from Michigan has 1 minute remaining.

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

Mr. Chairman, I want to try to summarize this very briefly, and I do so with great respect to the chairman of the subcommittee, also the chairman of the legislative subcommittee.

The issue before us is very simple. The gentleman is going to conclude; all I am going to do is use 1 minute.

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

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, out of respect for my colleague from California and my chairman, especially my colleague's mother-in-law, I will be happy to yield a couple more minutes to the gentleman.

Mr. DINGELL. Mr. Chairman, I am grateful. I do not think we need it, but I want to thank my good friend.

There is one bill pending, but that bill will not be enacted this year because it is only going to come up in September, and we are going to be very busy during the month of September. What this failure to adopt this amendment will do to us is it will mean that committees will be dawdling while the country is afflicted with some 58 sites which are decided already to be imminently dangerous to the public health

welfare and to the environment. There will be no cleanup, there will be no new starts. Pollution of ground water, air, soil, and surface water will continue unabated. How many Americans will have to die because we do not address this? How many will get cancer? How many will suffer health failures and health problems because of this failure? There are some 52 congressional districts and some 58 sites involved here.

I plead with my colleagues, and I say this with respect to my good friends on the Republican side, let us clean up these sites, let us spend the money, let us do what has to be done now. The money is here. The appropriations arrangement will move the money from where it is not needed to where it is, and we can begin to address an imminent problem immediately affecting the health and the well-being of American people in some 19 States and in some 58 areas.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not as though this program is not funded in our bill. We do provide for an additional billion dollars, and I know that there are those who suggest that there is a need for more. But I must say to my colleagues in the House that one of the objectives here is to put pressure on the entire process, perhaps even get the other body to respond to the authorizing process. Unless this program is reformed, there is something fundamentally wrong with his continuing to throw money at it without that basic reform. I urge a "no" vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

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

Are there further amendments to title III?

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

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

Mr. STUDDS. Mr. Chairman, there is a disturbing provision in this bill that deserves to be brought to the attention of my colleagues. For some inexplicable reason, the committee has included \$1 million for the Council on Environmental Quality [CEQ] to terminate the programs and activities of the National Environmental Policy Act and to close the Council's doors.

The establishment of CEQ occurred at a time when we were just beginning to understand that major activities of the Federal Government can, and frequently do, have significant impacts on the environment. Today, thanks in part to NEPA and CEQ, we understand that a through examination of the impacts of our actions is critical to balancing economics and environmental protection.

I cannot understand why this body would want to shut down CEQ. The Council has a long and distinguished bipartisan history going back 25 years to the Nixon administration. Former Under Secretary of the Interior for President Nixon, Russell Train, and the former Republican Governor of Delaware, Russell Peterson, were the first two chairmen of CEQ—and to this day, both believe that the enactment of NEPA, with its concurrent establishment of CEQ, is the most significant environmental law passed in the last quarter century.

NEPA is not about controlling development, limiting growth, or fostering preservation. NEPA is about ensuring balance in Federal decisionmaking. It is the law that first opened up Federal decisionmaking to citizen involvement. For those of my colleagues who are suspicious of the big, bad Federal bureaucracy, may I remind you that it is NEPA which ensures that State and local governments and your affected constituents have an opportunity to make their views known to a Federal agency proposing to undertake a particular action in their backyard?

The committee's report on this bill points to the need for increased coordination in implementing environmental policy within the executive branch. Then, without any apparent explanation, the recommendation is made to get rid of CEQ. I also have serious concerns about the ambiguity in the language, which could be construed as an attempt to repeal NEPA itself, although I do not believe that was the committee's intention.

I do not intend to press this matter further at this time, although I'm convinced that this provision makes an already bad bill even worse. But I would say to the gentleman from California, the chairman of the subcommittee, that I and others from this side of the aisle are very concerned about this, and would like the opportunity to discuss the issue with you prior to your conference with the Senate.

The CHAIRMAN. Are there further amendments to title III?

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

Mr. Chairman, I will not use the full 5 minutes. I have repeatedly expressed my great respect and affection for the gentleman from California [Mr. LEWIS], and I again do so at this time because he is a very fine person and a very valuable Member of this body. I do rise, as has the gentleman from Massachusetts [Mr. STUDDS], to express concern about the fact that funds for the Council on

Environmental Quality have been stricken from the bill.

When the Congress adopted the basic legislation, the National Environmental Policy Act, years ago, as a matter of fact some 30 years ago, it was our purpose to set up one agency inside the Office of the President. The function of that agency would be to advise the President on environmental matters, to serve as a clearinghouse on environmental matters and concerns, to see to it that the differing and diverse policies of the Federal Government on the area of environment were knit together in something of a better unitary whole than that which had been done before. We found that the Council on Environmental Quality over the years has done so, and it is an agency which is small in number and which is low in budget, but which nevertheless has contributed enormously by seeing to it that different policies on the environment adopted by different agencies inside the Federal Government are rationalized, are harmonized, and that the agencies talk together and work together to resolve differences so we can have coherence rather than cacophony.

I am deeply troubled that these monies have been stricken almost in their entirety. I do urge my colleague, the chairman of the subcommittee, to try and do something to get this money back in here or at least a little because the agency serves an enormously valuable purpose. Without it there will be no coherence in the environmental policies of the United States, and I think that that would be a calamity.

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

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the comments the gentleman is making regarding CEQ. I really thought it would be appropriate to refer to the language that is in the report regarding this matter, for we agree, the committee agrees, that the work of CEQ in many ways has been very valuable, but we go on to say that the committee is nevertheless concerned that greater oversight and coordination of environmental policy and actions of the many Federal departments and agencies is necessary. Far too often environmental policy, as articulated by the White House, bears no relationship to the actual implementation of that policy. It is our concern, and frankly I will say to the gentleman that between now and conference I would hope to look with great care as to what continuing contributions CEQ could make.

Mr. DINGELL. I certainly hope so, because I observe to my good friend that this has been the Agency which has rendered coherent the policies of the Federal Government on the environment, and without it and without this money I do not think we could look forward to the same process being as successful as it has been heretofore.

The CHAIRMAN. Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV  
CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 404 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

RESOLUTION TRUST CORPORATION  
OFFICE OF INSPECTION GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended \$11,400,000.

The CHAIRMAN. Are there amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V  
GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the

Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include

a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there amendments to title V?

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

Mr. Chairman, we communicated a good deal of this in the initial stages of the bill, but I would like to have the Members know one more time just how

much I appreciate the very, very positive and constructive working relationship that I have had with my colleague, the gentleman from Ohio [Mr. STOKES]. He was my chairman during the last Congress. His friendship is very important to me, and I must say that during this process of transition, working together has been extremely positive in spite of the fact that the shift in policy direction is not necessarily always to the agreement of the gentleman. He has been willing to communicate at every step of the way and has been very cooperative and helpful in the process, and I appreciate that.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. I would like to say how much I appreciate the comments of the chairman of the subcommittee, and I would just like to say in return that working with the gentleman from California [Mr. LEWIS] has been one of the most enriching experiences of my career here in the Congress, and I think I said this on other occasions, but I reiterate it here again, that notwithstanding whatever philosophical changes or difference now exist as a result of the majority changing in this Congress, working with the gentleman from California has been an experience which has meant a great deal to me. I have enjoyed cooperating and working with him, and while we have changed chairmanships, from myself over to him, I do want him to know that I have enjoyed working very closely with him and look forward to a continued personal relationship of the kind that we have had.

Mr. LEWIS of California. I appreciate the comments of the gentleman very much.

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

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

Mr. Chairman, as my colleagues know, I have an amendment that is currently filed at the desk that would bar the Federal Government from making any per diem payments to a State veterans administration nursing home if that nursing home has undergone privatization which results in the diminution of services or care to the veterans, the quality of their health care, or quality of life. It is my understanding, Mr. Chairman, that in your judgment the Secretary of Veterans Affairs currently has this authority and would indeed be required under current law to bar per diem payments to any State nursing home who sees a decline in the quality of care following a privatization of services.

□ 1515

Since in your judgment, Mr. Chairman, this authority is already vested in the department, I assume it is your judgment that it would be unnecessary for the House to reaffirm this authority.

Because we share a concern with a possible privatization in the district of the gentleman from New Jersey [Mrs. ROUKEMA], but in the county which we jointly represent, I would like at this time, Mr. Chairman, to yield to Mrs. ROUKEMA.

Mrs. ROUKEMA. Mr. Chairman, actually I wanted to hear from the gentleman from California [Mr. LEWIS], his observations regarding our understanding concerning the existing legislation that controls this issue.

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

Mr. TORRICELLI. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, it is my understanding the intent of the gentleman's amendment is already existent in current law, and the Department of Veterans Affairs has the legal authority to withhold these payments if the concerns that the gentleman has made come to fruition.

Mr. TORRICELLI. Mr. Chairman, if the privatization of a Federal-State nursing home were to happen, and the concerns I enumerated, such as a decrease in the number of nurses or other tangible signs of a decrease in the quality of care provided to the veterans would occur, the Federal Government has the legal authority to withhold per diem payments to that facility.

Mr. Chairman, the concurrence of the gentleman from California, Chairman LEWIS, with this judgment and his commitment to work with me and the gentleman from New Jersey, Mrs. ROUKEMA, to require that the VA take this action seriously, is extremely important. I take from the gentleman's comments, Mr. Chairman, that indeed is the belief and commitment of the gentleman of California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, my colleagues on the committee have my commitment.

Mrs. ROUKEMA. If the gentleman would yield further, I certainly appreciate the assurance of the gentleman from California, Chairman LEWIS, and would like to make some important observations of my own.

Mr. Chairman, over the last few days I have conducted extensive research on Mr. TORRICELLI's amendment. We have confirmed several key points:

Whether our Paramus home is operated by State employees, private contractors or some combination of the two, one thing is clear: Responsibility for the quality of care at the home will not change.

It rests with the New Jersey Commissioner for Veterans Affairs as monitored by the New Jersey Department of Health and enforced by the U.S. Department of Veterans Affairs. The VA's quality assurance program, as outlined in subchapter 5 of chapter 17 of title 38 of the United States Code, includes precise standards on both the range and the quality of care and—this is critical—an enforcement regime.

Throughout the State's privatization study, I have expressed serious reserva-

tions. In fact, based on recent bids, I believe this proposal will not go forward.

Our State commissioner of veterans affairs, Gen. Paul Glazer sat in my office last Wednesday and pledged that the quality of care will not be diminished whether services are contracted out or not. I know that to be his commitment, the Governor's commitment and the New Jersey legislatures.

Mr. Chairman, when it comes to our veterans, we cannot ignore our sacred commitment to protect them in their time of need, just as they served us in our time of need. We must preserve, protect and enhance the quality of care at the veterans' health care facilities around the country, including our veterans' memorial home at Paramus.

I yield back the balance of my time.

Mr. LEWIS of California. If the gentleman will yield further, I appreciate my colleagues bringing this matter to my attention. I assure both Members we will continue to work with them. If our good offices will help open the channels of communication with the Department of Veterans Affairs, we are happy to be of service.

Mr. TORRICELLI. I thank the gentleman from California. The gentleman from New Jersey [Mrs. ROUKEMA] joined with me in this, and the bipartisan leadership of the New Jersey legislature, to assure that we will watch the Paramus Nursing Home, the quality of its care, the numbers of nurses, the quality of the food, to ensure that these people, who served our country so well, are not jeopardized.

Mr. Chairman, I will not ask for my amendment.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PORTER) 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.

#### SPECIAL ORDERS

SEIZE THE OPPORTUNITY: CONTINUE B-2 BOMBER PRODUCTION

The SPEAKER pro tempore. 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, I took this special order today in order to again be able to present my very strong and deeply held concerns about the future

of the U.S. defense policy and defense posture. I have served on the defense committee on appropriations for the last 17 years, and I can remember very well, almost vividly, when President Carter and Secretary Harold Brown made the decision to start producing a stealthy long-range bomber known to the American people as the B-2 bomber.

We are now at the point in this program where we have committed ourselves to purchase 20 of these B-2 bombers. They are being delivered to Whiteman Air Force Base in Missouri. They have met, according to Secretary Darleen Druyun, all requirements under the block 10 configuration, and they will be steadily improved between now and the year 2000.

In the defense appropriations bill and in the defense authorization bill in the House, there has been authorization and a recommendation to the House to appropriate funds to do two additional planes, the long-lead for two additional planes, and I want to rise today in very strong support of that recommendation.

We have a very difficult problem as we look at our bomber force. Today America possesses over 90 B-52's, and over 90 B-1B's. They represent the bulk of our American bomber force. Unfortunately, neither one of these bombers are able to penetrate air space where we have Russian surface-to-air missiles. One of the problems we face today is that Russian surface-to-air missiles have proliferated around the world. In fact, just a month ago, when Capt. Scott O'Grady was shot down, he was shot down by an A-6, a Russian surface-to-air missile in Bosnia, and he was flying a nonstealthy airplane.

One of the lessons that we learned in the Gulf war in the first 10 days of that war is that the F-117's, the stealthy attack aircraft, were used for only a small number of sorties, about 2.5 percent of the sorties, but they were able to knock out 40 percent of the most difficult targets. The reason for that is when you put smart conventional weapons together with stealth, you are able to go in against the most heavily defended targets, knock them out, destroy those surface-to-air missiles, destroy those radars, and the pilots are able to then come out and survive.

This is a truly revolutionary capability. If you think back to World War II, if you think back to Vietnam and Korea, we lost a lot of our planes and a lot of our pilots because they were shot down. As I have mentioned, with the proliferation of Russian surface-to-air missiles in Korea, Iran, Iraq, Bosnia, all over the world, China, our planes, if they fly in over enemy airspace, are going to get shot down unless they are stealthy.

So the decision that we are about to make on whether we should continue to build the B-2 bomber is, in my judgment, one of the most important defense decisions that we will make in this decade.

I happen to believe that the B-2 bomber offers us a revolutionary new conventional capability. You have got long range. This plane can fly over 5,000 miles, and, with one aerial refueling, it can go one-third of the way around the Earth.

When you combine that with smart conventional munitions, JDAM's or GATS/GAM or the sensor-fused weapon, you give this airplane a tremendous conventional capability.

Rand did a study in 1991 that looked at what would have happened if we had had the B-2 operation and we had loaded it up with sensor-fused weapons against Saddam Hussein's invading division from Iraq into Kuwait. In that scenario, three B-2's, each B-2 would have had about 1400 of these little bomblets, and they would come down with little parachutes and hit the moving Iraqi vehicles, this division in column, and they were able in this scenario, in this simulation, to knock out 46 percent of those moving mechanized vehicles, and that includes tanks.

We have never had that kind of a conventional capability against a mobile division. That is why I think this is such an important decision. Rand, General Jasper Welch, and I even asked Colin Powell, I said what would be the ideal number of B-2's? And in each of these studies, the recommendation was somewhere between 40 and 60.

So I believe that the decision on the part of the House thus far to go forward with longlead for two additional planes is a very important decision.

The other point is that we have an industrial base out in California where we produce the B-2 at Palmdale, and the Northrop Co. receives parts from all over the country, but particularly parts from Texas and Washington and other States, Ohio, and they put that plane together there. That industrial base, in my judgment, is very important, for if we shut this line down and we have a bomber force today which is not adequate in my judgment to the future challenges, then it is going to take us a number of years to get that line reopened.

In fact, if we wait 5 years, I am told it will cost somewhere between \$6 and \$10 billion just to reopen the line. For that, we will get no additional airplanes. So if we keep the line open now and start moving toward buying the right number of B-2's, we can save the taxpayers a great deal of money.

Now, I also want to talk about the administration's very, I think, flawed study on the bomber force. That study I think was flawed in several respects. First of all, it said that we were going to have in the future 14 days of actionable warning time in order to move tactical aircraft like the F-16's, and F-15's, and F-18's out to wherever the problem would be in the world.

Well, we did not have 14 days of actionable warning time before Pearl Harbor, we did not have 14 days of actionable warning time before the Korean war.

□ 1530

We only had about 3 days of actionable warning time before the Gulf war. And because the picture was clouded, as it always is in these situations, with the intelligence community saying, yes, we think Saddam Hussein is going to invade, and the leaders in that part of the world saying, no, he would never do that, then we took no steps whatsoever.

In fact, had it not been for the 5 months that Saddam Hussein gave us, he could have kept coming. He could have gone right into Saudi Arabia. And it took us 5 months to get all the equipment out there in order to be able to effectively deal with his invasion and to throw him out of Kuwait.

Now, what if we do not have 5 months to build up our forces? What if it is in a place in the world where there is not appropriate infrastructure, landing fields, and harbors and everything else that was necessary and fortunately was available to us in Saudi Arabia so that we could move our forces? What if that does not exist?

Then it is the condition of the bomber force that that force can react in a matter of hours. That is going to be crucial for the security interests of our country.

I am convinced that if Saddam Hussein had known that we had 60 B-2's, 20 in Guam, 20 in Diego Garcia, 20 at Whiteman Air Force Base, he might have thought long and hard. If they were married up with a sensor fused weapon, the smart conventional submunition that I described earlier, that if he had known that, he might have thought long and thought long and hard about whether he should invade because he would have known that his Republican Guard would have been destroyed before it got into Kuwait.

That is, in my judgment, my colleagues, a revolutionary conventional potential capability. So buying enough of this airplane I think makes a great deal of sense.

The other problem is in the weapons, in the administration's study on bombers. They say we should rely on stand-off capabilities. In other words, we should load up the B-52's and the B-1's that cannot penetrate with long-range cruise missiles. Well, there are a couple problems with that. The first problem is that the long-range cruise missiles cost \$1.2 million per missile. So, if you have 12 to 14, you can do the math, it is going to cost somewhere between \$15 and \$20 million for a load, for one plane load of those missiles.

The other problem is they can only go to a fixed target. They have no utility against a mobile target, a mobile division moving in the field. They also will not help us go after the launchers, the mobile launchers that the Scud missiles utilized. So they have very major deficiencies.

What are the costs of the weapons on the B-2 bomber? The JDAM's, the 2,000-pound bomb, the equivalent of what we

used on F-117 and the F-15 Eagles, they only cost \$20,000. The B-2 would handle 16 of them. So that is \$320,000. That is one-fourth the cost of one cruise missile. So the difference in weaponry is very, very important. And the administration has no plan to buy all these long-range cruise missiles, and it certainly is not part of their budget.

The other weapon that I mentioned, the sensor fused weapon, a load of those would cost about one-fourth the cost of a load of standoff cruise missiles.

So the difference in cost in weaponry is very, very significant, and as I mentioned before, the difference in cost, if you shut this line down and have to open it up and you will have to spend \$6 to \$10 billion, and you will not get a thing for that except to open the line up, and then it is going to take a number of years to start producing the planes again. To me that just does not make sense.

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

Mr. DICKS. I yield to the gentleman from California, the distinguished chairman of the HUD appropriations subcommittee and a very strong supporter of the B-2 and one of the most knowledgeable members of the defense appropriations subcommittee.

Mr. LEWIS of California. Mr. Speaker, let me say that it is truly a privilege for me to serve on the subcommittee of appropriations that deals with our national defense. There is little question that the gentleman from Washington is one of the House's experts in this entire field. He and I have had a chance to look at various elements of our defense system. That is what we are talking about, we are talking about peace in the world, creating a foundation for our own national defense and the defense of freedom that really stops the prospect of major confrontation in the world.

There is no question that America is on the edge of having the kind of force that will allow us to preserve the world from major conflict. One of the elements of that force that could bring us to peace in our time is the B-2. It is an incredible vehicle. We all know the role that stealth will play in our air future. The B-2 has a tremendous potential for America's future in terms of peace.

Nobody ever said that peace was inexpensive. But if there is a responsibility for the national government, if there is a reason for us to have a national Congress, the reason is to make sure that we have adequate national security.

Fundamental to that is to have this aircraft available in numbers that will allow us to make that difference in the world. And without the gentleman's leadership, I think this issue might well have been dead by now. That is, we would have gone in a different direction. If there is a phase in terms of defense spending this year, where we should be willing to make a sacrifice, it is to make sure that the B-2 is avail-

able and in a quantity that makes sense.

So I want the gentleman to know that I very much appreciate the work he has done here and look forward to continuing working with him in that regard.

Mr. DICKS. I think we ought to have a little colloquy here, a little dialog on this.

I appreciate that the gentleman has been on the floor and has been very much involved in other matters. He makes some very important points. The thing that I have always believed in and the great secret of our success in the cold war was that America stood for strength but it also stood for deterrence. We had a strong capable military so that we could deter the Soviet Union and its allies from ever attacking us in NATO.

Mr. LEWIS of California. Absolutely.

Mr. DICKS. It was our strength and our commitment. The fact is, in this dialog here today, that was bipartisan, Democrats and Republicans joining together to foster a defense policy for this country that I think is so important.

On this question, what we are really talking about is a revolutionary conventional capability. I think once we can demonstrate it and show the skeptics, including some in this administration and the previous administration, that in fact this capability can work and will work effectively, as Rand has said in its simulation that it will work by destroying 46 percent of Saddam's invading division, I mean, to me that will give us for the first time conventional deterrence. We have nuclear weapons, too many nuclear weapons. But we know we do not want to ever have to use those nuclear weapons.

A conventional deterrent, on the other hand, if deterrence fails and someone makes a move from North Korea or from Iran or Iraq, then we have got the capability to fly this plane a third of the way around the world with one aerial refueling and with these smart conventional weapons attack these mobile divisions. Frankly, we have never had a conventional capability to do that.

That is why this decision is so important.

The other point, of course, is that of maintaining the industrial base for bombers, and this is a revolutionary technology. We are talking about stealth, long range, and a tremendous conventional capability against mobile targets, against, as the gentleman and I both have been following in the analysis of the gulf war, one of the biggest problems we had was finding those Scud launchers. With the block 30 upgrade on the radar of the B-2, we will have an ability to fuse into that cockpit the kind of intelligence that we are now able to gather so that we can go after those mobile targets.

Remember, if those Scuds had been accurate, which they thank God were not in the gulf war, and the upgrades in

Scuds were going to be accurate, or if they had used chemical, biological or, God forbid, nuclear weapons, then we would have been in real trouble and our forces would be in real trouble. We had really no capability to go and find those mobile targets. The B-2 could be used in that respect.

Mr. LEWIS of California. In those circumstances, without that force available, if those Scuds had been accurate, potentially thousands of American lives could have been lost.

The gentleman has articulate very well in our committee the fact that just two B-2's can deliver a force half-way around the world with so few numbers of personnel involved. It takes a whole armada of aircraft to replace that force. That is a great value, not only in terms of preserving the peace but it is less expensive than continuing to build and maintain that armada, of aircraft.

Mr. DICKS. It is so true. The gentleman is exactly correct. When you have this standard package in our chart, the value of stealth, it was like I think 76 airplanes and 145 crewmen that went in, in the most heavily defended targets in Iraq, and they got turned back. They could not do the job. So they had to come back. We risked all those lives.

We did the same thing the next day with eight F-117's, which were equivalent to one B-2. So one B-2, with two pilots and the 18 on, the 16 2,000-pound bombs, each one of which is individually targetable, could have done the job. They would have gotten the job done that the eight F-117's were able to accomplish but the huge package of nonstealthy airplanes were not able to accomplish.

The other thing is, as the gentleman points out, because the weapons are less expensive, and because we do not want to lose any lives, I mean, stealth makes it possible for our kids to go in against the most heavily defended targets, take them out and come out alive. If we said, you have to throw the B-52 in there or the B-1B in there, they would be shot down by Russian surface-to-air missiles. I do not know how a commander would face his troops and say, go do that mission, especially if we have ability as a country and turned it down to put those young men in stealthy airplanes.

Think about Captain O'Grady. He is in that F-16, a great airplane, but it was not stealthy. It got shot down. In our overview of this, in the intelligence committee, I asked the admiral who briefed us, I said, would his chances of survival have been greater if he were in the F-117, another attack aircraft, but stealthy? He said, they would have been greater, Congressman. Probably he would have not been shot down.

One last point, we had to send in two big helicopters full of Marines to rescue the downed pilot. We put all those young men's lives at risk. They got him out, and it was a great mission, but they never, if it had been a

stealthy airplane, they would have never had to go in there and do it. So the value of stealth is not only that it saves us money, but most importantly, it saves us American lives.

Think about World War II, when we lost plane after plane over Nazi Germany, that were shot down by either fighters or knocked down by enemy aircraft. Now in this world we live in, we have this incredible Russian surface-to-air missiles that have proliferated in the world. So if we are going to send somebody in, we better have them in a stealthy airplane in order to win that air war quickly, gain superiority so that we can then use the stealthy assets after we have got total air superiority.

Mr. LEWIS of California. If I could make one more point, then we might get the gentleman from California [Mr. HUNTER] involved, who is a member of the authorizing committee on national security.

There is a tendency for people to believe, my colleagues, in this day and age of supposed peace in the world, because there is not a major confrontation between the Soviet Union or Russia, that no longer is there a need for a national defense. Nothing could be further from the truth. We are living in a shrinking world with elements of potential danger that we have never really thought about in the past.

America needs to be strong to preserve the peace. One element of our strength that is critical is the expansion of Stealth. The B-2 bomber as a vehicle is going to make all the difference in terms of how many lives we would have to put at risk over the next several decades. It is a very, very important item. I want to congratulate my colleague for his continued work on behalf of this effort.

Mr. DICKS. I would like to also to yield to the chairman of the Procurement Subcommittee of the House Committee on National Security, another Californian, but also someone who has been at the forefront of ensuring that America has a strong national defense.

The chairman was able to put into his mark and defend on the floor the authorization for two additional B-2s. Now we are going to have the appropriations bill in the next day or two. I hope that the gentleman from California [Mr. LEWIS] and I are as successful as the gentleman from California was. I think it is important for the American people, for the press, for our colleagues to understand our intellectual rationale for this important defense system, one that I am proud to happen to start under a Democratic President but has been supported by Republicans and Democrats in the Congress for the last 15 years. I am honored to yield to our colleagues and chairman, the gentleman from California [Mr. HUNTER].

□ 1545

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

I want to thank the gentleman from Washington [Mr. DICKS] for the work

that he has done on this system because he is one of the gentlemen who understands the importance of projecting American air power, and he has done a lot to make that power a reality. The gentleman from California [Mr. LEWIS] also has been a very effective and articulate advocate for a strong air power.

Air power is now very, very important to us. Let us go over a couple of those things, because the gentleman talked about the history of stealth. Jimmy Carter did, in the Carter administration, initiate the original work on stealth. I know people like Dr. Johnny Foster, Bill Perry, Paul Kominski, all had a hand in that, and the reason we tried to build a radar or a plane that could evade radar is because of our Vietnam experience.

Mr. Speaker, in Vietnam we lost over 2,200 planes, and we all, all of a sudden, realized and recognized that Russia could market these SAM missiles, these surface-to-air missiles, to any Third World country around. With a few weeks of training, this Third World country, with its personnel, could put together teams to operate the SAM's and they could effectively shoot down high-performance American aircraft, and they did that by the thousands in Vietnam.

America has always been the land of creativity, the land of innovation, and especially in military areas we have always been ahead of the rest of the world. Our best people, having watched those 2,200 planes go down with American pilots in them or having to bail out of them, some of them POW's—

Mr. DICKS. Some Members of this very institution. Our colleagues have been POW's.

Mr. HUNTER. Absolutely. The POW community has had an effect on the United States Congress, House and Senate, because members of the Hanoi Hilton, being so respected and so focused upon by our colleagues and by our constituents, have come to this body and made a difference.

Mr. Speaker, our best scientists sat down and said radar was "probably the greatest military invention of this century. We may be able to create a system that can evade radar; that can be invisible to radar."

I have to say this as a Republican. We got after Jimmy Carter. We said that is so impossible, so incredible, such a tightly held secret, this was back in the 1970's, we said Jimmy Carter has done a disservice to national security to even mention that we could avoid radar. We got after him as if he had given away nuclear secrets, because that invention was such a fantastic thing.

Mr. Speaker, we built the stealth aircraft, and my colleague mentioned the gentleman that was shot down over Bosnia. I know the opponents to B-2 say that that has no relevance, let us not think about that. Of course, that guy going down in that F-16, that Scott O'Grady, was the reason we built

stealth, whether it was in a bomber or a fighter aircraft.

One reason we did it was because these SAM missiles are mobile. They are mobile missiles. They move around. Our intelligence thought there were not any missiles in that particular place in Bosnia. Lo and behold, a SAM site turned up and took down the best pilots and the best planes we have at 20,000 feet. That is the reason we did the stealth technology.

Mr. Speaker, the gentleman from Ohio [Mr. KASICH] has gotten up on this floor, when we put up this big package or packages of 38, 45 and 75 conventional aircraft that are required to do the job of one stealth aircraft. Let us remember the reason for that, and the gentleman from Washington has gone through that, is because to support just a couple of bomb-dropping aircraft, like one of our first Desert Storm packages had 38 planes in it, only eight of them actually dropped bombs. Those were British Tornados and American A-6 attack planes from our carriers. Only eight bomb droppers. The other 30 aircraft had to handle the SAM missile sites. They had to handle the air-to-air in case Iraq scrambled some airplanes to meet them. They had to handle the radar jamming. We had this big armada of support airplanes to support just eight bomb droppers in this one task force.

Mr. Speaker, the gentleman from Ohio [Mr. KASICH] said, "Yeah, maybe that is true, but we still have all those planes, so we can go in, instead of going with the one stealth bomber, we can go in with the 38 aircraft." He has not been watching the drawdown in the United States Air Force. At that time we had 24 air wing equivalents to project American air power. We now have cut down to almost half of that, to 13 air wing equivalents. We are down from 24 air wings to 13 air wings.

Mr. Speaker, a whole bunch of those support airplanes that worked out in the gulf are now at the bone yard in the desert of Arizona. Those are not operational aircraft. If the gentleman from Ohio, [Mr. KASICH] wants to call them up, if we should have another Desert Storm, they are not around.

We get to the final point, which is the multiplier effect that stealth gives you. The one stealth bomber can hit the same 16 targets. If you want to give it redundant coverage, you can use two bombers as a package of 75 conventional aircraft.

Mr. Speaker, the last point the gentleman made before I came on the floor, and I was really taken with this, is he talked about people. He talked about the pilots. With that package of 75 conventional aircraft to do the same 16 targets as only one stealth bomber, you expose 134 crew members.

Mr. DICKS. That is right.

Mr. HUNTER. Mr. Speaker, those are the guys on the front of Time magazine when they get captured; those are the guys that get dragged through the streets by our adversaries; those are

the guys that are forced to write confessions under torture. One reason we built this stealth bomber and this stealth technology is so we would not have those guys being shot down and we would bring them home to their families.

Mr. Speaker, with the conventional mission that the opponents of B-2 would like to go with, on a conventional mission to hit 16 targets, you risk 134 crew members. If you send one B-2, you risk a total of two crew members. If you send two B-2's, you risk a total of four crew members.

I would say to the gentleman from Washington [Mr. DICKS], I would feel pretty bad about telling our Air Force personnel every time in the past, in this century, when we have had top technology, we field it. The best stuff we could get, we field it. Chuck Yeager shot down one of the first German aircraft, a jet aircraft, when he had a propeller driven plane. He was real happy to get into that X-1 that could go faster than the speed of sound in the late 1940's and drive American technology.

Mr. Speaker, we have always given our kids technology. This will be the first time we will tell our pilots, "You know, we spent \$30 billion developing a technology that makes your plane virtually invisible to radar, but we decided not to give it to you because we think it is too expensive."

Mr. DICKS. Mr. Speaker, the other point is the gentleman made a very major point here. We have spent all this money to get us where we are, and what are we talking about, by the Air Force's own numbers, \$15.3 billion, to build 20 more of these airplanes. That is a much lower price than we purchased the first 20. It is about a half to a third of the cost. The gentleman and I have been around quite a while, and at some point, they will say, "Oh my gosh, we made a terrible mistake, we should have built this." Then we will have to reopen the line.

The Air Force tells me it is \$6 billion to \$10 billion to get the line up if we wait 5 years. For that, we get nothing. It seems to me while the line is open out in California, we should continue at a low rate to purchase these bombers. It will keep the industrial base alive, keep it there in place, and it will allow us to have the most modern technology for our young men and women to fly and use if we have another major problem.

The world is not any safer. I think the world was safer during the cold war, if you want to know the truth. Now you have all kinds of problems around the world. It is a combination of saving money in the weapons that are used, the JDAM's weapon for \$20,000 apiece versus the standoff cruise missile for \$1.2 million apiece. They cannot have any capability against mobile targets.

That is the other problem, Mr. Speaker, with saying we will take the B-52's and the B-1's, and load them with standoff cruise missiles. Those

standoff cruise missiles only go to a fixed point and they cannot be effective against the mobile issues. We have not only the division coming in either in South Korea or in Iraq or Iran, but you have this problem with the scud launchers. That was a major problem in the gulf war. We could not find those scud launchers. Again, with better intelligence and with stealth, we can put the B-2 or the F-117's in against those mobile targets.

This is, in my judgment, a revolutionary capability. To not get enough of it while the line is open just defies common sense. When I look at the entire budget, and some people say look at our aircraft carriers, and I am as strong a supporter as the gentleman is of our aircraft carriers, unfortunately a decision was made to stop building the stealthy long-range attack aircraft coming off our aircraft carriers. The aircraft today coming off those carriers are not stealthy and have limited range, so we cannot rely on them either.

The B-1's cannot penetrate, the B-52's cannot penetrate, the planes coming off the carriers cannot penetrate. The only thing we have are the F-117's and the B-2's. In my mind, why would I not go out and reshuffle my defense dollars and buy the most incredible capability, the capability for the next 30 years, that can deal with the radars? To me, this does not make any sense. I am hard pressed to come up with a rationale, especially when the B-2 has this potential against mobile targets. That is what bothers me the most.

None of these other weapons, Mr. Speaker, have the capability to go against these mobile targets before we have complete air cover and air cap because of the surface-to-air missiles that go along with the division.

I yield to the gentleman.

Mr. HUNTER. Mr. Speaker, the gentleman mentioned our ability to project power off aircraft carriers. I was reminded again, as we all were who watched CNN and read the front page of the newspapers, of American, I believe it was A-7 aircraft that were shot down by Syrian gunners. I believe they were using the same Russian-made surface-to-air missiles that are proliferated throughout the world. That was the pilot that, I believe, Jesse Jackson went over and rescued amid enormous publicity and self-promotion by Syria.

The gentleman has made his point, but the point has really been validated every time we have had to send conventional aircraft into areas that maintain these surface-to-air missile sites. We have been shot down.

Mr. DICKS. Mr. Speaker, they have proliferated all over the world. This is not something that is just in a few countries. We have them in North Korea, Iran, Iraq, China. We have them in Bosnia, where Captain O'Grady was shot down.

Another thing here, for some of the crowd of American people saying, "Are

these two Congressmen just up here by themselves?" I feel very proud of the fact that without any request from me or anybody else who is a B-2 supporter, seven former Secretaries of Defense wrote the President of the United States, and this is unprecedented in the 17 years I have been on the Subcommittee on National Security of the Committee on Appropriations, and said, "Mr. President, please keep this line open. This is the kind of weapon system that we are going to need in the future. Twenty of them simply is not enough."

One of those colleagues, Mr. Speaker, former Congressman Dick Cheney was the one who made the decision with Les Aspin, our former colleague, former Secretary of Defense, now deceased, to limit this to 20. There was absolutely no military rationale for that decision. It was strictly a decision made on what Congress would go along with. At that time there was some question about the plane, but now we have six of these at Whiteman Air Force Base, according to the pilots there. One just flew all the way to Europe, did a mock bombing run over the Netherlands, went to Paris, engines running, changed crews and flew back to Whiteman Air Force Base.

Mr. Speaker, this thing is going to work. It has a 95-percent mission reliability, and it is at the block 10 configuration. Over the next 4 years it will be upgraded to block 30, which will give us this revolutionary capability.

Mr. Speaker, to have seven former Secretaries of Defense write the President and say this would be a terrible mistake, is, I think, one of the most unprecedented things I have seen. In light of all that, I am amazed, frankly, and with the importance of power projection in this very dangerous world, and with the potential conventional utility of this system, why we are killing this at this point. I think it is the greatest mistake that I can think of since I have been in the Congress and involved in defense matters. This is a terrible, awful decision. We in the Congress, under the Constitution, as the gentleman well knows, serving as a senior member of the Committee on National Security, ultimately have the responsibility for raising navies and armies and, by inference, air forces. It is the constitutional responsibility of the Congress of the United States, and I am proud of the fact that we have stood up on this issue and are trying to correct a very serious mistake in judgment.

The gentleman from California has been willing to stand shoulder to shoulder to discuss this issue, to lay out our rationale with the American people, and I just am very pleased that he has been willing to continue to engage in this colloquy to explain to the American people why we feel so strongly about this and why we think those seven Secretaries of Defense were correct.

□ 1600

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, because I think the fact that seven former Secretaries of Defense have endorsed the B-2 has some significance.

You ask yourself, "Why would they do that?" I think the answer is laid out in the history of the last 10 or 15 years.

We review the Libya raid. The Libya raid followed Mr. Qadhafi's killing, terrorist style, of American soldiers in Germany. We had the goods on him. We knew that he had ordered these assassinations, these murders. When he did that, Ronald Reagan decided to strike him. But we found out we had a problem. I was being interviewed by British television, I believe, shortly after the raid was made, and I cannot remember the name of the interviewer, but in Great Britain, Maggie Thatcher had allowed our F-111's, this medium bomber, to take off from Heathrow Airport in Great Britain. But there was great consternation in Britain because they were letting us do this, because the Libyans had great terrorist capability, there had been threats that if anybody helped the Americans at any time, they would be struck, they were very worried about it, and I was talking to the commentator, I was being interviewed, and I said, "Thank God for Maggie Thatcher. It's nice of her to let us at least use the facilities in Great Britain to strike this terrorist."

The commentator said, "Congressman, don't speak too soon. We've just taken a television poll." In Great Britain they apparently wire a sample number of television sets so when they ask a national question, would you vote so and so or would you do so and so, people can just punch the buzzer or the button on their set and that gives the BBC an instant poll.

He said, "We've just polled the British people and by a majority," they are against Maggie Thatcher having let our F-111's, which had already been done obviously, but having let the Americans use British air bases to launch this strike against Mr. Qadhafi.

Here we had the British people, we had a great British stateswoman, Maggie Thatcher, helping Ronald Reagan, helping America to launch that strike against Qadhafi. But a little farther away, in France, the French decided not even to let us fly over their airspace, and they forced our F-111 pilots to fly to their border and then we had to skirt around their perimeter at a great loss of time and fuel, and fatigue of our pilots, because we were not even being allowed to fly over France to strike a terrorists who had murdered American soldiers.

When we finally got to Libya, we made the surprise strike on Mr. Qaddafi. The U.S. Navy, in assisting with that strike, had moved about \$6 billion worth of carrier task force com-

ponents into the Gulf of Sidra, just outside of the Gulf of Sidra, and they launched naval aircraft from there.

The point is that when the going gets tough, you cannot count on having a batch of allies that are going to let you use their airspace, let you use their runways, have their cooperation.

The great thing about the B-2 bomber, and I think this is a reason the seven former Secretaries of Defense support the B-2 bomber, is that they believe in the ability to project American power early.

That means when an armor attack starts, you stop that attack before you have to send a bunch of Marines and U.S. infantry over there to stop it with soft bodies. You do things quick.

You can fly the B-2 out of the United States. You do not have to ask Maggie Thatcher, you do not have to ask the French, you do not have to ask somebody else, you can fly it out of the United States and you can make a strike in the Middle East. Now, you may have to recover in Diego Garcia, but we own the Diego Garcia base. We do not have to ask anybody's permission to land there, and you can project American power from our shores. That is what these gentlemen are concerned about. Every American father and mother who have children who may at one time be in the ground forces of the United States have a real interest in having powerful air forces.

Mr. DICKS. The gentleman makes a very important point. I do not know if he was here on the floor, but I suggested that if we had had, say, 60 B-2's, 20 at Diego Garcia as the gentleman suggests, Guam and at Whiteman, Saddam might not have made the attack. If he did, we could have obliterated that division, we could have stopped the war.

Do you know what it cost us to move all the forces out to the gulf to fight the war, just in transportation? Ten billion dollars. The cost of the war to us and our allies was \$60 billion, for a total of \$70 billion. With an adequate bomber force that is stealthy, that has long range and can use smart conventional weapons against mobile targets like Saddam's republican guard, if we could just prevent one war out there in the future sometime somewhere, whether it is North Korea, Iran, Iraq, or wherever, that would save and pay for this more than once. There is nothing else that can do it.

That is why it blows my mind when people talk about priorities. Well, other things are more important. I say, I cannot think of one except the young men and women serving in our military today. They are more important, obviously. They are first in my mind. But in terms of other weapons systems, other things that we are doing, that have the capability to give us conventional deterrence and if deterrence fails, a way to knock out the enemy quickly and save American lives while we are doing it and not even risk them because of stealth, I cannot imagine

how this Congress in its wisdom can stop this system when every export has said that 20 of these is simply not enough, that you need somewhere between 40 and 60.

Colin Powell, as good a military mind as I know, he has recommended to Chaney 50. Sometimes you have got to make hard decisions. You have been on the Hill for a long time as I have. I asked the staff of the Committee on Appropriations, I said, "This is going to cost us about \$2 billion a year for about 7 or 8 years in order to get the additional 20 planes."

I said, "How much did we cut out of the defense budget, about \$250 billion, how much did we cut out just in a cut here, a cut there, through the thousands of line items that are in that budget?" The answer is in both this year and last year, \$3.5 billion in just low-priority items.

Right there is more than enough money to finance the B-2. I know the gentleman has been urging reform in the procurement areas where we have thousands and thousands of extra buyers or shoppers or whatever you call them. There is another way to save some money that we could use to finance the acquisition of these weapons systems. You are the procurement subcommittee chairman. You know as I do that procurement in the peak of the Reagan buildup was \$135 billion a year in today's dollars. Now that is down to about \$40 billion to \$45 billion, or it has been reduced about 70 percent.

We have got to continue to do some things that make sense. Here is a system that gives us a revolutionary conventional war-fighting capability, and I believe the potential for conventional deterrence. Not to get this and spend the money on a bunch of lower priority things that have no comparable worth or value to the American people and to our military, to me is just unbelievable.

Mr. HUNTER. If the gentleman will yield, you mentioned the defense overhead. We have about 250,000 professional shoppers in the Department of Defense. Those are the people that engage in the acquisition of military systems. Roughly you have two Marine Corps of shoppers. They cost us about \$30 billion a year. That means we have a procurement budget of about \$45 billion that as you have mentioned it is down 70 percent. But for every aircraft or tank or weapon that we buy, we pay almost as much as we paid for that system to the Department of Defense for the service of buying it.

That means if you buy an airplane for \$100 million, you pay about \$70 million on top of that to the shoppers in DOD for buying the components for that airplane. If we cut that bureaucracy down, the shopping component, if we cut it down in the same way we have cut the Army, we cut the Army from 18 divisions to 12 divisions, and it may go down to 10, and the news did not make Stamp Collectors Weekly, nobody knows about it, and we have

cut the U.S. Army strength almost 50 percent. We have cut the Air Force from 24 to 13 air wings and the gentleman from Ohio [Mr. KASICH] thinks they are still there. Nobody knows about these massive cuts we have taken in our force structure. If we took that same proportionate type of cut in the shopping corps, in the Department of Defense, the procurement corps, that means we would save about \$10 billion a year. If we took 100,000 people out of the shopping corps, we would save \$10 billion a year. That would buy 4 B-2 programs.

Mr. DICKS. I agree with the gentleman. There are ways to save money in a \$250 billion budget if you want to set priorities. When you look at all the things we are procuring, there is going to be a list of what is important, what is crucial, and what is kind of nice to have. I have got to tell you, when you have got something that has the potential capabilities that the B-2 has, you have got to make room for it. It does not make any sense to protect a lot of purchases of other things that cannot project power around the world like the B-2 can in our future.

I just hope that we can continue to make this battle on the floor with our colleagues here in the House. I happen to think that this is one of those watershed moments, one of those times when either the Congress is going to have truly profiles in courage, standing up to this administration and saying, "Wait a minute, this is a mistake." The same Congress, by the way, that supported the F-117, the stealth attack aircraft. In the first 10 days of the Gulf war, I think I have the numbers right, the stealth fighter flew 2.5 percent of the sorties but knocked out 32 percent of the hardest targets, because it was stealthy. What did that mean? That allowed us to win the air war more quickly and cap Iraq so they could not even get a plane up. That saved a lot of American lives. If we did not have that stealthy airplane to lead the attack and to knock out those surface-to-air missiles, knock out those radars, we would have lost a lot more of our pilots and they would have been there and Saddam would have had them to play politics with as the gentleman has suggested. But because we had stealth, we were able to win that war more rapidly. Then we could bring to bear the B-52's with their dumb bombs, not very accurate but they pounced away on the Republican Guards and allowed us to win the war quite easily. But stealth, the F-117, was at the forefront. Here you have got the B-2 which can carry 8 times what the F-117 can carry and it can carry it 6 times as far and with one refueling go a third of the way around the earth and be able to have it not only against fixed targets as we proved with the F-117 but by putting that sensor-fused weapon on there, those 1,400 little bomblets over that Iraqi division, 3 of them knocked out 46 percent of the mechanized vehicles as that division moves in the field, that is a revolution-

ary capability, and there is nothing in the Pentagon's budget that can do anything like that.

How can you say we are not going to fund this when it has that kind of capability and we are going to fund a lot of other things that have no comparable worth or value and just do it because, "Well, we just can't make any hard decisions. We can't make tradeoffs. We can't do roles and missions. We can't do the job we were sent over there to do." That is what it says to me.

It is never easy to have to make tradeoffs. But in this case, I think the potential is so great that without those tradeoffs, we are really doing a disservice to the American people. I hope that Congress stays with this, makes the point, so that we can show the American people why we feel so passionately about this subject.

Mr. HUNTER. I noticed a friend of ours, the gentleman from California [Mr. MCKEON], just arrived, another staunch supporter of B-2. But I think the gentleman has made an excellent point in that we have an article of leverage. We have a system that gives us enormous leverage. The last thing the American people want to do is have to send marines or infantry divisions to stop an armor attack. The way you stop an armor attack without using a lot of lives is with air power. The way you stop an armor attack with an absolute minimum of casualties is to use air power that has stealth.

I am thinking, if you went inside Saddam Hussein's war room or maybe, later in this decade, inside North Korea's war room and you saw them making a determination as to whether or not they should strike American positions, it would be awfully nice to have one colonel in that North Korean intelligence operation or in that Iraqi operation say, "How about the American invisible bombers? I'm kind of scared of them. How about the invisible bombers, that we can't take down with our SAM's, will they be here? Does anybody know where they are? Are they launched?" That uncertainty is deterrence. That means you do not start it.

The gentleman made one great point. The amount of money we spent on Desert Storm because we did not deter Saddam Hussein from striking, because he thought we were weak, was enough money to buy out the entire B-2 program of 80 airplanes and have a lot of money left over.

□ 1615

If you were strong up front, you would not have to pay later. That is the point of having strong American air power, and that is the point of stealth and that multiplier of precision-guided munitions.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's participation in this colloquy, and I also want to yield to my distinguished friend from California [Mr. MCKEON], who has been another leader and another worthy proponent of the B-2.

Mr. MCKEON. Mr. Speaker, I just turned on the TV in my office and saw two of my friends talking about the B-2, one of my favorite subjects.

Mr. DICKS. We had a little break in the action, and so we jumped in and took our shot.

Mr. MCKEON. I really appreciate what you are doing. The B-2 is built in my district, and a lot of people say that is probably the reason that I am a strong supporter. That is one of the reasons.

Because it is in my district, I have had the opportunity of going down to the factory, going down on the floor, seeing the assembly lines and seeing what is being done. A lot of people do not understand that that plane is built differently than any other plane. It is built from the outside in. It has a wingspan of 170 feet, and from one end of that wingspan to the other end, it cannot be off one-thousandth of an inch.

We cannot afford to lose this technology. The people that have been trained, the tools that have been put together, all of that is already now starting to unwind. Originally, the assembly line was built for 20 planes; we are down to 6 planes. They have already closed up part of the assembly line.

We are losing the people that have been trained, that have put in the time and effort, have the skill to learn how to do this. We are losing that.

I think it is very important that we keep our economic base there, our industrial base to build the B-2, but the second and probably even more important reason to me is defense.

When you talk about Desert Storm, you could probably talk about other wars that we do not even know about that have never happened because we project power. But we are losing that projection. We are starting to talk now about moving the B-52, which is almost as old as I am, that is pretty old; and the B-1B's into London to use in Bosnia. I do not know how long we can expect our young people, our career people to get in those planes and fly them. B-1 is still relatively young, about 15 years old; the B-52's are 30, 40, 50 years old.

Mr. HUNTER. Compared to the B-52, the B-1 is a baby.

Mr. MCKEON. That is right. But even then, when all the B-52's are gone, we are down to 95 B-1's. The study that was given to us, that we should be able to fight in two places at one time, we need 174 long-range bombers, we would be down to 95, and then you add the 20 B-2's that we have now.

Mr. DICKS. But we do not have them yet. We have six of them now.

Mr. MCKEON. I am looking out 20 years. I think our responsibility should be to really look out 20 years, 30 years, 40 years.

I know one of my good friends on the other side of this issue has said there will be another bomber at some point. I think that is a total fallacy. It takes \$10 billion to \$15 billion now to get a

fighter up, ready to be built. Who around here is going to vote \$25 billion, \$30 billion or \$40 billion just to get another bomber developed? Why spend that kind of money when we have the great B-2?

Mr. DICKS. If the gentleman would yield, I told my friends in the Boeing Co. in the State of Washington that one of my colleagues has suggested a B-3; and they said, "Congressman, what we would do is, we would build a long-range, subsonic aircraft and it would look a heck of a lot like the B-2. It would be stealthy and we would have the ability to put precision-guided munitions on them."

We have got the line open and the costs are down where this thing is affordable in terms of the defense budget, and now, not to do enough of it just does not make sense. I always say to my Democratic friends, many of whom are not happy about some of the budget cuts that are being made, if we cut out the B-2, this money is not going to go to HUD or education or the environment; this money is going to go to something that is less important in the defense arena.

As I said, I look at the entire defense budget, and except for the men and women serving in the service, I cannot think of one weapons system that has anywhere near potential that this weapons system does.

The gentleman has made another important point that General Skantze, who was our former acquisitions person at the Air Force, has made as well, and that is that this plane is the most difficult plane to put together. So we finally figured it out.

Mr. Chairman, I think we should stay with it, and I appreciate my colleagues joining me here on the floor in an impromptu session to talk about one of the most important defense decisions this country will make during our time in Congress.

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

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DO NOT BE DETERRED: CONTINUE  
B-2 PRODUCTION

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from California [Mr. MCKEON] is recognized for 5 minutes.

Mr. MCKEON. Mr. Speaker I do not know exactly what you had talked about before I came in.

Mr. DICKS. Do not be deterred.

Mr. MCKEON. The B-2?

Mr. DICKS. The B-2.

Mr. MCKEON. What do you know? I think it is a very important vote, and it is a lot of money; I think that people need to understand.

I am a businessman. This is my second term in Congress. I came here to make cuts, but I also came here to carry out our constitutional responsibility which is to provide defense for this country. Defense is one of the most important things that we need to

do. It is our responsibility, as the Congress, to look out for that.

Mr. DICKS. If the gentleman would yield on that point, I have served for 17 years on defense appropriations subcommittees since the winter of 1979. We build up until 1985, but since 1985, the defense budget has been reduced by \$100 billion a year. Today's defense budget would be 350; it is 250 now in fiscal year 1995, so we have made a big cut, 37 percent in real terms.

We have a smaller Army, a smaller Navy, a smaller Air Force. Yet, here is a technology, a revolutionary technology that would help us still have an enormously effective and capable military. But we have got to have enough of it so that it can have the sortie rates, in and out, in and out, to do the job. Every expert who has looked at this and said, 20 of these is not enough; we have got to have somewhere between 40 and 60.

It is value. Sometimes we forget when it is right in front of us that some things are more important than other things. Some things can do things that no other system can do. And that is why this is so important.

The B-2 offers us a revolutionary conventional capability that nobody else has in the world. Think about it. If somebody else had the B-2, we would be in deep trouble. We would be very, very concerned about it. We would be probably cheer if they made a decision to cut it off at 20 and only have a very limited capability. We would be saying, "Thank God they made that decision, because if they had 50 or 60 of these, and we did not have a way to counter it." Think if our adversary, Russia, had developed this stealth technology. We would be deeply concerned. I think sometimes we forget things that are so obvious. They are right in front of us and we still do not see it.

It reminds me of the battleship debate where they said that battleships are not vulnerable to air power. Finally, Billy Mitchell flew over one and dropped a bag of flour and everyone had to wake up and say, "Oh, my God. These things are vulnerable." And some day they are going to say the same things about the B-52's, the B-2's and the planes coming off the carriers. They are all vulnerable to these surface-to-air missiles.

Mr. HUNTER. If the gentleman would yield briefly, Billy Mitchell did sometimes. He showed that technology had moved on and we had entered the era of air power. But he did not drop a sack of flour; he dropped enough munitions to totally sink and destroy three major ships, including one captured German battleship. He carried out his task with a little more enthusiasm than the people who have invested all their political capital in battleships or warships cared for him to do.

In a way we are doing the same thing here. We are in an era in which we can avoid radar because of the great technology that freedom has brought us in this country and we are about to forgo

that technology for some pretty silly reasons. I thank the gentleman for yielding.

Mr. MCKEON. Reclaiming my time, I think you make a good point on the technology. A lot of my friends here in the Congress have asked me, "Well, is there technology out there, or will there be in the next few years, to make it possible to see the B-2 to make it obsolete?"

I was talking to our ex-Secretary of the Air Force about a month ago, before we had the last vote, and he was going over that with us. He said that all during the development phase of the B-2, we had our best minds working to see if they could come up with a way to detect it. So that we, if the other side had it, so that we could defend against it. We have not been able to find that; it is not available.

Mr. DICKS. The gentleman makes a point too. Remember one thing, a plane can be seen. That does not mean you can vector weapons against it. That is the thing that you have to remember about stealth.

People say, "Well, I can see it. It is there on the field." But when you have that thing up in the air at 45,000 feet, and it has got that incredible design which is very hard to see, even when you are just a few miles away from it. But it is the fact that the enemy cannot vector weapons with their radars and the systems that they have to have to take a weapon to the plane. That is why it is so revolutionary. So we do not want anybody to be misled, because you can see it.

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DO NOT BE DETERRED: CONTINUE  
THE B-2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, it is that important fact, and the fact that we have not been able to figure out a way to counter it. This is a game that goes on and on. There is a struggle back and forth.

Again, I want to thank my colleagues for coming over here and joining me in an impromptu discussion of the B-2. We are going to be moving on to this issue as we get to the defense appropriations bill. As I have said, I think this is the most important defense issue that most of us will decide while we are in the House of Representatives.

Mr. Speaker, I am glad that I have good bipartisan support from my colleagues are we try to oppose those who I think in a very shortsighted way are trying to cut off this program and saying that they are going to save money.

I will tell my colleagues this: We are going to save lives and money if we build the B-2. We are going to save money if we do it at the time the line is open. We are going to preserve the

industrial base. The B-2 weapons that are sometimes 40 percent less expensive than the weapon on the B-52's or the B-1's.

But most importantly as the F-117 showed us, we can send pilots into the most difficult areas with surface-to-air missiles that are active and survive and that is what this is really all about: Saving lives of American young people who we send in harm's way.

To me, as the gentleman said a few minutes ago, how we could in good conscience not want to be able to use that in the early days of any war in the future, because we know we will save lives and we know that we can win the war more rapidly? Stealth can go in and out, in and out, in and out, destroy all those targets and help us win the air war more rapidly, which is crucial to almost any scenario that I can think of in the future.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. McKEON].

Mr. McKEON. A couple of weeks ago, Charles Krauthammer had an editorial, I think I got it out of the Washington Times. I do not know what other papers it was in. George Will wrote one in "The Last Word" in the magazine.

Mr. Speaker, I would like to insert these in the RECORD, if I may. If I could just make a comment on Mr. Krauthammer's. He entitled his article, "The B-2 and the 'Cheap Hawks'" and he gave 3 reasons why the B-2 is so important.

First, American is coming home. In 1960, we had 90 bases abroad. We are down now to 17. We cannot station short-hop airplanes around the world. We have to have range.

Second, America will not endure casualties. We do not want to put, as you were saying, our people in harm's way if it can be avoided.

Third, the next war will be a surprise, such as every other war we have entered into, and we need to be ready. And the B-2 meets all three of these requirements. It has long range; it can reach anywhere around the world. If we have it in the three bases that we look at, we can reach any key spot in the world in 10 to 12 hours.

Fourth, Casualties. It has two personnel on board. Does not need a lot of support and backup because of the stealthiness and the amount of weapons that it can carry.

Fifth, If we have an adequate number, we will be prepared and we will have a deterrent.

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

#### THE B-2 AND THE CHEAP HAWKS

(By Charles Krauthammer)

We hear endless blather about how new and complicated the post-Cold War world is. Hence the endless confusion about what weapons to build, forces to deploy, contingency to anticipate. But there are three simple, glaringly obvious facts about this new era:

(1) America is coming home. The day of the overseas base is over. In 1960, the United States had 90 major Air Force bases over-

seas. Today, we have 17. Decolonization is one reason. Newly emerging countries like the Philippines do not want the kind of Big Brother domination that comes with facilities like Clark Air Base and Subic Bay. The other reason has to do with us: With the Soviets gone, we do not want the huge expense of maintaining a far-flung, global military establishment.

(2) American cannot endure casualties. It is inconceivable that the United States, or any other Western country, could ever again fight a war of attrition like Korea or Vietnam. One reason is the CNN effect. TV brings home the reality of battle with a graphic immediacy unprecedented in human history. The other reason, as strategist Edward Luttwak has pointed out, is demographic: Advanced industrial countries have very small families, and small families are less willing than the large families of the past to risk their only children in combat.

(3) America's next war will be a surprise. Nothing new here. Our last one was too. Who expected Saddam to invade Kuwait? And even after he did, who really expected the United States to send a half-million man expeditionary force to roll him back? Then again, who predicted Pearl Harbor, the invasion of South Korea, the Falklands War?

What kind of weapon, then, is needed by a country that is losing its foreign bases, is allergic to casualties and will have little time to mobilize for tomorrow's unexpected provocation?

Answer: A weapon that can be deployed at very long distances from secure American bases, is invulnerable to enemy counter-attack and is deployable instantly. You would want, in other words, the B-2 stealth bomber.

We have it. Yet, amazingly, Congress may be on the verge of killing it. After more than \$20 billion in development costs—costs irrecoverable whether we build another B-2 or not—the B-2 is facing a series of crucial votes in Congress that could dismantle its assembly lines once and for all.

The B-2 is not a partisan project. Its development was begun under Jimmy Carter. And, as an urgent letter to President Clinton makes clear, it is today supported by seven secretaries of defense representing every administration going back to 1969.

They support it because it is the perfect weapon for the post-Cold War world. It has a range of about 7,000 miles. It can be launched instantly—no need to beg foreign dictators for base rights; no need for weeks of advance warning, mobilization and forward deployment of troops. And because it is invisible to enemy detection, its two pilots are virtually invulnerable.

This is especially important in view of the B-2's very high cost, perhaps three-quarters to a billion dollars a copy. The cost is, of course, what has turned swing Republican votes—the so-called "cheap hawks"—against the B-2.

But the dollar cost of a weapon is too narrow a calculation of its utility. The more important calculation is cost in American lives. The reasons are not sentimental but practical. Weapons cheap in dollars but costly in lives are, in the current and coming environment, literally useless: We will not use them. A country that so values the life of every Capt. O'Grady is a country that cannot keep blindly relying on non-stealthy aircraft over enemy territory.

Stealth planes are not just invulnerable themselves. Because they do not need escort, they spare the lives of the pilots of the fighters and radar suppression planes that ordinarily accompany bombers. Moreover, if the B-2 is killed, we are stuck with our fleet of B-52s of 1950s origin. According to the under-secretary of defense for acquisition, the Clin-

ton administration assumes the United States will rely on B-52s until the year 2030—when they will be 65 years old!

In the Persian Gulf War, the stealthy F-117 fighter flew only 2 percent of the missions but hit 40 percent of the targets. It was, in effect, about 30 times as productive as non-stealthy planes. The F-117, however, has a short range and thus must be deployed from forward bases. The B-2 can take off from home. Moreover, the B-2 carries about eight times the payload of the F-117. Which means that one B-2 can strike, without escort and with impunity, as many targets as vast fleets of conventional aircraft. Factor in these costs, and the B-2 becomes cost-effective even in dollar terms.

The final truth of the post-Cold War world is that someday someone is going to attack some safe haven we fell compelled to defend, or invade a country whose security is important to us, or build an underground nuclear bomb factory that threatens to kill millions of Americans. We are going to want a way to attack instantly, massively and invisibly. We have the weapon to do it, a weapon that no one else has and that no one can stop. Except a "cheap hawk," shortsighted Republican Congress.

[From Newsweek, July 24, 1995]

THE LAST WORD—PRECISION GUESSWORK ABOUT THE B-2—DO AMERICANS NOW FIND THEIR 'MORAL ECONOMY' TOO TAXING TO DEFEND?

(By George F. Will)

We should study war some more. We should because doing so is contrary to the spirit of the age and our national temperament. If peace is to be preserved, that must be done by a few nations of a sort that is disinclined to believe that peace requires preserving. These nations believe that although war once was prevalent, history has ascended to a pacific plateau. The nations that believe this, such as the United States, are, says historian Donald Kagan of Yale, formed by ethics that are commercial, individualistic, libertarian and hedonistic. Kagan concludes his book "On the Origins of War" with a warning: "The United States and its allies, the states with the greatest interest in peace and the greatest power to preserve it, appear to be faltering in their willingness to pay the price in money and the risk of lives. Nothing could be more natural in a liberal republic, yet nothing could be more threatening to the peace they have recently achieved." Hence the high stakes of the debate about the B-2 bomber.

The issue is whether to purchase more than the 20 long-range stealth bombers already in service or being completed. The argument against steady low-level production to bring the B-2 force to 40 is that the B-2 is too expensive, particularly because the mission for which it was designed—penetrating Soviet air defenses to attack mobile or hardened targets—is no longer relevant.

The case for continuing the B-2 program is more complex, but more compelling. It rests on three facts. The B-2 is not as expensive as critics contend. The B-2 economizes other material assets, and economizes lives, too. And given the age of the B-52s (the youngest is 33 years old) and the time and cost required to design another bomber (at least 15 years and scores of billions from design to deployment), the B-2 force is going to be the only U.S. bomber force for many decades. Who wants to wager that in, say, the year 2030 the nation will not need a bomber better than a 70-year-old B-52?

Critics bandy the figure \$1.5 billion for each B-2. Actually, given the research and development already paid for, the life cycle cost of additional B-2s, including 20 years of

spare parts, is about 1.1 billion 1995 dollars. Buying 20 more B-2s would consume only 1 percent of the defense budget and 5 percent of the combat aircraft budget for a few years. And doing so would prevent the irreparable dispersal of the industrial base that has produced the most sophisticated weapon ever, a weapon suited to the changed world.

In 1960 there were 81 major U.S. air bases overseas. Today there are 15. The B-2's long range responds to the dwindling of forward-based U.S. forces. Its high payload and stealthiness (the difficulty of detecting its approach) enable it to do extraordinary damage to an adversary's warmaking capacity, at minimum risk to just two crew members per aircraft. This gives a president a powerful instrument of credible deterrence for an era in which Americans are increasingly reluctant to risk casualties. The importance of a military technology tailored to this political fact is argued by Edward Luttwak in his essay "Toward Post-Heroic Warfare" in *Foreign Affairs*.

Luttwak, of the Center for Strategic and International Studies, says the end of the Cold War has brought a "new season of war," in which wars are "easily started and then fought without perceptible restraint." A war such as the Iraqi invasion of Kuwait can menace the material interests of the United States. And a war such as that in the former Yugoslavia can, Luttwak argues, injure the nation's "moral economy" if the nation "remains the attentive yet passive witness of aggression replete with atrocities on the largest scale."

Perhaps Americans find their "moral economy" too taxing to maintain in today's turbulent world. The debacle of American policy regarding Bosnia strongly suggests that is so. If so, America faces a future in which only one thing is certain: it will never again be what it has been, the principal force for good in the world. But if America wants to be intolerant both of evil and of casualties, it needs to arm itself appropriately, as with the B-2.

It is the only aircraft that can on short notice go anywhere on the planet with a single refueling, penetrate the most sophisticated air defenses and deliver high payloads of conventional weapons with devastating precision. Five B-2s can deliver as many weapons as the entire force of F-117s (America's only other stealth aircraft) deployed in Desert Storm. Four U.S.-based B-2s with eight crew members could have achieved by same results as were achieved by the more than 100 aircraft sent against Libya in 1986. Military personnel are not only precious as a matter of morality, they are expensive. True, many targets can be attacked with "stand-off weapons," such as cruise missiles, but such weapons are 20 to 40 times more expensive than direct attack precision weapons. Calculating the real costs of weapons is more complicated than reading restaurant bills.

And as Luttwak argues, cost-effectiveness criteria for weapons often do not factor in the value of casualty avoidance, which is a function of casualty exposure and is often the decisive restraint on political leadership when it is considering whether to project U.S. power. "When judged very expensive, stealth planes are implicitly compared to non-stealth aircraft of equivalent range and payload, not always including the escorts that the latter also require, which increase greatly the number of fliers at risk. Missing from such calculations is any measure of the overall foreign policy value of acquiring a means of casualty-free warfare by unescorted bomber."

Will the nation need a substantial B-2 force? That depends on developments in the world, and on what America wants to be in the world. On a wall at the Jet Propulsion

Laboratory in Pasadena there reportedly use to be a sign: We do precision guesswork. So do the people who must anticipate crises relevant to America's material interests and moral economy, and the means of meeting them. Twenty more B-2s would be a responsible guess.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California [Mr. MCKEON]. He is a very articulate and a very strong supporter of national defense. I also thank the gentleman from Washington [Mr. DICKS] who was really the father of this special order. Thanks to Mr. DICKS for taking this order up.

I think it is important to talk about these things, because a lot of folks have 100 issues on their minds. They do not know what this vote is about until they actually sit down and think about it. And also the gentleman who was here earlier, Mr. LEWIS. Mr. LEWIS does not spend a lot of time talking on the House Floor. He is one of the smartest defense minds in this Congress and he is a real advocate for this program and one of our champions. I am glad he was up here discussing this with Mr. DICKS.

I am happy to yield to the gentleman from Washington [Mr. DICKS].

□ 1630

Mr. DICKS. Mr. Speaker, I will just say one final thing. One of the other articles General Skantze wrote, one of the big problems has been, ever since the Air Force reorganized and got rid of the Strategic Air Command, there really has not been an advocate for bombers inside the Air Force. They will advocate for the F-22 and the C-17, but nobody stands up for bombers, and I think that is one of the things where the Congress may have to step in. We may have to reconsider that decision and recreate a Strategic Air Command within the Air Force so we have some real attention by the service on this subject. I think we ought to consider that.

#### RECESS

The SPEAKER pro tempore (Mr. ENSIGN). Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ENSIGN) at 6 o'clock and 2 minutes p.m.

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

The SPEAKER pro tempore. 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.

□ 1803

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 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 earlier today, title V was open for amendment at any point.

AMENDMENT OFFERED BY MR. ENSIGN

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

The Clerk read as follows:

Amendment offered by Mr. ENSIGN: Page 87, after line 25, insert the following:

SEC. 519. The amount otherwise provided in title I of this Act for "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", the amount otherwise provided in title III of this Act for "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and the amount otherwise provided in title III of this Act for "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES" are, respectively, increased to a total of \$16,961,000,000, reduced by \$89,500,000, and reduced by \$235,000,000.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent for a time limitation of 15 minutes total split equally between the two sides on the Ensign amendment and all amendments thereto.

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

There was no objection.

The CHAIRMAN. The gentleman from Nevada [Mr. ENSIGN] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

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

Mr. Chairman, I offer my amendment to ensure that we keep the promises made to our veterans. The Ensign amendment is about the contract with those who have served our Nation honorably without fundamentally altering the priorities set forth in the bill before us today.

First, I want to commend the chairman of the subcommittee, Mr. LEWIS, for making tough choices. In most instances, the VA/HUD subcommittee has accommodated or exceeded the President's requested funding levels in veterans programs such as compensation and pensions, readjustment benefits, and extended care facility grants.

H.R. 2099 recognizes the invaluable contribution veterans have made to our national security, and in turn, extends security to those in time of need.

Although I appreciate the fact that this measure meets or exceeds the President's request in several accounts, I must respectfully take issue with the funding level included in H.R. 2099 for the Veterans Health Administration's medical care account. Even though the bill contains a \$499 million increase in VA medical care over last year's level, the President requested a higher level of \$16.96 billion in fiscal year 1996 for veterans medical care. The higher level is needed to provide high quality health care services to all veterans expected to seek care in 1996.

Even with the adoption of the manager's amendment, a \$184 million gap still exists between the President's VA health care request and the recommended appropriation of \$16.77 billion. I am concerned that this disparity will deprive veterans of the care that they so desperately need.

My amendment would close the \$184 million veterans medical care gap and still provide approximately \$2 million in savings which could be used for deficit reduction. The Ensign amendment would reduce the National Science Foundation's research and related activities account by \$235 million. In H.R. 2099, the research and related activities account was cut by only \$26 million from the fiscal year 1995 level. I find it hard to believe that there was only room for a \$26 million cut in a \$2.25 billion account. Even an additional \$235 million cut represents slightly more than a 10-percent reduction in this account's fiscal year 1996 appropriation.

Surely, when veterans are facing the prospect of losing access to health care, the NSF can take a 10-percent cut. I personally support NSF and the projects it supports in Nevada. However, NSF should be treated fairly, and I believe my amendment allows NSF to continue its vital research.

To complete the offset, my amendment would reduce the appropriation for NASA's human space flight account by \$89.5 million. Again, we are talking about a very small reduction in NASA's \$13.67 billion allotment. We have heard arguments from both sides about the space station and whether or not we can afford the space station in a time of great fiscal restraint. My amendment unlike other amendments, will not decimate the space station program. No specific human space flight program or initiative is targeted in my amendment. \$89.5 million is a modest cut and represents reasonable middle ground.

Between the offsets from the NSF and NASA, we can meet the President's request for health care and still provide resources for scientific research and exploration.

Mr. Chairman, I also want to focus for a moment on the skyrocketing costs of health care. We are about to reform Medicare, and I would be the

first one to rise in support of reforming our complete veterans' health care program. But until we do that, we need to completely fund our veterans' health care program. My amendment brings the funding level up to the President's requested level for fiscal year 1996. I urge its support.

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

The CHAIRMAN. Does the gentleman from California, chairman of the subcommittee, rise in opposition?

Mr. LEWIS of California. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 7½ minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise reluctantly in opposition to the Ensign amendment. I do so specifically because of the fact that this subcommittee report is a very carefully crafted and delicately balanced report.

The very account that the gentleman from Nevada [Mr. ENSIGN] is addressing himself to is that account that we are most sensitive about. It is the only account within my entire bill that has any significant adjustment upwards. Indeed, we provide in the medical care section of this bill more than a half a billion dollars of the 1995 authorization as well as outlay. It is very, very important that we recognize that to imbalance this effort could throw the entire bill askew.

For example, NSF has already been cut by \$200 million. They are considerably below the President's request. This additional \$235 million in fundamental science work would have a dramatic and negative impact upon the work that the bill is attempting to carry forward.

In dealing with NASA, NASA is already itself over a half a billion dollars below the President's request. To strike that blow to our work in space is a very significant item.

One of the other elements I would mention is the fact that we are attempting to put some pressure on the Veterans' Administration, specifically because while we here in Congress are very empathetic to medical care needs of our veterans. Too often the system treats them like cattle in the districts where the hospitals are. We need to put pressure on this agency to rethink the processes they use whereby we deliver those services to veterans.

Mr. Chairman, I reluctantly but very strongly urge my colleagues to vote "no."

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

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

Mr. Chairman, while the remarks that the subcommittee chairman said are true, that it is important to have basic science research, it is important to have the programs that NSF supports and that NASA supports, it is

also true that it is critical that we maintain the contract that we have with the veterans in this country.

The reason that we have the freedoms to have basic science research in this country is because of the sacrifices that our veterans have made serving this country. I have 114,000 veterans in southern Nevada just in my district alone. Many of those veterans have to travel 4½ hours to southern California because there is not adequate funding levels at the hospital in Las Vegas to take care of their basic needs. Therefore, they have to travel all the way to southern California. I think this is a travesty to those people who have sacrificed so much, have had very little pay while they are in the service, spent a lot of time away from their families, a lot of them sacrificed limbs, a lot of them sacrificed a lot of their friends, people that they knew in battle, and to me and to a lot of the Members of this Congress, I think it is important that we maintain the contract that we have had with these veterans over the years.

I would strongly urge that Members consider supporting this amendment to bring the funding levels for 1996 up to what the President has proposed.

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

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

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

Mr. Chairman, I rise in opposition to this amendment. This is a case where you take the account that has been increased the furthest in the entire budget and then you hammer two accounts that have not taken significant increases. In particular I am very concerned about the fact that the National Science Foundation has been targeted by the gentleman from Nevada for increased cuts. This will amount to a 17 percent cut in the National Science Foundation and that is in the basic science accounts. This is where we do our basic research. This is the university money that is required in order to make certain that our university research programs stay alive.

Who are some of those universities? Well, the University and Community College System of Las Vegas got \$1.6 million. The University of Nevada at Las Vegas got over \$1 million in 1994. The Clark County School District got \$867,000. The University of Nevada Desert Research Program got \$1.731 million out of the National Science Foundation. On it goes, in programs that from everything I have been able to determine are high-quality research programs that are very, very important to the basic underlying fundamental science of this country.

□ 1815

And so, to devastate those accounts by taking them down by hundreds of millions of dollars in order to fund an account that we have already increased

significantly, it seems to me, is the wrong set of priorities.

I understand that the gentleman wants to keep our commitments, but we have commitments that are very, very important in science. There are many of these science researchers that over the years also feel that they have a commitment to making certain that we keep this Nation economically strong by having a good basic science base. This particular amendment will cut into that basic science base; this is one of the worst places that we can possibly find to cut programs in the entire VA-HUD budget.

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

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. DOYLE], a member of the committee.

Mr. DOYLE. Mr. Chairman, I rise in opposition to the amendment, and I do so with a unique perspective on this matter, as I am the only member of this body who sits on both of the authorizing Committees affected by this amendment.

I am honored to represent a district with one of the largest veterans populations, and I am extremely sensitive to the need to adequately fund veterans' health care. My father was a permanently disabled veteran. I could not imagine what my life would be like if he had not had access to quality VA health care.

It would be my preference to fully fund the administration's request for VA health care, which the amendment before us would do by cutting \$235 million from NSF's research account to achieve \$100 million in savings, coupled with a \$89.5 million in NASA funds. Despite my support for our nation's veterans, I cannot support this amendment because of its impact on the National Science Foundation.

In the Science Committee, we have gone to great pains, under the leadership of Chairman WALKER, to make the difficult decisions on funding priorities in order to achieve a balanced budget. I must tell the author of this amendment, since he wasn't present for the seven or so days that the Science Committee spent considering all the programs in its jurisdiction, that no federal agency enjoyed a greater degree of bipartisan support than the National Science Foundation.

We are already cutting this account by \$26 million from FY 95, and NSF as a whole is being cut by over \$200 million from the current year. I am not sure why NSF has been targeted by this amendment, but I cannot endorse this effort to support one worthwhile effort by cutting a greater amount of funds from another important program.

Mr. Chairman, for these reasons, although the reasons of the gentleman from Nevada [Mr. ENSIGN] are worthwhile, I have to oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my colleague,

the gentleman from California [Mr. BROWN], ranking member of the Committee on Science.

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

Mr. BROWN of California. Mr. Chairman, this is a battle that we have gone through many times before over the past years, and I have frequently sided with those who support the position of the gentleman from Nevada [Mr. ENSIGN] with regard to taking money from NASA or other science agencies and adding it to veterans, because I have such a feeling for the needs of the veterans.

But in this particular case, I spent most of the last week arguing that we had cut NASA too much already, over half a billion dollars, and voted against the space station because of those cuts that came out of NASA science, basically.

Mr. Chairman, I am constrained to oppose the amendment before us for that reason. I think that we have achieved a good balance, not at the level that I would want, but within the constraints of the money available; a good balance with the bill that we have.

Mr. Chairman, I would urge all of my colleagues to oppose this amendment and to support the numbers which are contained in the bill presented to us by the distinguished gentleman from California [Mr. LEWIS].

Mr. Chairman, I would like to rise in strong opposition to the amendment offered by Mr. ENSIGN. The amendment makes cuts to the National Aeronautics and Space Administration and the National Science Foundation that are ill-advised and will do serious damage if enacted.

Let us first consider the NASA cut. NASA's request for fiscal year 1996 has already been cut by \$600 million in this appropriations bill. In addition, NASA's funding plans have been cut by 35 percent since 1993. The proposed amendment would cut an additional \$90 million from NASA's human space flight account. Now, \$90 million does not sound like a great deal of money in a \$5 billion account, but in this case appearances are seriously deceiving.

NASA's human space flight account provides funding for the space station and the space shuttle. The station program was restructured in 1993, its overall development budget was cut by billions of dollars, and annual funding for the program was capped at \$2.1 billion. There is no room for additional cuts to the space station budget if the international space station is to meet its demanding schedule commitments.

The budget for space shuttle operations has been cut 23 percent since fiscal year 1992, and the President's fiscal year 1996 budget assumes that additional cuts will be made to the shuttle program during the period fiscal year 1997-2000. NASA is making plans to restructure the shuttle program to further reduce costs through contract consolidations and other management changes. However, the shuttle account cannot absorb additional cuts in fiscal year 1996 without running an unacceptable risk that the shuttle will not be able to carry out its missions, and that NASA will

not be able to make needed safety and performance upgrades.

I cannot stress too strongly how important it is not to impose additional budgetary stress on the space shuttle program at a time when the shuttle program is trying to adjust to the cuts already imposed on it. I do not think that I need to remind any Member that the shuttle is a very complicated machine. Indeed, this weekend's decision to defer further shuttle flights until NASA understands the current problem with the shuttle O-rings underlines the importance of proceeding with caution when dealing with the shuttle program.

Turning to the National Science Foundation, this amendment would cut \$235 million from NSF's research and related activities account. This account is already below the fiscal year 1995 funding level in the bill as reported by the Appropriations Committee. The additional proposed cut of 11.4 percent will harm basic research in many important fields of science.

Although NSF is a small agency with only about 4 percent of all Federal R&D funding, it is the only Federal agency mandated to strengthen the Nation's overall potential in science and engineering. Moreover, the Agency is a principal source of Federal support for basic research in the sciences, mathematics, and engineering: 60% of computer science support; 44% of mathematics support; 34% of biological sciences support; 33% of earth sciences support; and 19% of engineering support.

A cut of \$235 million translates into foregoing potential advances in knowledge in such fields as advanced computers and high-speed digital networks, electronic and structural materials, biotechnology, and nanoscience—the observation and manipulation of chemical, biological, and mechanical processes at the atomic scale.

The cut will also help to weaken the scientific infrastructure of universities. Last year, well over 20,000 senior scientists and 18,500 graduate students worked on research projects sponsored by NSF, mostly at colleges and universities. The proposed cut to NSF's research account would reduce these numbers by 2,100 scientists and 1,900 graduate students. In addition, 24 percent of the research and related activities budget supports unique national research facilities, such as telescopes, research ships, and supercomputers, all of which enable a broad range of research activities. Imposition of a \$235 million cut to the research account will mean that operations are reduced and maintenance delayed for these facilities.

Reductions in basic research budgets have consequences for the economic strength of the Nation and the future well being of its citizens. Federal support for basic research is an investment, as has been quantified by economists who find a social rate of return from basic research funding of 30 to 50 percent. The proposed cut to the NSF research budget is shortsighted.

I urge my colleagues to resist the temptation to make additional cuts to NASA and NSF.

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

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

Mr. LIVINGSTON. Mr. Chairman, I want to compliment the gentleman from California [Mr. LEWIS] on the outstanding job that he has done with a difficult bill.

This amendment highlights the problems that he has had with this bill. There are conflicting interests, all of which are necessary and vital. We pit NASA against housing; housing against veterans' benefits. There is no one in this Chamber that wants to cut any of these things unless it is absolutely necessary. And it is absolutely necessary to cut these to get to a balanced budget by the year 2002.

The gentleman's amendment is well intentioned, but it still cuts \$89.5 million out of NASA, and \$235 million out of the National Science Foundation. These cuts are proposed in an effort to help the veterans' programs which now currently, in this bill, receive \$562 million in medical benefits over and above what we spent last year. That represents a total of \$16.777 billion in medical care for veterans.

Mr. Chairman, nobody can say that that is not sufficient. We can always spend more money on these programs, but I would hope that the Members would understand that we cannot continue to spend more money on every good cause. We have got to try to balance the competing interests.

Mr. Chairman, this is a balanced bill. The gentleman from California [Mr. LEWIS] and the members of the Committee on Appropriations have tried to bring forward a balanced bill considering all of the needs: The needs of the veterans, the needs of science, the needs of NASA, and the needs of housing. Together, those needs demand that this amendment be rejected.

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

Mr. Chairman, while I respect the words that have been said by my colleagues and respect the work that has gone into making this bill, I still think that this is a question of priorities, and the priorities that I have remain with the veterans in this country.

When we are looking at limited funds, we do have to say, "What is important? How much should we spend on veterans? How much should we spend on science?"

Science is a theoretical number. Should we spend \$100 billion on those science programs? Should we spend \$200 billion? We have no idea what that number should be. It is some number floating out there.

We do know, Mr. Chairman, that veterans have those needs and we do know that we are not meeting those needs currently. To not increase this number up to what the President has requested, I think, would be doing a disservice to the veterans who have paid such a dear price in serving our country. That is why I have offered this amendment, because of the sacrifice that those veterans have made.

It is a question of priorities. There is no question.

Mr. Chairman, this is a difficult decision to make, and I appreciate what the subcommittee chairman and all the members of the committee have gone through in crafting this bill. To me, though, this happens to be a question of priorities. I believe that the NSF can take a 10-percent cut in this year's budget. It is just a question of the priorities that I have set for myself to come and represent the people of southern Nevada and especially those 114,000 veterans that I represent there.

I believe they deserve the medical care that they are to get this year. I would be the first one, though, to add my voice to reforming the whole veterans' medical care. It needs to be reformed just like Medicare does. We need to provide better service for less cost, and then maybe next year, we will not have this argument.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

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

Mr. ENSIGN. Mr. Chairman, I demand a recorded vote.

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

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WALKER] having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported 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.

PROVIDING FOR CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 205 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the

bill for failure to comply with clause 2(1)(6) of the rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. An amendment striking section 8021 and 8024 of the bill shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

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

(Mr. GOSS asked and was given permission to include extraneous material in the RECORD.)

Mr. GOSS. Mr. Speaker, I am pleased to bring to the floor yet another very fair and simple open rule. H. Res. 205 provides for one hour of general debate, equally divided between the majority and the minority. Following that, any Member can offer amendments in accordance with the rules of the House.

Members are encouraged, but not required, to preprint their amendments in the RECORD, so that we can engage in full and well-informed debate, and I think that is something that has actually worked out pretty well.

In addition, the committee granted limited waivers for the consideration of H.R. 2126, including waivers of clauses 2 and 6 of rule XXI regarding unauthorized appropriations and reappropriation within this bill.

The need for these protections, due to lack of the authorization for many of the programs, has been thoroughly debated, so I will not debate it here. We all know we have a problem between the authorizing and the appropriations cycle and that is part of the budget reform that we hope to bring forward.

In order to expedite the floor schedule and allow the House to complete its schedule appropriations work before the August break, which I think is of great interest to every Member and

probably the Nation at large as well, the committee granted waivers of clause 2(l)(6) of rule XI and clause 7 of rule XXII, regarding 3-day layovers for the committee report.

The report for H.R. 2126 has been available since Friday, however, and Members have had the weekend and then some time today to review this report. I would also point out that we have been through much of this in the authorizing process already as well.

Finally, Mr. Speaker, the last waiver granted is a technical one for section 306 of the Budget Act regarding measures under the jurisdiction of the Committee on the Budget reported by other committee. I would like to point out to Members that the two "offending" sections of the bill, 8021 and 8024, have been removed at request of the Committee on the Budget by a self-executing amendment, so I think that problem is behind us.

Mr. Speaker, that may seem like a lot of explanation for what really is, in essence, a very simple open rule, but I am confident that we have a very fair, I would say very open rule that will allow us to fully consider this vital appropriations measure.

Providing for our national defense is one of the few charges specifically given to the Congress of the United States under the Constitution and we cannot shirk our responsibilities in this area. Freedom is not free. The

American people demand a strong and ready force, capable of dealing with whatever crisis may arise, wherever it may happen, whenever it may happen.

We obviously must ensure that our armed services are the best trained, best equipped, best provided for, both for their benefit and ours. There are a few, I suppose, who still argue that the demise of the Soviet Union meant an end of all major threats to the United States' interests, therefore, we do not need much defense.

Mr. Speaker, those folks are wrong, in my view, and I think in most Americans' views. Vigorous military buildups in countries like Iran, North Korea, and China pose new challenges to American interests across the globe, not to mention the real threat we face from the slow but steady spread of nuclear capability to new countries and, possibly, to terrorist groups.

□ 1830

Nor could we totally ignore genocide as we now witness it in former Yugoslavia. Threats to democracy and our national security come in many forms, in many ways these days.

No, to most of us there is no question that we need a strong and ready defense, and I am pleased that after several years of steadily declining budgets and uncertain leadership from the administration these past 2 years, we now have a Department of Defense appro-

priation bill that begins to meet the needs both long term and immediate of our armed forces.

Make no mistake, many of the items funded in this bill are not for future acquisition of some high-tech weapons systems, but they are for things like food, clothing and other basic necessities for our men and women in the service.

The chairman of the Subcommittee on National Security Appropriations, my friend and distinguished colleague from Florida, the gentleman from Florida [Mr. YOUNG], presented the Committee on Rules with a list of these basic requirements that were not being met until now. That list, containing lots of nuts and bolts necessary to keep our forces fit, was put on a roll that stretched almost across the entire width of the Committee on Rules hearing room. We may even get to see that roll again before this debate is over.

So I congratulate the chairman, the gentleman from Florida [Mr. YOUNG], and the gentleman from Pennsylvania [Mr. MURTHA] and the rest of the Committee on Appropriations for their very hard work on this particularly important appropriations bill.

I urge support for the rule and support for H.R. 2126.

I include for the RECORD the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS

[As of July 31, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open <sup>2</sup> .....	46	44	40	73
Modified Closed <sup>3</sup> .....	49	47	13	23
Closed <sup>4</sup> .....	9	9	2	4
Totals: .....	104	100	55	100

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

<sup>3</sup> A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-100; A: 227-127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	
H. Res. 105 (3/6/95)	MO		Product Liability Reform	A: voice vote (3/6/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956		A: 257-155 (3/7/95).
H. Res. 109 (3/8/95)	MC			A: voice vote (3/8/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	PQ: 234-191 A: 247-181 (3/9/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: 242-190 (3/15/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/28/95)
H. Res. 119 (3/21/95)	MC			A: voice vote (3/21/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 217-211 (3/22/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: 423-1 (4/4/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: voice vote (4/6/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252-170 A: 255-168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225-191 A: 233-183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MillCon Appropriations FY 1996	PQ: 223-180 A: 245-155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232-196 A: 236-191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221-178 A: 217-175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258-170 A: 271-152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236-194 A: 234-192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235-193 D: 192-238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230-194 A: 229-195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242-185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232-192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217-202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: 230-189 (7/27/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. FROST. Mr. speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule providing for the consideration of the Department of Defense appropriation for fiscal year 1996. While I am concerned that once again the Committee on Rules did not seek fit to allow the amendment authored by the gentlelady from Colorado [Mrs. SCHROEDER], the rule otherwise will allow the House to consider amendments that will amend funding levels contained in the bill.

The Schroeder amendment, of course, seeks to reduce the overall funding level of the appropriation to the level originally sought by the administration. Mr. Speaker, while I personally would not support the Schroeder amendment, I do believe her amendment would have provided the House the opportunity to debate how many Federal dollars should be allocated to the Department of Defense in the coming and future fiscal years.

Mr. Speaker, H.R. 2126 closely tracks the provisions of the authorization bill adopted by the House in June. While the two bills are not identical, the appropriation does provide funding for advance procurement of two additional B-2 Stealth bombers. The committee is to be commended for this action and I support the inclusion of these advance procurement funds. I also commend the committee for including \$200 million in the bill for the continued development of the F-22 fighter.

Mr. Speaker, I have in my 17 years in Congress always been a supporter of a strong national defense. I intend to continue my record and support this rule and this appropriation.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from greater metropolitan Sandimas-Claremont, CA [Mr. DREIER], the distinguished vice chairman of the Committee on Rules.

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

Mr. Speaker, I rise in strong support of this rule. I would like to congratulate both my friend, the gentleman from Florida [Mr. YOUNG], and my friend, the gentleman from Pennsylvania [Mr. MURTHA], who have worked long and hard on this extraordinarily important piece of legislation.

This is an open rule. It is an amendment process which will allow Members to work their will on a wide range of issues that are going to be coming before us.

It is very important to note, as we embark on the defense appropriation bill, that this is legislation that we are addressing as we are all very concerned about the budget and the deficit and the national debt, and yet it seems to me that as we look at the preamble of the U.S. Constitution, it is very important for us to recognize that providing for the common defense is paramount.

There are a wide range of levels of government, State and local governments, county governments that can deal with many of the issues that the U.S. Government today addresses, and yet when it comes to the security of the United States of America, only one level of government, only one level of government is in a position to address those, and that is the U.S. Government.

So it is for that reason that we have to recognize the preeminence of the issue of defense appropriations.

Now, there are going to be some controversial questions that will come forward. The B-2 bomber is one which I know my very good friend, the gentleman from Missouri [Mr. SKELTON], and I have worked on for a number of years. Let me just say this very briefly about that issue, it seems to me if we look at this question and try to back off, it will be the first time in the history of our republic that we would have taken a retrograde step on a new and very important technology.

There are many who argue that since we have seen the demise of the Soviet Union, that it is no longer necessary, and yet there are potential conflicts in the Middle East which a friend of mine in California was talking to me about not too long ago, and other spots where this technology is very important, and it cannot be ignored.

I have to say that none of the jobs for this are actually in my district. I recognize that many of them are in California, but I believe this very firmly, because of the national security of our country, that what we should proceed with the B-2. I hope very much we will be successful when that comes up on the floor.

Let me say that I do congratulate again my friend, the chairman of the Subcommittee on Defense Appropriations, for the valiant effort he has put forward, the chairman of the full committee, the gentleman from Louisiana [Mr. LIVINGSTONE], and others who have been very involved.

I urge a "yes" vote on this open rule. Then we will look forward to having the House work its will.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise in support of this rule. First I compliment my friend, the gentleman from Florida [Mr. YOUNG], the chairman of the committee, and the gentleman from Pennsylvania [Mr. MURTHA], the ranking Democrat, for their excellent work as well as the full committee.

I also wish to express my appreciation and agreement with the funding for the two long-lead issues involving the B-2.

Of course, Whiteman Air Force Base is in the district that I am privileged to serve, but it is more than that. As the gentleman from California [Mr. DREIER] so eloquently pointed out, we must look to the future. We must look to future technology. This is the one weapons system that will allow us to

continue to bring the technology forward as we bring the troops and become more continental-based in our Air Force, Army, and Navy. This is what is called power projection. It not only can serve as a strong weapon, it can serve as an excellent deterrent to those who would cause mischief on the other side of the world.

Mr. Speaker, this is a dangerous world in which we live. Few Americans remember even last year that we came within a gnat's eyelash, not once, not twice, but three times to conflict; once involving Haiti, once involving North Korea, and the third time when we sent our troops over and successfully stopped Saddam Hussein from proceeding to the south of the border.

This dangerous world in which we live, and we being the only superpower on this Earth, it is incumbent upon us to be strong, to be militarily prepared. We should learn from history. We should learn that in the years past and the decades past, the United States of America, after every major conflict or every major threat, has cut itself militarily to the bone.

It is my intention to fight hard to keep that from happening now, and I am pleased to see so many Members of this House joining in that fight.

Mr. Speaker, you will recall that I offered a defense budget of my very own, increasing the administration's budget over 4 years by some \$44 billion. The budget that was adopted came relatively close to that. But we should make sure it is not just in the areas of technology, such as the B-2, not just in the areas of weapons systems, ships and tanks, and guns, but we must look to taking care of the young men and young women who wear the American uniform. That is utmost. That is important in this bill, and I will vote for this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Speaker, the President of the United States is the Commander in Chief of the Armed Services.

This bill that will come before us provides funding for the Pentagon. What better bill to give the President a line item veto than the defense appropriations bill?

I have been a supporter since arriving here of the line item veto concept. You can debate and argue as to which particular approach is best, whether to have a pure veto by the President on a line item within one bill or whether, as the other body has proposed, to separate the bills into many different bills with separate enrollments, and have the President veto each separate bill, or whether, rather than vetoing the bill, to enhance the President's rescission authority so that he can strike out items, send them back here for us to vote on, whether we want to include or exclude that particular line item from the spending package.

While we can argue the constitutionality, while we can argue which is the best approach, I believe that it is critical that we give the President the opportunity to speak out, to include in the process his authority of line iteming each particular area that he feels ought to be cut.

I have proposed amendments on each of the last five appropriation bills to do that. They are not in order without a waiver. I acknowledge that. I commend the Committee on Rules for the openness of the bill which they have put forward.

I do wish, however, that we could waive the point of order to allow the provisions of line item veto to be placed on this one bill rather than amending and changing the process for every bill coming forward. If we could apply it to this one bill, have a test case, I believe it is important. I would urge this body to act.

We have yet to even appoint conferees on line item veto. It is important that we move forward.

Mr. FROST. Mr. Speaker, we urge adoption of the rule, and I yield back the balance of my time.

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

Mr. Speaker, I just simply would like to say that the gentleman from Utah [Mr. ORTON] has made a very important point about our concern about the line item veto, and I would like to have included, among the extraneous material that we are putting in the RECORD today, a statement from the Speaker of the House to the chairman of the Committee on Rules which says, from the Speaker, that he is committed to moving forward on line item veto and to that end he has promised to schedule a motion to go to conference on the line item veto and to appoint conferees press on the first day of House business in September. So we have achieved getting his attention and commitment to getting forward with that, and I will put that in the RECORD at this point.

We have a fair and open rule that allows Members to offer cutting amendments on an appropriations bill, and it is an honor to bring this appropriations bill to the floor with this good a rule on this important subject.

The letter referred to is as follows:

OFFICE OF THE SPEAKER,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, July 27, 1995  
Hon. GERALD B.H. SOLOMON,  
Chairman, Committee on Rules,  
Washington, DC.

DEAR JERRY: I want to thank you for your valuable contributions and ongoing efforts to move the Line-Item Veto Act to conference at the earliest practicable date.

The line-item veto is one of the most important commitments we made as a party in our Contract with America. I have every confidence that with your help and leadership we can resolve the vast differences that exist between the House and Senate passed bills over how best to fashion and implement the line-item veto authority for the President.

Although some have suggested we should delay the process of working out the dif-

ferences with the Senate, I want you to know I am committed to moving forward on this bill. To that end, you have my promise to schedule the motion to go to conference on the line-item veto and to appoint conferees on the first day of House business in September. You can be assured that I share your dedication to enacting this central component of our Contract with America.

Sincerely,

NEWT GINGRICH.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington.) The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 24, as follows:

[Roll No. 601]

YEAS—409

Abercrombie	Cardin	Edwards
Ackerman	Castle	Ehlers
Allard	Chabot	Ehrlich
Andrews	Chambliss	Emerson
Archer	Chapman	Engel
Armey	Chenoweth	English
Bachus	Christensen	Ensign
Baesler	Chrysler	Eshoo
Baker (CA)	Clay	Evans
Baker (LA)	Clayton	Everett
Baldacci	Clement	Ewing
Ballenger	Clinger	Farr
Barcia	Clyburn	Fattah
Barr	Coble	Fawell
Barrett (NE)	Coleman	Fazio
Barrett (WI)	Collins (GA)	Fields (LA)
Bartlett	Collins (IL)	Fields (TX)
Barton	Collins (MI)	Filner
Bass	Combest	Flanagan
Bateman	Condit	Foglietta
Beilenson	Conyers	Foley
Bentsen	Cooley	Forbes
Bereuter	Costello	Fowler
Berman	Cox	Fox
Bevill	Coyne	Frank (MA)
Bilbray	Cramer	Franks (NJ)
Bilirakis	Crane	Frelinghuysen
Bishop	Crapo	Frisa
Bliley	Cremins	Frost
Blute	Cubin	Funderburk
Boehlert	Cunningham	Furse
Boehner	Danner	Gallegly
Bonilla	Davis	Ganske
Bonior	de la Garza	Gejdenson
Bono	Deal	Gekas
Borski	DeFazio	Gephardt
Boucher	DeLauro	Geran
Brewster	DeLay	Gibbons
Browder	Dellums	Gilchrest
Brown (CA)	Deutsch	Gillmor
Brown (FL)	Diaz-Balart	Gilman
Brown (OH)	Dickey	Gonzalez
Brownback	Dicks	Goodlatte
Bryant (TN)	Dingell	Goodling
Bryant (TX)	Dixon	Gordon
Bunn	Doggett	Goss
Bunning	Dooley	Graham
Burr	Doolittle	Greenwood
Burton	Dornan	Gunderson
Buyer	Doyle	Gutierrez
Callahan	Dreier	Gutknecht
Calvert	Duncan	Hall (TX)
Camp	Dunn	Hamilton
Canady	Durbin	Hancock

Hansen	McHale	Saxton
Harman	McHugh	Scarborough
Hastert	McInnis	Schaefer
Hastings (FL)	McIntosh	Schiff
Hastings (WA)	McKeon	Schroeder
Hayes	McKinney	Schumer
Hayworth	McNulty	Scott
Hefley	Meehan	Seastrand
Hefner	Meek	Sensenbrenner
Heineman	Menendez	Serrano
Herger	Metcalfe	Shadegg
Hilleary	Mfume	Shaw
Hilliard	Mica	Shays
Hinchey	Miller (CA)	Shuster
Hobson	Miller (FL)	Sisisky
Hoekstra	Mineta	Skaggs
Holden	Minge	Skeen
Horn	Mink	Skelton
Hostettler	Molinari	Slaughter
Houghton	Montgomery	Smith (MI)
Hunter	Moorhead	Smith (NJ)
Hutchinson	Moran	Smith (TX)
Hyde	Morella	Smith (WA)
Inglis	Murtha	Solomon
Istook	Myers	Souder
Jackson-Lee	Myrick	Spence
Jacobs	Nadler	Spratt
Johnson (CT)	Neal	Stearns
Johnson (SD)	Nethercutt	Stenholm
Johnson, E. B.	Neumann	Stokes
Johnston	Ney	Studds
Jones	Norwood	Stump
Kanjorski	Nussle	Stupak
Kaptur	Oberstar	Talent
Kasich	Olver	Tanner
Kelly	Ortiz	Tate
Kennedy (MA)	Orton	Tauzin
Kennedy (RI)	Owens	Taylor (MS)
Kennelly	Oxley	Taylor (NC)
Kildee	Packard	Tejeda
Kim	Pallone	Thomas
King	Parker	Thompson
Kingston	Pastor	Thornberry
Kleczka	Paxon	Thornton
Klink	Payne (NJ)	Tiahrt
Klug	Payne (VA)	Torkildsen
Knollenberg	Peterson (FL)	Torres
Kolbe	Peterson (MN)	Torricelli
LaFalce	Petri	Towns
LaHood	Pickett	Trafficant
Lantos	Pombo	Upton
Largent	Pomeroy	Velázquez
Latham	Porter	Vento
LaTourette	Portman	Visclosky
Laughlin	Poshard	Vucanovich
Leach	Pryce	Waldholtz
Levin	Quillen	Walker
Lewis (CA)	Quinn	Walsh
Lewis (GA)	Radanovich	Wamp
Lewis (KY)	Rahall	Ward
Lightfoot	Ramstad	Waters
Lincoln	Rangel	Watt (NC)
Linder	Reed	Watts (OK)
Lipinski	Regula	Waxman
Livingston	Richardson	Weldon (FL)
LoBiondo	Riggs	Weldon (PA)
Lofgren	Rivers	Weller
Longley	Roberts	White
Lucas	Roemer	Whitfield
Luther	Rogers	Wicker
Maloney	Rohrabacher	Williams
Manton	Ros-Lehtinen	Wilson
Manzullo	Rose	Wise
Markey	Roth	Wolf
Martinez	Roukema	Woolsey
Martini	Roybal-Allard	Wyden
Mascara	Royce	Wynn
Matsui	Rush	Yates
McCarthy	Sabo	Young (FL)
McCollum	Salmon	Zeliff
McCrary	Sanders	Zimmer
McDade	Sanford	
McDermott	Sawyer	

## NAYS—1

Franks (CT)

## NOT VOTING—24

Becerra	Jefferson	Pelosi
Coburn	Johnson, Sam	Reynolds
Flake	Lazio	Stark
Ford (TN)	Lowe	Stockman
Green	Meyers	Thurman
Hall (OH)	Moakley	Tucker
Hoke	Mollohan	Volkmer
Hoyer	Obey	Young (AK)

## □ 1902

Mr. ZELIFF and Mr. OWENS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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.

## □ 1904

## 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 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 earlier today, title V was open for amendment at any point.

Are there further amendments to title V?

## AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. 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. DORNAN:  
Amendment No. 71: Page 88, after line 3, add "Sec. 519. None of the funds under this Act shall be used for the Senior Environmental Employment Program."

## PARLIAMENTARY INQUIRY

Mr. SCHUMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCHUMER. Mr. Chairman, it is my understanding we were going to vote on the two previous amendments, the Durbin-Dingell and one other, and then go to amendments on VA-HUD. Could the membership be informed as to what the plan is? I understand there needs to be some time to count votes and things; that is fine. But just what is the specific plan?

The CHAIRMAN. The plan is, as the Chair announced, to consider amendments to title V that were earlier not offered because Members were not present, and at the point that those amendments have been voted upon,

then consider all of the remaining amendments to the bill.

Mr. SCHUMER. So, just to continue my parliamentary inquiry, does this mean all votes, including the Durbin-Wilson-Dingell and Ensign amendments, and votes on additional amendments, will be rolled until the end of the bill?

The CHAIRMAN. That may happen. The Chair cannot totally restrict the offering of amendments after that block of votes in that title V of the bill would still be open for amendment until the Committee rises. The Chair could not restrict Members from having the authority to offer those amendments.

Mr. SCHUMER. Mr. Chairman, I am not asking if Members will be restricted in offering amendments. I am simply asking when we can expect the next block of votes.

The CHAIRMAN. The Chair was simply trying to state that following the amendments that would be offered now, they will be taken in order, the three the gentleman from New York [Mr. SCHUMER] mentioned plus others that may be offered on which votes are called.

Mr. SCHUMER. Just extending my inquiry, Mr. Chairman, does that mean, if, say, there is a vote on the amendment being offered by the gentleman from California [Mr. DORNAN] which will be debated very soon, will we vote on that immediately after the debate on that amendment, or will that be pushed to the back like these amendments, the Durbin-Wilson-Dingell and Ensign amendments?

The CHAIRMAN. If requested, a roll-call vote on the amendment offered by the gentleman from California [Mr. DORNAN] would come at the end of the three which have already been postponed, and the further amendments would then come in order as well.

Mr. SCHUMER. So in other words, Mr. Chairman, it would be fair to say that we are going to roll all votes until we finish debating all the amendments?

The CHAIRMAN. It would be fair to state that that is correct.

The Chair would make this exception:

If after the series of votes taken on all amendments on which votes have been requested, if there were amendments which were in order that were offered, then the Chair would obviously recognize those.

So the Chair is only stating there could possibly be amendments offered after the votes.

Mr. SCHUMER. Understood, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this is a cost-saving measure that would be on page 88 at the very end of the bill. It would simply say that in creating a new section 509 that none of the funds under this act shall be used for the Senior Environmental Employment

Program. This is a program that is not offered, that will be removed in the authorization process. Again, we have the appropriating process without authorization. It is \$55 million, and, when I became aware of it, it was breathtaking to see that six groups of senior citizens, and only six, selected in a very partisan way. It is a disguised form of patronage, that six senior citizen groups, and only six, would get grants, dozens of grants, totaling up to over \$54 million, to be hired with taxpayers' money as so-called volunteers, all at the call of the Environmental Protection Agency to put them wherever they want and to spend these grants in any way they want without any oversight.

So I think it is time, in a reduction of taxpayers' spending in our Government, that we take out these \$55 million of funds now by just merely denying that any of these funds shall be spent under the act to fund the Senior Environmental Employment Program.

Mr. LEWIS of California. Mr. Chairman, my colleagues, I rise in opposition to this amendment, but I do so with some serious reservations.

As the Members know, as we reviewed this bill, because it was a brand new ball game in which money was flowing through to several accounts following this recent election year. There were areas of the bill that justified consideration for adjustment, or perhaps even termination. Because of that we sought out those people who were working on the policy side of the House, the authorizing committees, working very closely to try to determine which programs might very well be reduced, changed, or otherwise.

□ 1915

Mr. Chairman, this was a program that I personally looked at rather closely. We did not come to an agreement with the authorizing committee regarding this amount. Because of that, I am only resisting my colleague's position because it does not have the approval of the authorizing committee, and therefore probably should not be a part of this bill. That is the basis of my resistance.

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

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

Mr. DORNAN. Mr. Chairman, if the authorizing committee, and it would start with the subcommittee, chaired by our colleague, the gentleman from California [Mr. ROHRBACHER], terminated this Senior Environmental Employment Program, would the gentleman support that, as a Member, at the authorizing level?

Mr. LEWIS of California. I would want to evaluate it at a lot more depth than I have before. I certainly would be inclined in that direction. If the gentleman would decide to withdraw his amendment, I would be happy to work with him.

Mr. DORNAN. If the gentleman would further yield, Mr. Chairman, he has done such an outstanding job managing this bill, and has put so much effort into it and burned the midnight oil so much, that I will gladly accept that offer to work together on this, and withdraw the amendment.

Mr. LEWIS of California. I would very much appreciate my colleague's cooperation in that connection, Mr. Chairman. It would certainly help the House.

Mr. DORNAN. Mr. Chairman, the Senior Environmental Employment [SEE] Program at the EPA is the most egregious example of what's wrong with how things work in Washington. The SEE Program is little more than a relic of the Tammany Hall era.

Every year six and only six liberal special interest groups catering to senior citizens pay salaries to hundreds of their members to work at EPA facilities all over the country. The employee's salary, fringe benefits, travel expenses, registration fees, and medical monitoring are all covered by the liberal special interest group. The groups provide the jobs and their members are grateful.

The only problem with this cozy scenario is that none of the money used by the special interest groups to pay their members is their own money. All the money used in the SEE Program comes from taxpayers.

This means that lobbying groups such as AARP and the National Council of Senior Citizens [NCSC] receive millions of tax dollars each year to give patronage jobs to their members. And on top of it all, these groups get to keep up to 45 percent of these tax dollars for administrative and related costs.

In 1994 alone, the AARP received nearly \$25 million from taxpayers to hire their mem-

bership for positions at EPA facilities all around the Nation. Of this \$25 million AARP kept \$10 million for itself. NCSC kept \$3 million out of \$9 million for its operations.

This is a patronage jobs program and nothing less.

The Dornan amendment to H.R. 2099, the VA, HUD, and Independent Agencies appropriations bill would strike \$55 million for the express purpose of defunding the SEE Program at EPA.

Mr. Chairman, just a moment to explain how the program works. The EPA awards cooperative agreements to the six and only six, special interest groups throughout the United States to recruit older workers for temporary and part-time positions. The older Americans—55 years or older—who are selected to join the program are called SEE enrollees and they receive compensation from the grantee organization. They are not Federal employees. The grantee organization works with the requesting EPA office to develop appropriate part-time or temporary assignments as support staff in designated EPA offices. The grantee recipient of our taxpayers money is responsible for recruiting, screening and compensating the SEE enrollees. Once enrollees are placed, an EPA employee monitors their activities.

The only requirements for participation in the program are that the applicant be at least 55 years of age and the applicant must operate through one of the six grantee organizations. SEE enrollees receive hourly compensation and are entitled to the fringe benefits offered by the grantee organization.

By law, only certain private, nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 are eligible. These eligible grantees are limited to just six: First, American Association of Retired Persons [AARP] Senator SIMPSON to the rescue, please; second, National Council of Senior Citizens [NCSC]; third, National Council on Aging [NCA]; fourth, National Caucus and Center on Black Aged [NCCBA]; fifth, National Association for Hispanic Elderly [NAHE]; and sixth, National Pacific/Asian Resource Center on Aging [NPARCA].

No other seniors organizations are eligible as grantees. All older Americans wanting to participate in the SEE Program must work through one of these six grantees. Listen as I read the numbers of grants awarded along with the tax dollars given just in 1994 to these special interests.

Group	AARP	NCSC	NCA	NCCBA	NAHE	NPARCA
No. of grants	128	53	11	66	23	26
Total dollars	24,882,366	9,035,147	1,030,506	7,380,675	4,688,178	3,544,841

The SEE Program issued 307 grants totaling over \$50 million in 1994. SEE grants to AARP and NCSC amounted to 67 percent of all SEE grants issued comprising 59 percent of all SEE funding. AARP and NCSC are the only two grantees with registered House lobbyists, 52 and 9 respectively.

Mr. Chairman, grantees are allowed to keep a certain percentage of SEE funds allocated for related costs of providing employment for each enrollee. These add-ons include: fringe benefits, travel, training and registration fees, medical monitoring, and administrative costs.

Each grantee is allowed up to 15 percent for administrative costs.

What this means, Mr. Chairman, is that on top of the 15 percent for administrative costs that each of these six grantees can charge taxpayers, they also are able to charge taxpayers for all sorts of benefits for their enrollees.

As a result, AARP skims 40 percent off of each grant. NCSC takes 33 percent. NCA grabs 30 percent. NCCBA snatches 17 off the top. NAHE squeezes 35 percent from taxpayers. And NPARCA siphons off a monumental 45 percent.

In 1994, those indirect costs amounted to \$10 million for AARP, \$3 million for NCSC, \$300,000 for NCA, \$2 million for NCCBA, \$1.6 million for NAHE, and another \$1.6 million for NPARCA.

Mr. Chairman, if we want to come up with a workfare jobs program for seniors, certainly we could do a much better job than the SEE Program at EPA. Older Americans involved in the SEE Program would actually be much better off if the Federal Government just gave them the money directly rather than funneling

the money through six Great Society lobby groups.

Why not take the \$50 million paid to the SEE Program in 1994 and just disperse it out evenly to all American seniors, rather than route the money through select liberal special-interest groups to a few select patrons? The AARP and the National Council of Senior Citizens alone skimmed \$13 million off the top of the \$50 million issued by the program in 1994. Thirty-seven percent of all the SEE money in 1994 went to cover the overhead of just six special interest lobbies who hold an iron grip monopoly on the program.

Why aren't my few opponents to this amendment looking for private sector ways to meet the legitimate needs of senior citizens? The United Seniors Association and 60Plus are two seniors groups which support my amendment. But, of course, they don't have any vested interest in the success of the SEE Program. It is not coincidental that the only voices you'll hear in opposition to my amendment are voices protecting wallets being lined with tax dollars from this program.

Mr. Chairman, I urge my colleagues to put an end to patronage jobs at EPA, and vote "yes" on the Dornan amendment.

My amendment has the full support of: United Seniors Association; the 60Plus Association; Citizens Against Government Waste; the National Tax Limitation Committee; Americans for Tax Reform; National Legal and Policy Center; the National Right to Work Committee; and the American Conservative Union.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 70 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. 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. WELDON of Florida: At the end of the bill, add the following new title:

TITLE VI—ADDITIONAL PROVISIONS  
DEPARTMENT OF VETERANS AFFAIRS  
DEPARTMENTAL ADMINISTRATION  
CONSTRUCTION, MAJOR PROJECT  
(INCLUDING TRANSFER OF FUNDS)

For construction of a medical facility in Brevard County, Florida, to be derived by transfer from the amount provided in title III of this Act under the heading "Federal Emergency Management Agency—Disaster Relief", \$154,700,000.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent that I be given 6 minutes to explain my amendment, 3 minutes of which I will yield to the gentlewoman from Florida [Ms. BROWN].

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. WELDON] will be rec-

ognized for 3 minutes, and the gentlewoman from Florida [Ms. BROWN], will be recognized for 3 minutes.

The Chair recognizes the gentleman from Florida [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise today, with my colleague from Florida, to urge you to join me in providing a hospital for east-central Florida's veterans. This project has been on the books at the VA for over a decade.

My amendment transfers \$154.7 million from the Federal Emergency Management Administration [FEMA] to the Veterans' Administration's major construction account.

As a veteran and a doctor who has served many of these veterans, I understand their need firsthand.

While the veteran population in most of the country has declined, Florida has seen a 25-percent increase over the last 10 years. Yet, the availability of veterans medical facilities has not kept pace with the influx.

This will restore funding for the east-central Florida hospital at the President's 1996 budget request. This funding will complete a project that received \$17.2 million in design money last year.

There is money available in FEMA's budget. In addition to the \$235 million appropriated for FEMA disaster assistance in the bill before us, the Committee report states that:

There is a significant unobligated balance of disaster relief funds made available in prior years as well as a fiscal year 1995 supplemental appropriation of \$6.55 billion for past and anticipated disaster relief.

Today 100 veterans will move from New York, Wisconsin, Michigan, Ohio, Pennsylvania, Illinois, New Jersey, and other States to Florida. Tomorrow another 100 will come.

The influx of veterans hasn't stopped, but the VA's ability to provide these veterans with medical care has. Florida's medical facilities also serve thousands of veterans who come to Florida for the winter. To my colleagues, I would say that many of these veterans are your constituents and this hospital will serve their needs.

Florida ranks 2d in the Nation in veterans population, but 46th in medical care expenditure by the Veterans' Administration.

Florida has virtually no long-term psychiatric beds and the fewest total psychiatric beds per 1,000 veterans. The proposed veterans hospital is designed to serve this need. Veterans in my district needing long-term psychiatric care must go to northern Georgia some 500 miles away.

This amendment is about fairness. It's about guaranteeing our Nation's veterans, who happen to live in Florida, access to the same type of medical care that is available to veterans in other parts of the Nation.

Please vote for this amendment and help us serve all of our Nation's veterans.

Ms. BROWN of Florida. Mr. Chairman, I rise today on behalf of veterans

throughout this Nation and especially in Florida. The Weldon-Brown amendment will restore \$154,700,000 for a VA Medical Center in Brevard County, FL. This authorized project, included in President Clinton's budget for fiscal year 1996, has been planned for over 10 years.

Right now we have a disaster in Florida because Congress has not lived up to its commitment to veterans. The funds for this project will come from the Federal Emergency Agency Disaster Relief which has more than \$7 billion and currently has \$700,000 in discretionary funds.

Perhaps it was an oversight that the House Appropriations subcommittee decided to cut this funding. The 470 bed VA hospital will provide 240 acute care beds and 230 beds for Florida's mentally ill veterans.

Here are some of the shocking facts about Florida veterans:

First, one in every two veterans who moved last year, moved to Florida.

Second, Florida ranks second in the Nation in veterans population, but 46th in medical care funding by the VA.

Third, Florida has more than twice the national average of veterans per hospital.

Fourth, Florida VA facilities do not have long term beds for the mentally ill.

The Brevard VA Medical Center will greatly assist in caring for veterans, especially mentally ill veterans—many of whom are fragile and aging World War II and Korean conflict veterans. These, and all, veterans should expect and receive good care. If we cannot protect veterans in their time of need, how can we ask them to stand in harms way to protect us?

We all know that American men and women—in the prime of their lives—willingly go to remote parts of the world to defend this country. Sometimes they do not return. Sometimes they return wounded. Sometimes they return with wounds that do not surface until years later. War is never without human cost.

There can be no backing down on this matter. A vote to keep this veterans' project is a vote to keep a promise to our veterans. This project is critically necessary to Florida veterans. We must fund this project. We owe this to our veterans.

I have in my hand a copy of a letter from the Secretary of Veterans Affairs, Mr. Jesse Brown, to Chairman JERRY LEWIS. The letter is dated May 10, 1995. A part of the letter reads:

The need for additional VA hospital beds in Florida has been documented since December 1982, when VA completed the congressionally mandated "Thirty-Year Study of the Needs of Veterans in Florida." This and subsequent analyses support the need for the Brevard facility and identify a significant population of veterans with inadequate access to care. The nearest inpatient facilities are approximately 120 miles from the Brevard County population center. The Brevard hospital will provide primary and secondary medical and surgical services and

help fill a great need as a statewide referral center for chronically mentally ill veterans. The administration included in our fiscal year 1966 budget \$154.7 million, which represents full funding to complete construction of the Brevard County VA Medical Center, because of the unique need for a new hospital in this area and our desire to avoid the need for repeated, partial requests in the future. We have been moving forward with the advance planning for the project I believe we have demonstrated the value and need for this project. It is the right thing to do, and it is particularly appropriate that this project be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

I have a letter from Major General Earl Peck, Executive Director, Department of Florida Veterans' Affairs, dated July 27, 1995, which reads in part: "The veterans of Florida deeply appreciate the extraordinary efforts you and DAVE WELDON are making to save the Brevard VA Medical Center. It would be patently unfair for the Congress to terminate all VA construction and, thus, freeze Florida veterans in a permanently disadvantaged status."

Mr. Chairman, I submit for the RECORD the letter from the Secretary of Veterans Affairs, as well as the letter from General Earl Peck, Executive Director, Department of Florida Veterans Affairs, dated July 27, 1995, and the Department of Veterans Affairs fiscal year 1995 budget submission, "Construction Appropriations and Authorization," pages 2-6, 2-7, 2-8, 2-9, the Department of Veterans Affairs fiscal year 1996 Budget Submission, "Construction Appropriation and Authorization", page 2-11, 2-12, 2-13, and the Public Law referred to previously.

The material referred to is as follows:

THE SECRETARY OF VETERANS AFFAIRS,  
*Washington, May 10, 1995.*

Hon. JERRY LEWIS,  
*Chairman, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, House of Representatives, Washington, DC.*

DEAR CHAIRMAN LEWIS: I am following up on my March 13, 1995, letter requesting approval of our proposal to reprogram \$10 million from the Major Construction Working Reserve to the Advance Planning Fund. Of the \$10 million proposed for reprogramming, a total of \$5.5 million is needed to continue with our planning for the new Medical Center in Brevard County, Florida. I have not yet received an answer from you approving our proposal. Rather, we have been advised by Subcommittee staff that the reprogramming is not being approved for the Brevard project. As a result, as of May 1, the funding source for the Design Development of the Brevard County VAMC was exhausted, and we were forced to shut down this effort. We strongly urge your approval of the reprogramming so that further delay and disruption can be avoided on this extremely important project.

The need for additional VA hospital beds in Florida has been documented since December 1982, when VA completed the Congressionally mandated "Thirty-Year Study of the Needs of Veterans in Florida" (Public Law 97-101). This and subsequent analyses support the need for the Brevard facility and identify a significant population of veterans with inadequate access to care. The ratio of VA hospital beds to veterans is only 1.4/1000

for Florida, while it is 2.02/1000 nationally. When the Brevard VAMC is completed the ratio for Florida will still be only 1.69/1000. The nearest inpatient facilities to Brevard are Tampa and West Palm Beach, both approximately 120 miles from the Brevard County population center. The nearest outpatient facility is in Orlando, approximately 50 miles distant.

The Brevard hospital will provide primary and secondary medical and surgical services and help fill a great need as a statewide referral center for chronically mentally ill veterans. Florida VA hospitals have a much smaller percentage of psychiatry beds than VA hospitals nationwide and no psychiatry beds for the chronically mentally ill. Private providers and insurance coverage simply do not offer the range of treatment and services necessary for veterans with chronic psychiatric disorders. Even if these services were available from the private sector, reimbursement costs would be significantly higher than care through a VA facility. In 1989, the average cost of veteran admissions to non-VA hospitals in East Central Florida was 35.6 percent higher than care in VA hospitals. A similar study in Palm Beach County, using 1990 data, showed private sector costs were 35 percent to 113 percent higher than similar care in VA hospitals. Hospitalization in a VA medical center is cost-effective treatment.

Plans for Brevard include a 120-bed nursing home on the grounds. Florida has the highest percentage of veterans 65 years and older in the nation. They currently represent 30 percent of the state's veteran population and the numbers are increasing. Based upon the 1990 census, approximately 1,100 VA-operated nursing home care beds will be needed in Florida by FY 2005. VA currently operates 840.

In keeping with the fundamental changes which are taking place in modern health care, VA is moving vigorously toward outpatient treatment in lieu of hospitalization wherever medicine allows it. We are working to expand the number of cost-effective ambulatory care centers which provide primary and urgent care to veterans. However, both ambulatory care centers and nursing homes must be supported by modern inpatient services or they fail to offer the continuum of care necessary for the effective care of our veterans.

The Administration included in our FY 1996 budget \$154.7 million, which represents full funding to complete construction of the Brevard County VAMC, because of the unique need for a new hospital in this area and our desire to avoid the need for repeated, partial requests in the future. We have been moving forward with the advance planning for the project; and, at this time, our architects have developed and evaluated several schemes for the new medical center. We have selected the architectural proposal which will best meet the needs of our veterans, in the most cost-effective manner. The land, as you may know, has already been donated to the Federal Government, thus further reducing the cost of the project.

In FY 1995, the Congress provided \$17.2 million for preparation of Construction Documents; but, before they can be started, we must finish the earlier design stages which are paid for from the Advance Planning Fund. VA has already obligated about \$1.945 million out of the Advance Planning Fund for Schematic Design and site surveys. We now need to move into Design Development, and the reprogramming is necessary in order to fund this part of the work. Any further delay in the reprogramming will threaten the continuity of planning and design and thereby may compromise the quality of the product produced by the architectural office,

since they will soon be forced to disband the design team to other projects. It will also delay the schedule, forcing our veterans to wait longer for accessible medical care, and will increase the project cost through inflation.

I believe we have demonstrated the value and need for this project. Therefore, I urge you to act promptly to authorize us to continue our mission to our Nation's veterans by addressing recognized needs of Florida's veterans. It is the right thing to do, and it is particularly appropriate that this project be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

Sincerely,

JESSE BROWN.

STATE OF FLORIDA, DEPARTMENT OF  
VETERANS' AFFAIRS, OFFICE OF  
THE EXECUTIVE DIRECTOR

*St. Petersburg, FL, July 27, 1995.*

Hon. CORRINE BROWN,  
*House of Representatives,  
Washington, DC.*

DEAR CONGRESSWOMAN BROWN: The veterans of Florida deeply appreciate the extraordinary efforts you and Dave Weldon are making to save the Brevard VAMC. It would be patently unfair for the Congress to terminate all VA construction and, thus, freeze Florida veterans in a permanently disadvantaged status. Until we enjoy something approaching equitable access to VA health care, selected construction projects and resource reallocation must be fostered.

Thank you for the proposed amendment to HR2099 and your continuing support for Florida veterans.

Sincerely,

E.G. PECK, MGen USAF (Ret),  
*Executive Director.*

DEPARTMENT OF VETERANS AFFAIRS FISCAL  
YEAR 1996 BUDGET SUBMISSION  
BREVARD COUNTY, FL, NEW MEDICAL CENTER  
AND NURSING HOME

Proposal is to construct a new medical center with ambulatory care facilities and a nursing home.

I. Budget authority.—  
Total estimated cost ..... \$171,900,000  
Available through 1995 ..... 17,200,000  
1996 request ..... 154,700,000  
1997 or future .....

II. Priority score.—9.08.

III. Description of Project.—A new 470-bed medical center and 120-bed nursing home care unit will be constructed. The new hospital will provide 135 internal medicine, 60 intermediate care, 45 surgical and 230 psychiatric beds and an ambulatory care clinic to serve the veteran population in this newly defined distributed population planning base (DPPB) area. All associated site work, including surface parking spaces, is included in this project. An environmental impact statement has been accomplished in compliance with the National Environment Policy Act.

IV. Priorities/deficiencies addressed.—Provision of comprehensive primary care services will ensure equity of access to America's veterans irrespective of residence. The East Central Florida area has been identified for over ten years as a critically underserved area with a growing population of retired, limited income veterans. The project will provide capacity for comprehensive basic services. Service delivery will be organized around the managed care concept with primary and preventive care as a foundation.

V. Alternatives to construction considered.—In 1988, VA sent letters to hospitals located in the counties where construction of this new medical center was being considered. The purpose was to investigate potential opportunities to acquire by lease or purchase existing hospitals as an alternative to

VA construction. No favorable responses were received.

VI. Mission/background.—The proposed new medical center in Brevard County, Florida will be part of the Florida/Puerto Rico network. This network currently consists of five existing medical centers in Florida and one medical center in San Juan. Studies conducted in the early 1980's and revalidated in 1992, showed that, by the year 2005, VA will need approximately 1,000 additional hospital beds in the State of Florida to meet the veteran demand. The new 400-bed medical center in Palm Beach addresses a portion of the need for additional beds. The studies showed that a medical center in the East Central Florida area would serve a significant number of veterans that currently have no reasonable access to veterans health services. In March 1993, the Secretary of Veterans Affairs announced plans to construct new medical facilities to serve an expanding veteran population. Consideration was given to patient utilization and demographics, accessibility to other VA medical centers and projected patient lengths of stay. As a result, a site in Brevard County, near Rockledge, was chosen for construction of a VA medical center.

The new medical center will consist of 470 hospital beds and provide primary and secondary general medical and surgical care and acute psychiatric care. The medical center will have full ambulatory care capability. In addition, a 120-bed nursing home care unit will be constructed to address the critical need for nursing home care beds in the State of Florida.

VII. Affiliations sharing agreements.—This facility will not be affiliated with any medical schools.

VIII. Demographic data.—

	Current	Projected (2005)
Authorized beds:		
Hospital .....	0	470
Nursing home care .....	0	120
Outpatient visits .....	0	126,000

*Veteran Population Projections*

1992 .....	282,620
2000 .....	275,258
2005 .....	257,952

IX. Schedule.—

Complete design development .....	Feb 1996
Complete construction .....	Dec 1999

X. Project cost summary.—

New construction 792,524 gross square feet @ \$127.94 .....	\$101,397,000
Alterations .....	N/A
<b>Subtotal .....</b>	<b>101,397,000</b>

Other costs:

Site work, utilities, demolition and surface parking .....	13,057,000
Allowance for specialized equipment .....	507,000
120-bed nursing home care unit (57,886 gsf) .....	7,293,000
Energy plant (22,945 gsf @ \$482.47/gsf) .....	11,625,000
<b>Total other costs .....</b>	<b>32,482,000</b>

<b>Total estimated base construction cost .....</b>	<b>133,879,000</b>
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Construction contingency (5 percent) .....	6,694,000
Technical services (10 percent) .....	14,057,000
Construction management firm costs .....	4,113,000

Utilities agreements .....	2,200,000
<b>Total estimated base cost .....</b>	<b>160,943,000</b>
<b>Inflation allowance to construction contract award .....</b>	<b>10,957,000</b>
<b>Total estimated project cost .....</b>	<b>171,900,000</b>

XI. Annual operating staff and equipment costs.—

	Project activation costs	Present facility operating costs
Equipment costs .....	\$30,000,000	( <sup>1</sup> )
One time non-recurring cost .....	14,928,000	( <sup>1</sup> )
Recurring costs:		
Additional manpower FTE: 1,329 .....	73,760,000	( <sup>1</sup> )
Other recurring .....	14,928,000	( <sup>1</sup> )
Total recurring .....	88,688,000	( <sup>1</sup> )

<sup>1</sup> Not applicable.

DEPARTMENT OF VETERANS AFFAIRS FISCAL YEAR 1995 BUDGET SUBMISSION  
BREVARD COUNTY, FL—NEW MEDICAL CENTER AND NURSING HOME

Proposal is to construct a new medical center with ambulatory care facilities and a nursing home as a joint venture with Patrick Air Force Base Medical Command.

I. Budget authority.—

Total estimated cost .....	\$171,900,000
Available through 1994 .....	
1995 request .....	<sup>1</sup> 17,200,000
1996 or future .....	154,700,000

<sup>1</sup> Funds requested in 1995 are for design only.

II. Priority score.—12.95.

III. Description of project.—A new 470-bed medical center and 120-bed nursing home care unit will be constructed. The new hospital will provide 135 internal medicine, 60 intermediate care, 45 surgical and 230 psychiatric beds and an ambulatory care clinic to serve the veteran population in this newly defined distributed population planning base (DPPB) area. All associated site work, including approximately 1,300 surface parking spaces, is included in this project. An environmental impact statement has been accomplished in compliance with the National Environment Policy Act.

IV. Priorities/deficiencies addressed.—Only availability of comprehensive primary care services will ensure equity of access to America's veterans irresponsible of residence. The East Central Florida area has been identified for over ten years as a critically underserved area with a growing population of retired, limited income veterans. An opportunity has been identified through a joint venture with Patrick Air Force Base to correct equity of access issues in a cost-effective manner. The project will provide capacity for comprehensive basic services. Service delivery will be organized around the managed care concept with primary and preventive care as a foundation.

V. Alternatives to construction considered.—In 1988 VA sent letters to hospitals located in the counties where construction of this new medical center was being considered. The purpose was to investigate potential opportunities to acquire by lease or purchase existing hospitals as an alternative to VA construction. No favorable responses were received. Land has been donated for this project near Patrick Air Force Base, which provided an ideal opportunity for cost-effective sharing arrangements with Patrick Air Force Base and joint venture construction.

VI. Mission/background.—The proposed new medical center in Brevard County, Florida will be part of the Florida/Puerto Rico network. This network currently consists of five existing medical centers in Florida and one medical center in San Juan. Studies con-

ducted in the early 1980's and revalidated in 1992, showed that, by the year 2005, VA will meet approximately 1,000 additional hospital beds in the State of Florida to meet the veteran demand. A new 400-bed medical center currently under construction in Palm Beach addresses a portion of the need for additional beds. The studies showed that a medical center in the East Central Florida area would serve a significant number of veterans that currently have no reasonable access to veterans health services. In March 1993, the Secretary of Veterans Affairs announced plans to construct new medical facilities to serve an expanding veteran population. Consideration was given to patient utilization and demographics, accessibility to other VA medical centers and projected patient lengths of stay. As a result, a site in Brevard County, near Rockledge, was chosen for construction of a VA medical center. Patrick Air Force Base is located approximately seven miles to the southeast, so that this site is conducive to a VA/Air Force joint venture.

The new medical center will consist of 470 hospital beds and provide primary and secondary general medical and surgical care and acute psychiatric care. The medical center will have full ambulatory care capability. In addition, a 120-bed nursing home care unit will be constructed to address the critical need for nursing home care beds in the State of Florida.

VII. Affiliations/sharing agreements.—This facility will not be affiliated with any medical schools. Discussions to share services are part of the project development efforts in progress with the Air Force.

VIII. Demographic data.—

	Current	Projected (2005)
Authorized beds:		
Hospital .....	0	470
Nursing home care .....	0	120
Outpatient visits .....	0	126,000

*Veteran Population Projections*

1992 .....	282,620
2000 .....	275,258
2005 .....	257,952

IX. Schedule.—

Complete schematics/design development .....	July 1995
Complete construction .....	Sept. 1999

X. Project cost summary.—

<i>Phase I (Nursing Home, energy plant, foundation, substructure, and superstructure for main building)</i>	
New construction (NHC) 49,600 gross square feet @ \$135.00 .....	\$6,696,000
Alterations .....	N/A
<b>Subtotal .....</b>	<b>6,696,000</b>

Other costs:

Site work, utilities, demolition and surface parking .....	4,172,000
Energy plant (21,400 gsf) .....	10,431,000
Main building (foundation, substructure, superstructure) .....	20,547,000
Pre-design development allowance (10 percent) .....	4,184,000
<b>Total other costs .....</b>	<b>39,334,000</b>

<b>Total estimated base construction cost .....</b>	<b>46,030,000</b>
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Construction contingency (5 percent) .....	2,302,000
Technical services (10 percent) .....	4,833,000

Construction management firm costs .....	1,367,000
Total estimated base cost .....	54,532,000
Inflation allowance to construction contract award .....	2,068,000
Total estimated project cost .....	56,600,000
<i>Phase II (Remainder of main building)</i>	
New construction (Hospital) 716,800 gross square feet @ \$100.96 .....	72,366,000
Alterations .....	N/A
Subtotal .....	72,366,000

Other costs:	
Site work, utilities, demolition and surface parking .....	10,029,000
Allowance for specialized equipment .....	464,000
Pre-design development allowance (10 percent) ..	8,286,000
Total other costs .....	18,779,000
Total estimated base construction cost .....	91,145,000
Construction contingency (5 percent) .....	4,557,000
Technical services (10 percent) .....	9,570,000
Impact cost allowance .....	1,600,000
Construction management firm costs .....	2,752,000
Total estimated base cost .....	109,624,000

Inflation allowance to construction contract award .....	5,676,000
Total estimated project cost .....	115,300,000
XI. Annual operating, staff and equipment costs.—	

	Project activation costs	Present facility operating costs
Equipment cost .....	\$30,000,000	( <sup>1</sup> )
One time non-recurring cost .....	17,937,420	( <sup>1</sup> )
Recurring costs:		
Staffing FTE: 1,329 .....	78,381,870	\$0
Other recurring .....	17,584,390	0
Total recurring .....	95,966,260	0

<sup>1</sup> Not applicable.

This notification is made in accordance with Public Law 102-389, Title V, Section 516.

LEASE NOTIFICATION—ALL LEASES OVER \$300,000  
(Dollars in Thousands)

Location	Description	Fully serviced annual rent
Bay Pines (Fort Myers), FL ..	Satellite Outpatient Clinic ..	\$1,036
Denver, CO .....	Distribution Center/Expansion (GSA) ..	1,426
Hilo, HI .....	Residential Facility .....	419
New York, NY .....	Footwear Center .....	662
Rochester, NY .....	Outpatient Clinic/Relocation ..	667
San Diego, CA .....	Outpatient Clinic/VBA Regional Office.	3,750

Title 38, United States Code, Sections 8104(a)(2) (as amended by section 301(a), Public Law 102-405) requires statutory authorization for all major medical facility construction projects and major medical facility leases exceeding \$300,000 (including parking facilities) prior to appropriation of funds. In accordance with Title 38, United States Code, Section 8104(h) prospectuses for the

construction projects are reflected on pages 2-11 through 2-26 and 2-31 through 2-34. Prospectuses for the VA direct leases are reflected on pages 11-4 through 11-7. Authorization for construction of the Replacement Bed Building/Ambulatory Care Facility at Reno, NV, the VA/AF Joint venture at Travis, CA, the lease for the Residential Facility at Hilo, HI, and the lease for the Outpatient Clinic portion of the San Diego Collocation is not required under the exemption noted on page 11 (Paragraph 2). The Ambulatory Care Addition at Boston, MA and the Outpatient Clinic/Relocation lease at Rochester, NY were authorized in a prior year. VA is not requesting authorization for leases acquired through the General Services Administration (GSA).

FISCAL YEAR 1996 CONSTRUCTION, MAJOR PROJECT LEASE AUTHORIZATION  
(Dollars in thousands)

Location	Description	Authorization Request
MAJOR CONSTRUCTION		
Replacement and Modernization:		
Brevard County, FL .....	New Medical Center/NHCU ..	\$154,700
Patient Environment:		
Lebanon, PA .....	Renovate Nursing Units .....	9,000
Marion, IL .....	Environmental Improvements ..	11,500
Marion, IN .....	Replace Psychiatric Beds .....	17,300
Perry Point, MD .....	Renovate Psychiatric Wards .....	15,100
Salisbury, NC .....	Environmental Enhancements ..	17,200
	Total-Major .....	224,800
Leases:		
Bay Pines (Ft. Myers), FL ..	Satellite Outpatient Clinic ..	1,736
New York, NY .....	National Footwear Clinic .....	1,054
Total Leases .....		2,790

AN ACT To amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.

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 "Veterans Health Programs Extension Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

- Sec. 101. Sexual trauma counseling and services.
- Sec. 102. Research relating to women veterans.
- Sec. 103. Extension of expiring authorities.
- Sec. 104. Facilities in Republic of the Philippines.
- Sec. 105. Savings provision.

TITLE II—CONSTRUCTION AUTHORIZATION

- Sec. 201. Authorization of major medical facility projects and major medical facility leases.
- Sec. 202. Authorization of appropriations.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF

LIMITATION ON TIME TO SEEK SERVICES.—Subsection (a) of section 1720D is amended—

- (1) by striking out paragraph (2); and
- (2) by inserting after paragraph (1) the following new paragraph (2):

"(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran

\* \* \* \*

affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research."

(b) HEALTH RESEARCH.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

"(d)(1) The Secretary, in carrying out the Secretary's responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

"(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

"(A) Officials of the Department assigned responsibility for women's health programs and sexual trauma services.

"(B) The members of the Advisory Committee on Women Veterans.

"(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse)."

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is repealed.

(c) POPULATION STUDY.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: "If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women."

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES.—Chapter 17 is amended—

- (1) in section 1710(e)(3)—
  - (A) by striking out "June 30, 1994" and inserting in lieu thereof "June 30, 1995"; and
  - (B) by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995"; and
- (2) in section 1712(a)(1)(D), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—(1) Effective as of October 1, 1994, subsection (a) of section 1720C is amended by striking out "During the four-year period beginning on October 1, 1990," and inserting in lieu thereof "During the period through September 30, 1995,".

(2) Such subsection is further amended by striking out "care and who—" and inserting in lieu thereof "care. The Secretary shall give priority for participation in such program to veterans who—".

(d) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(e) **AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.**—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(f) **DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.**—Section 7(a) of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1995".

(g) **REPORT DEADLINES.**—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 38 U.S.C. 1720C note) is amended by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1995,".

**SEC. 104. FACILITIES IN REPUBLIC OF THE PHILIPPINES.**

Notwithstanding section 1724 of the title 38, United States Code, the Secretary of Veterans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

**SEC. 105. RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.**

Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

**TITLE II—CONSTRUCTION AUTHORIZATION**

**SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.**

(a) **PROJECTS AUTHORIZED.**—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

\* \* \* \* \*

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

Mr. Chairman, I would like to compliment both of my colleagues from Florida on their tireless efforts to see that the veterans of Florida, the many thousands that are moving to Florida each and every week, are properly cared for. There is no question but there is a crying need for these facilities. I would, however, oppose this amendment very strongly, and particularly tonight, in that the funding would come out of FEMA.

As we are seated in this Chamber tonight, a hurricane is bearing down on south Florida. That hurricane, we do not know whether it will come in somewhere in the Florida Keys, or

whether it will come in somewhere south of Sebastian, but right now it is predicted it is going to hit somewhere in south Florida. This would make a drastic need for FEMA and the funds that it carries, and it also, I think, really amplifies the need not to raid FEMA.

Several amendments have been offered under this bill that would raid these funds that will be desperately needed one day. Hopefully, south Florida will be spared tomorrow from the rages of this hurricane, but, nonetheless, it should underline to us our dependence in time of disaster upon FEMA.

I would, therefore, reluctantly, but very strongly, oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Mr. Chairman, the gentleman is from Florida, and he knows we already have a disaster in Florida as far as the veterans and our lack of health care facilities in Florida. In the FEMA funds there is over \$7 billion and an additional \$700 million in discretionary funds.

Mr. SHAW. Mr. Chairman, if the gentlewoman has completed her remarks, I think it is just a question that the timing is entirely wrong. The funding for FEMA is too important. I would urge a "no" vote.

**POINT OF ORDER**

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] insist on his point of order?

Mr. LEWIS of California. Yes. I do, Mr. Chairman.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XI. The rule states no amendment to a general appropriations bill shall be in order if it is changing existing law. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Florida wish to be heard on the point of order?

Mr. WELDON of Florida. Yes, Mr. Chairman, I wish to be heard on the point of order.

Ms. BROWN of Florida. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will protect the gentlewoman's right. The gentleman from Florida [Mr. WELDON] is recognized.

Mr. WELDON of Florida. Mr. Chairman, I believe that this project is an authorized project. Section 201 of Public Law 103-452, signed into law on November 2, 1994, states:

The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the president for fiscal year 1995.

In the President's fiscal year 1995 congressional submission for VA con-

struction, major projects, pages 2-7 through 2-9, the budget requests \$17.2 million for the design phase and \$154.7 million for fiscal year 1996 and beyond for the complete construction. The budget submission goes on to describe the proposed hospital.

It's clear to this Member that section 201 of the public law specifically authorizes all projects for which any funds were requested in the President's fiscal year 1995 budget request. Under this reading of the law, the committee, through Public Law 103-452, clearly provides an authorization for the full hospital, not simply the first phase—the design phase.

Section 201 clearly authorizes the Secretary to carry out the major medical facility projects for which funds are requested. The President's fiscal year 1995 budget requests funds for the VA hospital in Brevard.

Additionally, with regard to the chairman's statements that section 202 places a limitation on section 201. I strongly disagree with his interpretation.

The limitation may apply to the amounts that can be appropriated for these accounts in fiscal year 1995, however, the limitation in no way restricts the authorization of the project. This limitation is clearly limited only to the amount authorized in fiscal year 1995, not 1996 and beyond. The authorization for fiscal year 1996 and beyond remains intact. Section 202 does not affect this.

On this basis, I ask the chair to rule against the point of order and allow for consideration of the amendment.

□ 1930

Ms. BROWN of Florida. Mr. Chairman, I also want to go on record as saying this Brevard County project is more in order than other back-door projects that have been allowed by the chairman and that are not authorized. I submit these projects for the RECORD. I know they are all worthwhile. However, they have not been authorized for this year. I am submitting those 5 projects.

Further, I quote from the joint statement of the Committee on Veterans' Affairs which appears in the RECORD on October 7, 1994, regarding Public Law 103-452 title II, construction authorization: "The committee notes that some major medical facility projects in the VA fiscal year 1995 budget submission were authorized or partially funded in a prior year and therefore do not require authorization under section 8014 (a)(2) of title 38."

Mr. Chairman, it is a known fact that the hospital at Brevard County was partially funded in prior years. Therefore, based upon these facts, there should be no further need for authorization.

I also submit a letter from General Earl Peck and a letter from Secretary Jesse Brown to Chairman LEWIS stressing the need for this project.

The CHAIRMAN (Mr. COMBEST). The Chair is prepared to rule.

The gentleman from California makes a point of order that the amendment offered by the gentleman from Florida violates clause 2 of rule XXI by providing an unauthorized appropriation.

The amendment proposes to insert a new paragraph at the end of the bill that would reduce the amount provided for Federal Emergency Management Agency—Disaster Relief and provide appropriations to the Department of Veterans Affairs for the construction of a medical facility in Brevard County, FL.

The gentleman from Florida has not met his burden of proving that appropriations for fiscal year 1996 for the medical facility in Brevard County are authorized. Section 8104(a)(2) of title 38 precludes the appropriation of funds for a major medical facility project unless funds for that project have been specifically authorized by law. Section 201(a) of Public Law 103-452 authorizes any major medical facility project submitted by the President for fiscal year 1995. As mentioned by the gentleman from Florida, the Brevard County project was submitted in the President's 1995 budget request, as well as in his 1996 budget request. However, the authorization carried in section 201(a) of Public Law 103-452 is constrained by an accompanying limitation in section 202(b), which states that such projects may "only be carried out using funds appropriated for fiscal year 1995," thus limiting all authorizations for appropriations to fiscal year 1995 funds.

The Chair has not been provided with any documentation indicating that the medical facility in Brevard County is exempt from section 202 of Public Law 103-452, which limits authorization of appropriations for such project to fiscal year 1995.

The works-in-progress exception provided for in clause 2(a) of rule XXI may not be invoked for this project because the project is governed by a lapsed authorization and because actual construction has not yet begun.

Accordingly, the Chair sustains the point of order.

Are there other amendments to title V?

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk that the gentleman from Wisconsin [Mr. KLECZKA] and I had planned to offer.

Last week I asked the Committee on Rules to craft the VA-HUD rule in a manner that would give the Members of this House the opportunity to vote up or down on our proposal. Unfortunately my request was denied. Because Members will not be permitted to vote on this issue, I would like to just take a moment to explain why it was proposed.

Last year thousands of workers in my community got a major slap in the face when their employer told them their jobs would be moved to another part of the country.

If that was not bad enough, these loyal employees had salt rubbed in their wounds a short time later when they learned that their own Federal tax dollars would be used to help move their jobs elsewhere. Nearly a quarter of a million dollars in Community Development Block Grant money would be used to help the company they worked for expand a plant and move the jobs to another State.

Earlier this year, we learned that another company would be relocating its production facility to another State. At that time, it was announced that \$500,000 in CDBG funds would be used as part of the incentive package which lured the company to move these jobs.

These actions are dead wrong. The CDBG Program is designed to Foster Community and Economic Development, not to help move jobs around the country. Although we cannot reverse what has already happened, our amendment would stop this from happening again.

Our amendment would add an antiraiding provision to the Community Development Block Grant Program administered by the Department of Housing and Urban Development. It would prevent the use of Federal funds from being used to move jobs from one part of the country to another.

Congress and the executive branch have recognized the importance of preventing this type of economic relocation in the past. Similar antiraiding provisions are currently in effect for Economic Development Administration grants, Small Business Administration programs, and grant programs for dislocated workers.

And, as you may recall, our amendment received solid bipartisan support and passed the House as part of a bill reauthorizing HUD programs last year.

More recently, the White House Conference on Small Business overwhelmingly passed a resolution in June calling on Congress to ban the direct or indirect use of Federal funds of any kind that would lure existing jobs and businesses from one area to another. This issue is now one of 60 national issues endorsed by the Conference.

Mr. Chairman, I believe the Members of the House should have been given the opportunity to vote on this important initiative. If adopted, Wisconsin taxpayers and other taxpayers across our country would no longer be forced to pick up the tab for transferring jobs from their State.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, it is too bad that the amendment before us is not in order on this bill. Let me just say a couple of words about the Community Development Block Grant Program.

We are not here to decry the benefits because in our State and many other States it has worked so well. But it is not and it has never been incepted to be used as raiding jobs from one State

to another. Last year it happened in Wisconsin on a couple of occasions. Maybe if it happens to the State of California and New York and some other States, we will get more support on the House floor to change this. I would hope the chairman of the committee, not only the appropriation committee but also the authorizing committee, will look at this and deem it to be an essential part of any reform of the CDBG Program.

Again, it was never authorized and never meant to be a means of raiding jobs from one State to another. Maybe when it happens to Members from other States, you might be taking the floor and helping us out getting this amendment passed in a more appropriate way.

I thank my colleague from Wisconsin for yielding.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995 and today proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN]; amendment No. 38 offered by the gentleman from Michigan [Mr. DINGELL]; and an unnumbered amendment offered by the gentleman from Nevada [Mr. ENSIGN].

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

AMENDMENT NO. 7 OFFERED BY MR. DURBIN

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 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, led, or any known carcinogen".

Mr. VOLKMER. Mr. Chairman, I would like to take this opportunity to correct the numerous factual errors committed by the gentleman from Texas last Friday during last weeks debate on the Durbin-Wilson amendment to H.R. 2099.

First, I would like to tell the distinguished gentleman from Texas that the Continental Cement plant he referred to is not located in Hanover, MO. In fact, there is no Hanover, MO. It is located in my hometown of Hannibal. However, this error was only the first of many in his statement about Continental Cement.

The gentleman from Texas stated the EPA standard for arsenic emission is .4 parts per million and in 1993 the actual emission of the

plant was 97 parts per million. He goes on to state the EPA standard for lead is 400 parts per million and the plant's actual emission in 1993 was 2,700 parts per million. I would invite the gentleman from Texas to share his data with me on the 1993 test burn because the EPA did not even conduct arsenic or lead emissions tests at Continental Cement in 1993.

The test burn my colleague from Texas is referring to occurred in May of 1992. This type of EPA test required thousands of gallons of waste material containing heavy metals to be pumped into the kiln. This procedure is known as "spiking the kiln" and under normal operating conditions the plant would never burn such a concentration of heavy metals. During the test the EPA allowed Continental to emit 241 parts per million of lead and 2,198 parts per million of arsenic.

The kiln actually emitted 199.36 parts per million of lead and 33.83 parts per million of arsenic. Both arsenic and lead levels were well within the guidelines established by the EPA for the test burn and show that Continental Cement in Hannibal is not shirking its responsibility to the people or the environment.

Mr. GILLMOR. Mr. Chairman, I rise in opposition to this amendment and in support of the committee's provisions dealing with the combustion strategy. Let me briefly outline three reasons why.

First, the committee's language reaffirms the original congressional intent. When Congress passed the 1990 Clean Air Act which directed EPA to establish a combustion strategy and maximum achievable control technology, we did not intend for EPA to circumvent the legal and procedural safeguards the law requires. Currently, EPA is operating under an open process which allows all parties to comment on these proposed rules. This is "Big Brother" government at its worst.

Second, EPA has been zealous at best in setting standards for hazardous waste combustion that combine the authority of two dissimilar laws, one dealing with clean air and the other with recycling. The House Commerce Committee is slated to work on both bills this Congress. The power to draft the executive branch's enforcement options and procedures rests, constitutionally, with the Congress, not with the EPA by default.

Finally, this Congress is, if nothing else, skeptical of further regulation. The Wilson amendment reinforces EPA's ability to regulate, obfuscate, and eventually strangle at will. We should not allow EPA, through the combustion strategy, to go above and beyond its regulatory parameters. Congress must do more than provide a Band-Aid fix to an agency that requires major surgery.

I urge my colleagues to oppose this amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 188, noes 228, not voting 18, as follows:

[Roll No. 602]

AYES—188

Abercrombie	Gonzalez	Olver
Ackerman	Gordon	Owens
Andrews	Gutierrez	Pallone
Baldacci	Hamilton	Pastor
Barcia	Harman	Payne (NJ)
Barrett (WI)	Hastings (FL)	Pelosi
Beilenson	Hefner	Peterson (FL)
Berman	Hilliard	Peterson (MN)
Bevill	Hinchey	Pomeroy
Bishop	Horn	Porter
Blute	Jacobs	Poshard
Boehlert	Jefferson	Quinn
Bonior	Johnson (CT)	Rahall
Borski	Johnson (SD)	Ramstad
Boucher	Johnson, E. B.	Rangel
Browder	Johnston	Reed
Brown (CA)	Kanjorski	Richardson
Brown (FL)	Kaptur	Rivers
Brown (OH)	Kennedy (MA)	Roemer
Bryant (TX)	Kennedy (RI)	Roukema
Bunn	Kennelly	Roybal-Allard
Cardin	Kildee	Sabo
Castle	Klecza	Sanders
Clay	Klug	Sanford
Clayton	LaFalce	Sawyer
Clement	Lantos	Saxton
Clyburn	Lazio	Schroeder
Coleman	Leach	Schumer
Collins (IL)	Levin	Scott
Collins (MI)	Lewis (GA)	Serrano
Conyers	Lincoln	Shays
Costello	Lipinski	Skaggs
Coyne	LoBiondo	Slaughter
Davis	Lofgren	Smith (NJ)
DeFazio	Lowey	Spratt
DeLauro	Luther	Stokes
Dellums	Maloney	Studds
Deutsch	Manton	Stupak
Dicks	Markey	Taylor (MS)
Dixon	Martinez	Thompson
Doggett	Martini	Torkildsen
Durbin	Mascara	Torres
Engel	Matsui	Torricelli
Eshoo	McCarthy	Towns
Evans	McDermott	Upton
Farr	McHale	Velazquez
Fattah	McInnis	Vento
Fazio	McKinney	Visclosky
Fields (LA)	McNulty	Ward
Filner	Meehan	Waters
Foglietta	Meek	Watt (NC)
Forbes	Menendez	Waxman
Fox	Mfume	Weldon (PA)
Franks (CT)	Miller (CA)	Williams
Franks (NJ)	Mineta	Wilson
Frost	Minge	Wise
Furse	Mink	Wolf
Gejdenson	Moran	Woolsey
Gephardt	Morella	Wyden
Geren	Nadler	Wynn
Gibbons	Neal	Yates
Gilchrest	Oberstar	Zimmer
Gilman	Obey	

NOES—228

Allard	Camp	Doyle
Archer	Canady	Dreier
Armey	Chabot	Duncan
Bachus	Chambliss	Dunn
Baesler	Chapman	Edwards
Baker (CA)	Chenoweth	Ehlers
Baker (LA)	Christensen	Ehrlich
Ballenger	Chrysler	Emerson
Barr	Clinger	English
Barrett (NE)	Coble	Ensign
Bartlett	Coburn	Everett
Barton	Collins (GA)	Ewing
Bass	Combest	Fawell
Bateman	Condit	Fields (TX)
Bentsen	Cooley	Flanagan
Bereuter	Cox	Foley
Bilbray	Cramer	Fowler
Bilirakis	Crane	Frelinghuysen
Bliley	Crapo	Frisa
Boehner	Creameans	Funderburk
Bonilla	Cubin	Galleghy
Bono	Cunningham	Ganske
Brewster	Danner	Gekas
Brownback	de la Garza	Gillmor
Bryant (TN)	Deal	Goodlatte
Bunning	DeLay	Goodling
Burr	Diaz-Balart	Goss
Burton	Dickey	Graham
Buyer	Dooley	Greenwood
Callahan	Doolittle	Gunderson
Calvert	Dornan	Gutknecht

Hall (TX)	McCrery	Schaefer
Hancock	McDade	Schiff
Hansen	McHugh	Seastrand
Hastert	McIntosh	Sensenbrenner
Hastings (WA)	McKeon	Shadegg
Hayes	Metcalf	Shaw
Hayworth	Mica	Shuster
Hefley	Miller (FL)	Sisisky
Heineman	Molinari	Skeen
Herger	Mollohan	Skelton
Hilleary	Montgomery	Smith (MI)
Hobson	Moorhead	Smith (TX)
Hoekstra	Murtha	Smith (WA)
Holden	Myers	Solomon
Horn	Hostettler	Souder
Porter	Myrick	Spence
Poshard	Nethercutt	Stearns
Quinn	Neumann	Stenholm
Rahall	Ney	Stump
Ramstad	Hyde	Talent
Rangel	Inglis	Tanner
Reed	Istook	Tate
Richardson	Jackson-Lee	Tauzin
Rivers	Johnson, Sam	Taylor (NC)
Roemer	Jones	Tejeda
Roukema	Kasich	Thomas
Roybal-Allard	Kelly	Thornberry
Sabo	Kim	Thorton
Sanders	King	Tiahrt
Sanford	Kingston	Trafiacant
Sawyer	Klink	Volkmer
Saxton	Knollenberg	Vucanovich
Schroeder	Kolbe	Waldholtz
Schumer	LaHood	Walker
Scott	Largent	Walsh
Serrano	Latham	Wamp
Shays	LaTourette	Watts (OK)
Skaggs	Lewis (CA)	Weldon (FL)
Slaughter	Lewis (KY)	Weller
Smith (NJ)	Lightfoot	White
Spratt	Linder	Whitfield
Stokes	Livingston	Wicker
Studds	Longley	Young (FL)
Stupak	Lucas	Zeliff
Taylor (MS)	Manzullo	
Thompson	McCollum	
Torkildsen	Torres	
Torres	Torricelli	
Towns	Towns	
Upton	Upton	
Velazquez	Velazquez	
Vento	Vento	
Visclosky	Visclosky	
Ward	Ward	
Waters	Waters	
Watt (NC)	Watt (NC)	
Waxman	Waxman	
Weldon (PA)	Weldon (PA)	
Williams	Williams	
Wilson	Wilson	
Wise	Wise	
Wolf	Wolf	
Woolsey	Woolsey	
Wyden	Wyden	
Wynn	Wynn	
Yates	Yates	
Zimmer	Zimmer	

NOT VOTING—18

Becerra	Hall (OH)	Reynolds
Dingell	Hoke	Rush
Flake	Hoyer	Stark
Ford	Laughlin	Thurman
Frank (MA)	Meyers	Tucker
Green	Moakley	Young (AK)

□ 1957

Mr. EDWARDS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 38 OFFERED BY MR. DINGELL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. DINGELL] on which further proceedings were postponed and on which the ayes 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 vote was taken by electronic device, and there were—ayes 155, noes 261, not voting 18, as follows:

[Roll No. 603]

YEAS—155

Ackerman	Bishop	Chapman
Andrews	Bonior	Clay
Baesler	Borski	Clayton
Baldacci	Boucher	Clement
Barcia	Brown (CA)	Clyburn
Barrett (WI)	Brown (FL)	Coleman
Beilenson	Brown (OH)	Collins (IL)
Bentsen	Bryant (TX)	Collins (MI)
Berman	Cardin	Conyers

Coyne  
de la Garza  
DeFazio  
DeLauro  
Doyle  
Drellums  
Deutsch  
Dingell  
Dixon  
Doggett  
Doyle  
Durbin  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Fazio  
Fields (LA)  
Filner  
Foglietta  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Gephardt  
Gibbons  
Gilchrest  
Gonzalez  
Gordon  
Gutierrez  
Hamilton  
Harman  
Hefner  
Hilliard  
Hinchey  
Holden  
Horn  
Jackson-Lee  
Jacobs  
Jefferson  
Johnson (SD)  
Johnson, E.B.  
Johnston

Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kleczka  
Klink  
LaFalce  
Lantos  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Luther  
Maloney  
Manton  
Markey  
Mascara  
Matsui  
McDermott  
McHale  
McKinney  
Meehan  
Menendez  
Mfume  
Miller (CA)  
Mineta  
Moran  
Morella  
Murtha  
Nadler  
Neal  
Oberstar  
Obey  
Olver  
Owens  
Pallone  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi

Rahall  
Rangel  
Reed  
Richardson  
Rivers  
Roemer  
Roukema  
Roybal-Allard  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Shays  
Sisisky  
Skaggs  
Slaughter  
Stokes  
Studds  
Stupak  
Thompson  
Thornton  
Torres  
Torrice  
Town  
Traficant  
Upton  
Velázquez  
Vento  
Visclosky  
Ward  
Watt (NC)  
Waxman  
Weldon (PA)  
Williams  
Wilson  
Wise  
Wyden  
Wynn  
Zimmer

NAYS—261

Abercrombie  
Allard  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bevill  
Bilbray  
Bilirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
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)  
Combust  
Condit  
Cooley  
Costello  
Cox  
Cramer  
Crane

Crapo  
Creameans  
Cubin  
Cunningham  
Danner  
Davis  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Dicks  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Fawell  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gillmor  
Gilman  
Goodlatte  
Goodling  
Goss  
Graham  
Greenwood  
Gunderson  
Gutknecht  
Hall (TX)  
Hancock  
Hansen  
Hastert  
Hastings (FL)  
Hastings (WA)

Hayes  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Johnson (CT)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Livingston  
LoBiondo  
Longley  
Lucas  
Manzullo  
Martinez  
Martini  
McCarthy  
McCollum  
McCreery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon

McNulty  
Meek  
Metcalf  
Mica  
Miller (FL)  
Minge  
Mink  
Molinari  
Mollohan  
Montgomery  
Moorhead  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Ortiz  
Orton  
Oxley  
Packard  
Parker  
Paxon  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard

Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Roth  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shuster  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder

Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Tejeda  
Thomas  
Thornberry  
Tiahrt  
Torkildsen  
Volkmer  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Waters  
Watts (OK)  
Weldon (FL)  
White  
Whitfield  
Wicker  
Wolf  
Woolsey  
Young (FL)  
Zeliff

Jones  
Kelly  
Kennedy (RI)  
Kildee  
Kleczka  
Latham  
Lipinski  
LoBiondo  
Maloney  
Mantony  
Martinez  
McHugh  
McInnis  
McIntosh  
McNulty  
Menendez  
Mink  
Molinari  
Montgomery  
Myers

Norwood  
Obey  
Orton  
Owens  
Pallone  
Pastor  
Payne (VA)  
Peterson (MN)  
Pomeroy  
Poshard  
Rahall  
Ramstad  
Reed  
Riggs  
Rivers  
Roemer  
Sanders  
Saxton  
Skelton  
Smith (MI)

NOES—296

Abercrombie  
Andrews  
Archer  
Armey  
Bachus  
Baesler  
Baker (CA)  
Baker (LA)  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Beilenson  
Bentsen  
Bereuter  
Berman  
Bevill  
Bilirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Borski  
Boucher  
Brewster  
Browder  
Brown (CA)  
Bryant (TN)  
Bunn  
Bunning  
Burton  
Buyer  
Callahan  
Calvert  
Cardin  
Castle  
Chapman  
Chrysler  
Clay  
Clayton  
Clement  
Clinger  
Coleman  
Collins (IL)  
Combust  
Cooley  
Cox  
Cramer  
Crane  
Cubin  
Cunningham  
Davis  
de la Garza  
Deal  
DeLay  
Dellums  
Deutsch  
Diaz-Balart  
Dicks  
Dixon  
Doggett  
Dooley  
Doolittle  
Dornan  
Doyle  
Dreier  
Duncan  
Dunn  
Ehlers

Ehrlich  
Emerson  
English  
Eshoo  
Everett  
Ewing  
Fawell  
Fazio  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gonzalez  
Goss  
Graham  
Greenwood  
Gunderson  
Gutknecht  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hilliard  
Hinchey  
Hobson  
Hoekstra  
Horn  
Houghton  
Hoyer  
Hunter  
Hyde  
Inglis  
Istook  
Jackson-Lee  
Jefferson  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Johnston  
Kanjorski  
Kaptur  
Kasich  
Kennedy (MA)  
Kennelly  
King  
Kingston  
Klink  
Klug  
Knollenberg  
Kolbe  
Lantos  
Largent  
LaTourette  
Laughlin  
Lazio  
Leach

Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Livingston  
Lofgren  
Longley  
Lowey  
Lucas  
Luther  
Manzullo  
Markey  
Martini  
Mascara  
Matsui  
McCarthy  
McCollum  
McCreery  
McDade  
McDermott  
McHale  
McKeon  
McKinney  
Meehan  
Meek  
Metcalf  
Mfume  
Mica  
Miller (CA)  
Miller (FL)  
Mineta  
Minge  
Mollohan  
Moran  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Nussle  
Oberstar  
Olver  
Ortiz  
Oxley  
Packard  
Parker  
Paxon  
Payne (NJ)  
Pelosi  
Peterson (FL)  
Petri  
Pickett  
Pombo  
Porter  
Pryce  
Quillen  
Quinn  
Radanovich  
Rangel  
Regula  
Richardson  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Roth  
Roukema  
Roybal-Allard  
Royce

NOT VOTING—18

Becerra  
Edwards  
Ewing  
Flake  
Ford  
Green

Hall (OH)  
Hoke  
Meyers  
Moakley  
Reynolds  
Rush

Stark  
Thurman  
Tucker  
Weller  
Yates  
Young (AK)

□ 2004

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENSIGN  
The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada [Mr. ENSIGN] 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 121, noes 296, not voting 17, as follows:

[Roll No. 604]

AYES—121

Ackerman  
Allard  
Billbray  
Bishop  
Bonior  
Brown (FL)  
Brown (OH)  
Brownback  
Bryant (TX)  
Burr  
Camp  
Canady  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Clyburn  
Coble  
Coburn  
Collins (GA)  
Collins (MI)

Condit  
Conyers  
Costello  
Coyne  
Crapo  
Creameans  
Danner  
DeFazio  
DeLauro  
Dickey  
Dingell  
Durbin  
Edwards  
Engel  
Ensign  
Evans  
Fattah  
Fields (LA)  
Filner  
Foglietta  
Fox

Frost  
Furse  
Gejdenson  
Gephardt  
Geren  
Gilman  
Goodlatte  
Goodling  
Gordon  
Gutierrez  
Hall (TX)  
Hamilton  
Hefner  
Heineman  
Herger  
Hilleary  
Holden  
Hostettler  
Hutchinson  
Jacobs  
Johnson (SD)

Sabo	Smith (TX)	Towns
Salmon	Smith (WA)	Upton
Sanford	Solomon	Vento
Sawyer	Souder	Visclosky
Scarborough	Spence	Waldholtz
Schaefer	Spratt	Walker
Schiff	Stearns	Walsh
Schroeder	Stockman	Wamp
Schumer	Stokes	Watt (NC)
Scott	Studds	Waxman
Seastrand	Stump	Weldon (FL)
Sensenbrenner	Talent	Weldon (PA)
Serrano	Tanner	White
Shadegg	Tauzin	Wicker
Shaw	Taylor (MS)	Williams
Shays	Taylor (NC)	Wilson
Shuster	Thomas	Wolf
Sisisky	Thornberry	Wynn
Skaggs	Tiahrt	Young (FL)
Skeen	Torkildsen	Zeliff
Slaughter	Torres	Zimmer
Smith (NJ)	Torricelli	

## NOT VOTING—17

Becerra	Hoke	Stark
Farr	Meyers	Thurman
Flake	Moakley	Tucker
Ford	Moorhead	Yates
Green	Reynolds	Young (AK)
Hall (OH)	Rush	

## □ 2011

Mr. FATTAH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. FARR. Mr. Chairman, I was unavoidably detained during rollcall No. 604. Had I been present, I would have cast my vote in the affirmative.

## PERSONAL EXPLANATION

Mr. FILNER. Mr. Chairman, I was unavoidably detained from voting last Friday, and had I been here, I would have voted on rollcall 596 "yes," rollcall 597 "yes," rollcall 598 "no," rollcall 599, "yes," and rollcall 600 "no."

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

Mr. Chairman, it is my understanding that in a few minutes the House will be asked to vote again on the amendment I offered with the gentleman from Ohio [Mr. STOKES] last Friday, an amendment that passed 212 to 206.

Just to remind my colleagues, in case you missed what took place across America this weekend, every major television network, every major newspaper in America, just to remind my colleagues, this amendment struck provisions that would have prohibited, prohibited the Environmental Protection Agency from enforcing provisions of the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and several other statutes that deal with the health and safety of the American family.

This House sent the American public a clear, unequivocal bipartisan message on Friday, and it was this: The Congress cares about the environment. Republicans care about the environment. Democrats care about the environment. All Americans care about the environment.

I think that that was a important message to send, and it was a message that caught the attention of the American people.

I hope we repeat that message this evening. If we do not, if we fail, the burden will be on those who switched their votes.

Exactly what did these Members learn over the weekend?

## □ 2015

Did the environment suddenly become less fragile over the weekend? Did their constituents lose their fondness for clean air and water? Do their constituents no longer expect the Federal Government to ensure that the air that they breath and the water that they drink and the food that they eat will not injure them? I do not think so.

Mr. Chairman, I urge my colleagues to follow their principles and once again, to prove to the American people that this Congress, and particularly the Republicans in this Congress, are committed to open political processes and environmental safeguards. Vote yes, once again, on the Stokes-Boehlert amendment.

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

Mr. BOEHLERT. I yield to my colleague from Delaware [Mr. CASTLE], the former governor of Delaware and a trusted and loyal supporter of worthy causes, particularly those involving the environment.

Mr. CASTLE. I thank the gentleman for yielding, and I will be very brief. I rise in support of the Stokes-Boehlert amendment. I went home too, and we need to understand what this bill does. Basically the bill itself cuts funding for the EPA by 34 percent. It cuts funding for enforcement by the EPA by 50 percent. But the amendment before us would make sure that we do not cut 17 programs, because the bill itself also has in it 17 programs that will not be enforced by the EPA if the amendment does not get passed. We would not be able to enforce standards of air emissions, storm water runoff, wetlands, sewer overflows, and another 13 or so numbers which are in that particular bill.

Mr. Chairman, the time has come for us to pay attention to our environment. This bill as it is written now effectively eliminates environmental enforcement on a Federal level. America must not tolerate this. We must support the Stokes-Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, let me tell you, it has been suggested that we get on with it, and we will be glad to get on with it. We are dealing with the people's business.

Mr. Chairman, I could bring before this body right now member after member that would give the same testimonial that was given by the gentleman from Delaware [Mr. CASTLE] and by others who support the Stokes-Boehlert amendment. If you voted yes on Friday, vote yes today for America.

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

Mr. Chairman, I rise to take a moment to firstly express my appreciation to the gentleman from New York

[Mr. BOEHLERT] for the strong leadership that he has given to the coalition force between the Democrats and Republicans of this House.

Mr. Chairman, on Friday we saw one of those rare moments in the House where the Members of this body rose above partisan politics and put the people of this Nation first. We saw the environment of this Nation put above party politics. We saw men and women in this body who expressed themselves in a way that is seldom seen in this House. On both sides, we saw people who really cared about the people in this country.

Mr. Chairman, when this matter is revoted, people in this country are going to be watching. All over the Nation this past weekend, as the gentleman from New York said, the Nation watched what happened here Friday. They are going to be watching again tonight, to see how many of us stand up for the principles that we showed here on Friday.

This vote will never go away. Mr. Chairman, this vote is going to live with all of us for a long time. I would urge those Members who stood up on principle and put environment above party to stand up once again tonight and show that you care about clean water and clean air and pure food for the people of this country. I urge my colleagues to stand up as they did on Friday in support of the Stokes-Boehlert amendment.

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

Mr. Chairman, it should be noted, and I appreciate the gentleman from California recognizing, that there is a very serious issue that is contained in the housing portion of this bill that affects 900,000 poor families in this country that benefit from the project-based Section 8 program. Many of those families are elderly people. Under the wording that is contained in this bill, there is a presumption that it is cheaper to voucher these families out.

Mr. Chairman, it is very important that we take action that sends a signal to HUD that they should only take actions that are going to provide protections to the families at risk at the cheapest possible cost to this Government. We should not be vouchering families out of project-based Section 8 housing if in fact that project-based Section 8 is cheaper than the vouchering-out process.

Mr. Chairman, I want to make it very clear, and I appreciate the gentleman from California, Chairman LEWIS, making it very clear to HUD and to all of those associated with this program, that actions taken by this House do not in any way send a signal that people should be thrown out or moved out of project-based Section 8 just for the sake of getting rid of the project-based Section 8. So we ought to

be providing the cheapest possible protection for the greatest number of tenants in this country as our Nation's housing policy.

Mr. LEWIS of California. Mr. Chairman, this will not take very long. I do want the House to know that my colleague from Massachusetts brings up a very, very important point. It is an item that I have been concerned about in my own county in California. Literally, it is not our objective, as we try to streamline housing and the programs to negatively impact those people in Section 8 housing. There is little doubt that our bill moves in the direction of providing the kind of flexibility the gentleman is calling for within the department to ensure that they select those options that will not be less expensive, but also serve people better.

So Mr. Chairman, I want to express my appreciation to my colleague and also say that we will evaluate this in depth and work with you as we go between here and conference.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the chairman's comments and look forward to working with him and other members of the committee.

Mrs. ROUKEMA. Mr. Chairman, during debate on the VA/HUD appropriations bill, I have discussed several of its provisions with my colleague Mrs. WATERS, with whom I worked last year when I was the ranking member of the Subcommittee on Housing and Community Development. I would like to assure my colleague that the rent reform provisions contained in H.R. 2099 are very similar though not identical to those contained in H.R. 3838.

First, Federal preferences have been eliminated in favor of local preferences, enabling PHAs to establish a preference for working families. Second, ceiling rents have been included in the legislation so that families who live in public housing will never have to pay more of their income than the apartment is actually worth. These provisions will have several very important effects: working families will be encouraged to remain in public housing, providing role models for children as well as additional rental income for PHAs. Additionally Federal micromanagement of public housing will be reduced in favor of local decision-making.

As the former ranking member of the Housing Subcommittee, I worked hard to include these provisions in last year's housing bill, H.R. 3838. Unfortunately, H.R. 3838 did not become law because the legislation passed in the House but not the Senate. I was pleased, therefore, to see that the appropriations bill started the process of reforming this part of the public and assisted housing programs. It is my understanding that additional reforms will come when a comprehensive housing bill is introduced by Mr. LAZIO, the new chairman of the subcommittee.

In my statements last week, I also mentioned that the rent increases in the section 8 program did not affect the Section 202 and Section 811 elderly and disabled housing programs. I want the record to be extremely clear. Though the vast majority of these projects have been built with grants, some buildings were financed with Section 8 assistance. Only those projects financed with Sec-

tion 8 will receive rent increases estimated to be about \$12/month. This appropriations bill does not recognize the distinctions between the new grant program and the old Section 8 financing system. I believe this was an oversight. Nevertheless, rent increases would be inappropriate, and I will work assertively to see that they are dropped in the final conference report.

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

Mr. Chairman, I will not take any time, but my colleagues, if you will, this has been a very very tough bill. The only chair that I would prefer not to be sitting near besides my own would be that of the gentleman who had the chair through this arduous process. I hope the entire House gives appreciation to the gentleman from Texas, LARRY COMBEST, for truly a tremendous job, and we appreciate it.

Mr. Chairman, during the consideration of this bill by the full committee, an amendment offered by Mr. COLEMAN to the VA part of the report was adopted. This language was inadvertently omitted in the printing of the report. The VA is to treat the following language as if it had been printed in House Report 104-201:

#### EL PASO VA STAFFING FLEXIBILITY

The Committee is aware of the difficulty in staffing several Veterans Administration Medical Facilities in the southwest, particularly El Paso, Texas. This situation is compounded by the budgetary constraints the VA faces in allocating FTEEs among its facilities. The Committee urges that the VA Regional Sectors, especially its Southern Regional Sector, engage in intra-region FTEE transfers during the fiscal year for purposes of staffing as warranted by changing circumstances in VA medical facilities. The Committee urges the VA to review the staffing situation in El Paso and to move personnel as necessary to meet the new service demands that will exist if veterans are not required to travel to other VA facilities for treatment.

The CHAIRMAN. The Chair is much appreciative.

If there are no further amendments, the Clerk will read the final three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) 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, pursuant to House Resolution 201, he reported the bill back to the House

with sundry amendments adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. LEWIS of California. Mr. Speaker, I demand a separate vote on the Amendment No. 66, the so-called Stokes amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 53, line 18, strike "": *Provided*" and all that follows through "approved" on page 55, line 9.

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

The SPEAKER pro tempore. The question is on the amendment.

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

#### RECORDED VOTE

Mr. STOKES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 210, not voting 14, as follows:

[Roll No. 605]

YEAS—210

Abercrombie	English	Kelly
Ackerman	Eshoo	Kennedy (MA)
Andrews	Evans	Kennedy (RI)
Baldacci	Farr	Kennelly
Barcia	Fattah	Kildee
Barrett (WI)	Fawell	Klecicka
Bass	Fazio	Klink
Beilenson	Fields (LA)	Klug
Bentsen	Filner	LaFalce
Bereuter	Foglietta	Lantos
Berman	Forbes	LaTourette
Bevill	Fox	Lazio
Bishop	Frank (MA)	Leach
Boehrlert	Franks (CT)	Levin
Bonior	Franks (NJ)	Lewis (GA)
Borski	Frost	Lipinski
Boucher	Furse	LoBiondo
Brown (CA)	Gejdenson	Lofgren
Brown (FL)	Gephardt	Longley
Brown (OH)	Gibbons	Lowe
Bryant (TX)	Gilchrest	Luther
Cardin	Gillmor	Maloney
Castle	Gilman	Manton
Clay	Gonzalez	Markey
Clayton	Gordon	Martinez
Clement	Goss	Martini
Clyburn	Greenwood	Mascara
Coleman	Gutierrez	Matsui
Collins (IL)	Hamilton	McCarthy
Collins (MI)	Harman	McDermott
Conyers	Hastings (FL)	McHale
Costello	Hefner	McKinney
Coyne	Hilliard	McNulty
DeFazio	Hinche	Meehan
DeLauro	Holden	Meek
Dellums	Horn	Menendez
Deutsch	Houghton	Mfume
Diaz-Balart	Hoyer	Miller (CA)
Dicks	Jackson-Lee	Mineta
Dingell	Jacobs	Mink
Dixon	Jefferson	Moran
Doggett	Johnson (CT)	Morella
Doyle	Johnson (SD)	Murtha
Durbin	Johnson, E. B.	Nadler
Ehlers	Johnston	Neal
Ehrlich	Kanjorski	Oberstar
Engel	Kaptur	Obey

Olver	Sanders	Torkildsen
Orton	Sanford	Torres
Owens	Sawyer	Torrice
Pallone	Saxton	Towns
Pastor	Scarborough	Upton
Payne (NJ)	Schiff	Velazquez
Pelosi	Schroeder	Vento
Peterson (FL)	Schumer	Visclosky
Pomeroy	Scott	Ward
Porter	Serrano	Waters
Quinn	Shaw	Watt (NC)
Ramstad	Shays	Waxman
Rangel	Skaggs	Weldon (PA)
Reed	Slaughter	White
Regula	Smith (NJ)	Williams
Richardson	Spratt	Wilson
Rivers	Stokes	Wise
Ros-Lehtinen	Studds	Wolf
Rose	Stupak	Woolsey
Roukema	Tanner	Wyden
Roybal-Allard	Taylor (MS)	Wynn
Rush	Thompson	Young (FL)
Sabo	Thornton	Zimmer

Meyers	Stark	Yates
Moakley	Thurman	Young (AK)
Reynolds	Tucker	

□ 2043

So the amendment was rejected.  
The result of the vote was announced as above recorded.

□ 2045

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STOKES. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STOKES. Moves to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith with an amendment, as follows:

Page 59, line 3, before the period insert 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 SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes on his motion to recommit.

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

Mr. Speaker, the motion to recommit we submit is essentially the Durbin amendment, which was offered in the Committee of the Whole earlier.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, the House has now acted and reversed the position taken by a majority of the Members last Friday. Those who took the position that we should have 17 individual riders in this bill, which virtually weaken the environmental protection for families across America, have prevailed. They have had a big weekend. They have reached Members to solidify their votes and other Members to win their votes, but unfortunately, the real losers here are the families which count on this Government to protect them from unseen hazards in air and water.

If we have made the decision this evening that this Environmental Protection Agency will not enforce the law, the question on this vote is whether or not this Environmental Protection Agency will still be able to protect American families from the dangers of cancer-causing substances: Arsenic, dioxin, benzene, lead, and known carcinogens.

Mr. Speaker, it is clear that lobbyists and special interests are playing fast and loose with cancer and lead contamination. In the name of ending regulation, we are leaving American families vulnerable. We are exposing them to the risk of cancer, and our children to the danger of lead poisoning.

For those who argue, Mr. Speaker, that this is part of the new revolution, let me tell them this is a no-course-correction when it comes to regulation. It is a full-scale retreat from environmental safeguards which have been accepted by responsible businesses, which have been implemented by public health officials across the Nation, and have been counted on by American families to protect them from these dangers. These Republican-inspired proposals will reduce environmental standards on deadly chemicals like arsenic, benzene, dioxin, lead, and other cancer-causing substances.

This particularly endangers children in America and the elderly. They are the first to be vulnerable to this contamination. We now have a chance to at least demonstrate some conscience when it comes to environmental safeguards.

For those who voted against my amendment earlier, the amendment offered by the gentleman from Texas [Mr. WILSON], and I, saying the 167 riders have been stricken, they are back in the bill; 17 exceptions, 17 exceptions for special interest groups that want to get off the hook. We cannot get off the hook. We have to face the music. What we are facing here are the kinds of dangers which in fact will take human lives.

I beg the Members, at the very least, make it clear. The Environmental Protection Agency can establish these standards and protect our families. Say to the lobbyists and special interest groups, We are going to draw the line at cancer. We are going to draw the line at contamination by lead poisoning. We are going to draw the line when it comes to the public health of America. That is the least we can do this evening. The question now for each of us is whether or not we can stand for that safeguard. I hope that we will.

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

Mr. Speaker, a few moments ago the Stokes-Boehlert amendment failed, but we did not really lose. We win anytime we stand up for people in this country. That is what we did. We stood up for the people in this country. The people who won on that amendment were the polluters of this Nation. They won that vote, and the people of this Nation lost, but I am going to tell the Members, as I said earlier, this is one that is not going to go away. People are going to remember this vote for a long time.

This bill is bad enough with these riders stripped from the bill. Mr. Speaker, there is no way to vote for this bill now, with these riders in this bill. I urge my colleagues to recommit

NAYS—210

Allard	Fields (TX)	Myers
Archer	Flanagan	Myrick
Armey	Foley	Nethercutt
Bachus	Fowler	Neumann
Baesler	Frelinghuysen	Ney
Baker (CA)	Frisa	Norwood
Baker (LA)	Funderburk	Nussle
Ballenger	Galleghy	Ortiz
Barr	Ganske	Oxley
Barrett (NE)	Gekas	Packard
Bartlett	Geren	Parker
Barton	Goodlatte	Paxon
Bateman	Goodling	Payne (VA)
Billbray	Graham	Peterson (MN)
Bilirakis	Gunderson	Petri
Bliley	Gutknecht	Pickett
Blute	Hall (TX)	Pombo
Boehner	Hancock	Portman
Bonilla	Hansen	Poshard
Bono	Hastert	Pryce
Brewster	Hastings (WA)	Quillen
Browder	Hayes	Radanovich
Brownback	Hayworth	Rahall
Bryant (TN)	Hefley	Riggs
Bunn	Heineman	Roberts
Bunning	Herger	Roemer
Burr	Hilleary	Rogers
Burton	Hobson	Rohrabacher
Buyer	Hoekstra	Roth
Callahan	Hostettler	Royce
Calvert	Hunter	Salmon
Camp	Hutchinson	Schaefer
Canady	Hyde	Seastrand
Chabot	Inglis	Sensenbrenner
Chambliss	Istook	Shadegg
Chapman	Johnson, Sam	Shuster
Chenoweth	Jones	Sisisky
Christensen	Kasich	Skeen
Chrysler	Kim	Skelton
Clinger	King	Smith (MI)
Coble	Kingston	Smith (TX)
Coburn	Knollenberg	Smith (WA)
Collins (GA)	Kolbe	Solomon
Combest	LaHood	Souder
Condit	Largent	Spence
Cooley	Latham	Stearns
Cox	Laughlin	Stenholm
Cramer	Lewis (CA)	Stockman
Crane	Lewis (KY)	Stump
Crapo	Lightfoot	Talent
Cremeans	Lincoln	Tate
Cubin	Linder	Tauzin
Cunningham	Livingston	Taylor (NC)
Danner	Lucas	Tejeda
Davis	Manzullo	Thomas
de la Garza	McCollum	Thornberry
Deal	McCrery	Tiahrt
DeLay	McDade	Trafficant
Dickey	McHugh	Volkmer
Dooley	McInnis	Vucanovich
Doolittle	McIntosh	Waldholtz
Dornan	McKeon	Walker
Dreier	Metcalf	Walsh
Duncan	Mica	Wamp
Dunn	Miller (FL)	Watts (OK)
Edwards	Minge	Weldon (FL)
Emerson	Molinari	Weller
Ensign	Mollohan	Whitfield
Everett	Montgomery	Wicker
Ewing	Moorhead	Zeliff

NOT VOTING—14

Becerra	Ford	Hall (OH)
Flake	Green	Hoke

this bill, and then if that fails, to defeat this bill on passage.

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not rise to contest the comments of my colleague, the gentleman from Ohio, LOU STOKES, for we have worked extremely well together on this measure. His amendment was a very, very close amendment. I have not seen one closer since I have been in this body.

However, having said that, the item that is before us by way of this recommittal motion is an item that we did vote on earlier this evening. It is an item that gives EPA more authority, not less authority; more regulation, not less regulation. The House defeated that amendment by a vote of 228 to 189. I would suggest that we repeat that, get on with final passage, and move on to other business.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 606]

YEAS—198

Abercrombie	Dicks	Hinchey
Ackerman	Dingell	Horn
Andrews	Dixon	Hoyer
Baldacci	Doggett	Jackson-Lee
Barcia	Durbin	Jacobs
Barrett (WI)	Ehlers	Jefferson
Bass	Ehrlich	Johnson (CT)
Beilenson	Engel	Johnson (SD)
Bereuter	Eshoo	Johnson, E. B.
Berman	Evans	Johnston
Bevill	Farr	Kanjorski
Bishop	Fattah	Kaptur
Blute	Fazio	Kennedy (MA)
Boehlert	Fields (LA)	Kennedy (RI)
Bonior	Filner	Kennelly
Borski	Foglietta	Kildee
Boucher	Forbes	Kleczka
Browder	Fox	Klink
Brown (FL)	Frank (MA)	LaFalce
Brown (OH)	Franks (CT)	Lantos
Bryant (TX)	Franks (NJ)	Leach
Bunn	Frost	Levin
Cardin	Furse	Lewis (GA)
Castle	Gejdenson	Lincoln
Clay	Gephardt	Lipinski
Clayton	Geren	LoBiondo
Clement	Gibbons	Lofgren
Clyburn	Gilchrest	Longley
Coleman	Gilman	Lowley
Collins (IL)	Gonzalez	Luther
Collins (MI)	Gordon	Maloney
Conyers	Greenwood	Manton
Costello	Gutierrez	Markey
Coyne	Hamilton	Martinez
DeFazio	Harman	Martini
DeLauro	Hastings (FL)	Mascara
Dellums	Hefner	Matsui
Deutsch	Hilliard	McCarthy

McDermott	Pomeroy	Spratt
McHale	Porter	Stokes
McKinney	Poshard	Studds
McNulty	Quinn	Stupak
Meehan	Rahall	Tanner
Meek	Rangel	Taylor (MS)
Menendez	Reed	Thompson
Mfume	Richardson	Thornton
Miller (CA)	Rivers	Torkildsen
Mineta	Roemer	Torres
Minge	Rose	Torricelli
Mink	Roukema	Towns
Moran	Roybal-Allard	Upton
Morella	Rush	Velazquez
Murtha	Sabo	Vento
Nadler	Sanders	Visclosky
Neal	Sanford	Ward
Oberstar	Sawyer	Waters
Obey	Saxton	Watt (NC)
Olver	Schroeder	Waxman
Orton	Schumer	Weldon (PA)
Owens	Scott	Williams
Pallone	Serrano	Wilson
Pastor	Shays	Wise
Payne (NJ)	Sisisky	Woolsey
Pelosi	Skaggs	Wyden
Peterson (FL)	Slaughter	Wynn
Peterson (MN)	Smith (NJ)	Zimmer

NAYS—222

Allard	Ensign	McInnis
Archer	Everett	McIntosh
Armey	Ewing	McKeon
Bachus	Fawell	Metcalf
Baessler	Fields (TX)	Mica
Baker (CA)	Flanagan	Miller (FL)
Baker (LA)	Foley	Molinari
Ballenger	Fowler	Mollohan
Barr	Frelinghuysen	Montgomery
Barrett (NE)	Frisa	Moorhead
Bartlett	Funderburk	Myers
Barton	Gallagher	Myrick
Bateman	Ganske	Nethercutt
Bentzen	Gekas	Neumann
Bilbray	Gillmor	Ney
Bilirakis	Goodlatte	Norwood
Bliley	Goodling	Nussle
Boehner	Goss	Ortiz
Bonilla	Graham	Oxley
Bono	Gunderson	Packard
Brewster	Gutknecht	Parker
Brown (CA)	Hall (TX)	Paxon
Brownback	Hancock	Payne (VA)
Bryant (TN)	Hansen	Petri
Bunning	Hastert	Pickett
Burr	Hastings (WA)	Pombo
Burton	Hayes	Portman
Buyer	Hayworth	Pryce
Callahan	Hefley	Quillen
Calvert	Heineman	Radanovich
Camp	Herger	Ramstad
Canady	Hilleary	Regula
Chabot	Hobson	Riggs
Chambliss	Hoekstra	Roberts
Chapman	Holden	Rogers
Chenoweth	Hostettler	Rohrabacher
Christensen	Houghton	Ros-Lehtinen
Chrysler	Hunter	Roth
Clinger	Hutchinson	Royce
Coble	Hyde	Salmon
Coburn	Inglis	Scarborough
Collins (GA)	Istook	Schaefer
Combest	Johnson, Sam	Schiff
Condit	Jones	Seastrand
Cooley	Kasich	Sensenbrenner
Cox	Kelly	Shadegg
Cramer	Kim	Shaw
Crane	King	Shuster
Crapo	Kingston	Skeen
Creameans	Klug	Skelton
Cubin	Knollenberg	Smith (MI)
Cunningham	Kolbe	Smith (TX)
Dann	LaHood	Smith (WA)
Davis	Largent	Solomon
de la Garza	Latham	Souder
Deal	LaTourette	Spence
DeLay	Laughlin	Stearns
Diaz-Balart	Lazio	Stenholm
Dickey	Lewis (CA)	Stockman
Dooley	Lewis (KY)	Stump
Doolittle	Lightfoot	Talent
Dornan	Linder	Tate
Doyle	Livingston	Tauzin
Dreier	Lucas	Taylor (NC)
Duncan	Manzullo	Tejeda
Dunn	McCollum	Thomas
Edwards	McCrery	Thornberry
Emerson	McDade	Tiahrt
English	McHugh	Trafficant

Volkmer	Wamp	Whitfield
Vucanovich	Watts (OK)	Wicker
Waldholtz	Weldon (FL)	Wolf
Walker	Weller	Young (FL)
Walsh	White	Zelluff

NOT VOTING—14

Becerra	Hoke	Thurman
Flake	Meyers	Tucker
Ford	Moakley	Yates
Green	Reynolds	Young (AK)
Hall (OH)	Stark	

□ 2110

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 193, not voting 13, as follows:

[Roll No. 607]

YEAS—228

Archer	Dreier	Laughlin
Armey	Duncan	Lazio
Bachus	Dunn	Leach
Baker (CA)	Ehlers	Lewis (CA)
Baker (LA)	Ehrlich	Lewis (KY)
Ballenger	Emerson	Lightfoot
Barr	English	Lincoln
Barrett (NE)	Everett	Linder
Bartlett	Ewing	Livingston
Barton	Fawell	Lucas
Bass	Fields (TX)	Manzullo
Bateman	Flanagan	McCollum
Bentzen	Foley	McCrary
Bilbray	Fowler	McDade
Bilirakis	Frelinghuysen	McHugh
Bliley	Frisa	McIntosh
Blute	Funderburk	McKeon
Boehner	Gallagher	Metcalf
Bonilla	Ganske	Mica
Bono	Gekas	Miller (FL)
Boucher	Geren	Mollohan
Brewster	Gillmor	Montgomery
Browder	Gilman	Moorhead
Brownback	Gonzalez	Myers
Bryant (TN)	Goodlatte	Myrick
Bunn	Goodling	Nethercutt
Bunning	Goss	Neumann
Burr	Graham	Ney
Burton	Gunderson	Norwood
Buyer	Hansen	Nussle
Callahan	Hastert	Ortiz
Calvert	Hastings (WA)	Orton
Camp	Hayes	Oxley
Canady	Hayworth	Packard
Chabot	Hefley	Parker
Chambliss	Heineman	Hastert
Chapman	Herger	Hastings (WA)
Chenoweth	Hilleary	Hayes
Christensen	Hobson	Hayworth
Chrysler	Houghton	Heineman
Clinger	Hunter	Pickett
Coble	Hutchinson	Pombo
Coburn	Hyde	Clinger
Collins (GA)	Inglis	Hilleary
Combest	Istook	Hobson
Condit	Johnson, Sam	Coble
Cooley	Jones	Coburn
Cox	Kasich	Hoekstra
Cramer	Kelly	Hostettler
Crane	Kim	Houghton
Browder	King	Hunter
Brown (FL)	Kingston	Hutchinson
Brown (OH)	Klug	Hyde
Bryant (TX)	Knollenberg	Riggs
Bunn	Kolbe	Inglis
Cardin	LaHood	Istook
Castle	Largent	Johnson, Sam
Clay	Latham	Jones
Clayton	LaTourette	Kasich
Clement	Laughlin	Kim
Clyburn	Lazio	King
Coleman	Lewis (CA)	Kingston
Collins (IL)	Lewis (KY)	Klug
Collins (MI)	Lightfoot	Knollenberg
Conyers	Linder	DeLay
Costello	Livingston	Diaz-Balart
Coyne	Lucas	Dickey
DeFazio	Manzullo	Latham
DeLauro	McCollum	LaHood
Dellums	McCrery	Seastrand
Deutsch	McDade	Sensenbrenner
	McHugh	Shadegg
		Shaw

Shuster	Stockman	Walker
Sisisky	Stump	Walsh
Skeen	Talent	Wamp
Skelton	Tate	Watts (OK)
Smith (MI)	Tauzin	Weldon (FL)
Smith (NJ)	Taylor (MS)	Weller
Smith (TX)	Taylor (NC)	White
Smith (WA)	Thomas	Whitfield
Solomon	Thornberry	Wicker
Souder	Tiahrt	Wolf
Spence	Upton	Young (FL)
Stearns	Vucanovich	Zeliff
Stenholm	Waldholtz	Zimmer

NAYS—193

Abercrombie	Greenwood	Oberstar
Ackerman	Gutierrez	Obey
Allard	Hamilton	Olver
Andrews	Harman	Owens
Baesler	Hastings (FL)	Pallone
Baldacci	Hefley	Pastor
Barcia	Hefner	Payne (NJ)
Barrett (WI)	Hilliard	Payne (VA)
Beilenson	Hinchey	Pelosi
Bereuter	Holden	Peterson (FL)
Berman	Horn	Poshard
Bevill	Hoyer	Quinn
Bishop	Jackson-Lee	Rahall
Boehlert	Jacobs	Rangel
Bonior	Jefferson	Reed
Borski	Johnson (CT)	Richardson
Brown (CA)	Johnson (SD)	Rivers
Brown (FL)	Johnson, E.B.	Roemer
Brown (OH)	Johnston	Rose
Bryant (TX)	Kanjorski	Roukema
Cardin	Kaptur	Roybal-Allard
Castle	Kelly	Rush
Clay	Kennedy (MA)	Sabo
Clayton	Kennedy (RI)	Sanders
Clement	Kennelly	Sawyer
Clyburn	Kildee	Saxton
Coleman	Klecicka	Schaefer
Collins (IL)	Klink	Schroeder
Collins (MI)	LaFalce	Schumer
Conyers	Lantos	Scott
Costello	Levin	Serrano
Coyne	Lewis (GA)	Shays
DeFazio	Lipinski	Skaggs
DeLauro	LoBiondo	Slaughter
Dellums	Lofgren	Spratt
Deutsch	Longley	Stark
Dicks	Lowey	Stokes
Dingell	Luther	Studds
Dixon	Maloney	Stupak
Doggett	Manton	Tanner
Dooley	Markey	Tejeda
Doyle	Martinez	Thompson
Durbin	Martini	Thornton
Edwards	Mascara	Torkildsen
Engel	Matsui	Torres
Eshoo	McCarthy	Torricelli
Evans	McDermott	Towns
Farr	McHale	Traficant
Fattah	McInnis	Velazquez
Fazio	McKinney	Vento
Fields (LA)	McNulty	Visclosky
Filner	Meehan	Volkmer
Foglietta	Meek	Ward
Forbes	Menendez	Waters
Fox	Mfume	Watt (NC)
Frank (MA)	Miller (CA)	Waxman
Franks (CT)	Mineta	Weldon (PA)
Franks (NJ)	Minge	Williams
Frost	Mink	Wilson
Furse	Molinari	Wise
Gejdenson	Moran	Woolsey
Gephardt	Morella	Wyden
Gibbons	Murtha	Wynn
Gilchrest	Nadler	
Gordon	Neal	

NOT VOTING—13

Becerra	Hoke	Tucker
Flake	Meyers	Yates
Ford	Moakley	Young (AK)
Green	Reynolds	
Hall (OH)	Thurman	

□ 2128

Ms. JACKSON-LEE and Mr. MATSUI changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POSTPONING VOTES DURING CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2126, the Defense Appropriations Act of 1996, pursuant to the provisions of House Resolution 205, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic vote on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

□ 2130

Mr. Speaker, in explanation of that unanimous-consent request, I would like the Members to be advised that this evening we will conduct general debate on this bill and debate amendments in title I and title II. We will also consider the C-17 amendment in title III, and after conclusion of the C-17 amendment, then the Committee will rise.

We have no expectation of any further recorded votes this evening.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 205 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2126.

□ 2131

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2126) mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes with Mr. SENSENBRENNER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first, I would like to thank all of the members of the subcommittee who have spent the better part of this year in hearings and in markups for the preparation and the presentation of this bill to the full House.

This is a good bill providing for the national defense of our Nation. Mr. Chairman, there are many areas of legislative activity in which the Federal Government finds itself a player, many of which could be done equally as well, if not better, by the States or by the local governments. Mr. Chairman, if there is any one responsibility of the Federal Government, it is to provide for the defense of our Nation and to provide for the security of our national interests wherever they might lie.

The bill we present this evening totals \$244.1 billion in budget authority and \$244.2 billion in outlays. Compared to the fiscal year 1995 level, we are \$2.5 billion higher in budget authority, but \$5.4 billion less in outlays. We are above the President's budget request, but we are \$2.2 billion less than the authorization bill which passed the House on June 15.

A strong theme of this bill is to provide readiness for U.S. forces should they be called upon to perform in an arena of hostility and to provide some quality of life for those men and women who serve in our uniformed services who are prepared to do just that.

Procurement has been reduced over the last 10 years by 70 percent.

This bill does a little bit to turn that around. While we do provide an increase for procurement, we also add funds for readiness and cost-of-living adjustments, pay raises for people in uniforms, and things of this type.

We have reduced over 120 programs from the amounts requested by the President. We have fully funded the military pay raise, and have also added \$90 million for housing allowances. We have added \$1 billion for real property maintenance, and much of that goes for the renovation and the repair of our barracks. Many of our soldiers are today living in World War II barracks that are pretty rundown, and we need to make a considerable change there. This bill does that.

Mr. Chairman, there were several philosophies involved here. One was

that anything that goes in this bill must have a military application. It must apply to the national defense or the people who serve in the military.

Second, there must be a requirement for what it is that we seek to do.

There have been many, many discussions on some of the issues that we will face today. They are written up in the media and reported, some of the high-profile military systems. We took a little different approach this year.

I wanted to hold up, if I might, just briefly, this chart, and the saying on this chart was taught to me by my grandmother many, many years ago. It says, "For want of a nail, the shoe was lost; for want of a shoe, the horse was lost; and for want of a horse, the rider was lost, being overtaken and slain by the enemy, all for the want of care about a horseshoe nail."

Mr. Chairman, we have included a lot of horseshoe nails in this bill, items that are never written about, never reported, never politically controversial.

I would like to give you an example of some of the shortages we have identified that would be extremely important to our military should they be called into a hostile situation. If I can have the help of a page, I would like to roll out this scroll, and Members take a look at it; we will just twist it a little bit to the side.

You will see there are hundreds and hundreds of items that you will never

hear about, but are important to the conduct of our military institutions. If you will notice, we have highlighted in blue a number of those areas that we have been able to take care of in this bill. Again, no one is ever going to write about them in the media. They are not controversial. But they are things that need to be done to make sure that our national defense establishment continues to function as it always has in a very, very strong way. So there is the list.

We are trying to take care of the horseshoe nails so that we do not lose the shoes and do not lose the riders and do not lose the battle.

At this point, Mr. Chairman, there will be a lot of opportunity to discuss more specifics as we get into amendments.

Mr. Chairman, I bring to the House of Representatives the fiscal year 1996 Defense appropriations bill. This has been a historic year in the House of Representatives.

In the first 100 days we passed the Contract With America as we promised the American people.

Ten appropriations bills and major tax legislation have also passed and in those bills the majority party has stood by the commitment to change made during the watershed election of 1994.

While it is true that much work remains to be done in this session and many important bills are yet to be passed, no legislation is more important or vital than the bill we are

about to act on—the fiscal year 1996 Defense appropriation bill. Over two centuries ago our Founding Fathers embodied in the Constitution the sacred obligation of the Congress to "provide for the common defense." Mr. Chairman, this bill fulfills that constitutional obligation.

Before describing in some detail the specifics of this bill, I want to extend my thanks to the ranking minority member of the subcommittee, the gentleman from Pennsylvania [Mr. MURTHA]. His advice and input was invaluable in the development of this bipartisan bill. I also extend my thanks to the chairman of the full committee, Mr. LIVINGSTON, for his counsel and support in the development of this legislation. All members of the subcommittee played a key role in the hearings and the markup and I congratulate each of them for a job well done.

FUNDING LEVEL

The Appropriations Committee is recommending to the House a total of \$244.1 billion in new budget authority for the Department of Defense for fiscal year 1996. This funding level is: \$2.5 billion above the current fiscal year; \$2.2 billion below the House-passed authorization levels; and \$7.8 billion above the budget request.

These spending levels do not include funds for military construction or the nuclear weapons program of the Department of Energy. Those funds are included in other appropriations bills. At this point in the RECORD I would like to include a table outlining the committee's recommendations by account.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1995 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1996

Agency and item (1)	Appropriated 1995 (enacted to date) (2)	Budget estimates, 1996 (3)	Recommended in bill (4)	Bill compared with appropriated, 1995 (5)	Bill compared with budget estimates, 1996 (6)
Recapitulation					
Title I—Military Personnel .....	71,101,502,000	68,696,663,000	69,231,892,000	-1,869,610,000	+535,229,000
Title II—Operation and Maintenance .....	82,819,085,000	80,800,250,000	81,583,817,000	-1,235,268,000	+783,567,000
Title III—Procurement .....	43,124,636,000	38,662,049,000	42,898,305,000	-226,331,000	+4,236,256,000
Title IV—Research, Development, Test and Evaluation .....	35,130,599,000	34,331,953,000	35,879,560,000	+748,961,000	+1,547,607,000
Title V—Revolving and Management Funds .....	1,669,638,000	1,852,920,000	2,548,020,000	+878,382,000	+695,100,000
Title VI—Other Department of Defense Programs .....	11,381,546,000	11,719,914,000	11,818,514,000	+436,968,000	+98,600,000
Title VII—Related agencies .....	349,184,000	322,183,000	277,304,000	-71,880,000	-44,879,000
Title VIII—General provisions .....	-857,422,000	85,000	-76,012,000	+781,410,000	-76,097,000
(Additional transfer authority)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)	.....	.....
Title IX—Management Funds .....	299,300,000	.....	.....	-299,300,000	.....
Total, Department of Defense .....	245,018,068,000	236,386,017,000	244,161,400,000	-856,668,000	+7,775,383,000
Scorekeeping adjustments .....	-3,414,997,000	-42,000,000	-42,000,000	+3,372,997,000	.....
Grand total .....	241,603,071,000	236,344,017,000	244,119,400,000	+2,516,329,000	+7,775,383,000

Note.—FY 1995 Enacted includes Supplemental P.L. 104-6 (+\$2,709,997,000 in new BA and -\$2,259,956,000 in Rescissions).

The Defense budget submitted by the administration continued the decade long decline in defense spending. While we all agree that a significant downsizing of the force structure that was in place during the cold war is appropriate, the extent of the build-down implicit in the budget submitted is a serious concern to the committee. The procurement account in the budget request was the lowest in 45 years when measures in constant dollars. Production lines are being shut down and inventory objectives are not being achieved for key systems for critical programs such as the Blackhawk helicopter and the F-15 E tactical fighter and also for unglamorous but equally critical systems such as trucks, ammunition and numerous other low-profile but essential programs.

The committee also has serious concerns about the impact of this long range decline of resources for defense on morale and readiness. Because of the constant deployments to a series of unbudgeted contingency oper-

ations, at one point in the fall of last year, over 100,000 U.S. troops were deployed in such operations. The incremental cost of these operations were often funded by transferring funds from ongoing programs. This had the impact of specific units standing down operations, canceling scheduled training and deferring maintenance. As a result, earlier this fiscal year three Army divisions had their readiness ratings decline to a C-3 level. This rating level means that the divisions effected could not undertake all wartime missions, had decreased flexibility, increased vulnerability, and required significant resources to offset deficiencies. In response to these realities, the funds recommended by the committee in this bill begins to slow the decade long decline in defense spending, increases the production rates of many key programs and improves the quality of life and readiness levels of our troops.

WORLD REMAINS A DANGEROUS PLACE

As the daily news makes clear, the post-cold-war era remains a volatile and dangerous time. Ethnic, cultural, and religious conflict continues in many areas of the world. Instability in the states of the former Soviet Union continues. Significant military threats in the Persian Gulf region and the Korean Peninsula are continuing. At least 20 countries, many of them hostile to the United States, have now or are seeking to develop nuclear, biological, and/or chemical weapons and the means to deliver them. As the world's only superpower, it is vital that America remains the world's finest fighting force. In response to the global situation and the decade-long decline in defense resources the committee has taken a number of initiatives as described below.

HIGHLIGHTS OF COMMITTEE'S RECOMMENDATIONS

As detailed in the report accompanying this bill, the committee's recommendations and objectives are in three broad categories.

1. Ensure that the greatly downsized force structure is of the highest caliber, has a high level of readiness and a reasonable quality of life.

2. Ensure that a modernization program is in place which addresses the shortfalls of equipment for our current forces and also provides for the security needs of the future.

3. Ensure that we are getting the best return on our expenditures for defense by eliminating those programs which from the committee's perspective are of marginal military value, and reforming or reducing other programs which have encountered technical problems or have a low longer range payoff.

Quality of life: The committee has taken a number of steps to improve the quality of life of the men and women of our Armed Forces and their dependents. We have added almost \$670 million to the budget request for housing allowances and overseas station allowances. Because of the decline in the value of the dollar subsequent to the budget submission, service personnel and their dependents stationed overseas would face severe budgetary shortfalls without this increased funding. Funds were also increased for military recruiting. Because of the relatively high turnover rate of the active force, it is absolutely essential that high quality recruits enter the service. Additionally, of the total add-on for real property maintenance, \$256 million is included for the renovation and upgrades of barracks. On-site inspections by committee members and testimony before the committee detailed the rundown conditions of many of the living facilities for the Armed Forces.

Readiness: Various units have undergone a deterioration in readiness in recent times because of a shortfall of funds. For example, in addition to the 3 Army divisions mentioned earlier, last September 8 Marine Corps aviation squadrons were grounded for the entire month, and 28 Marine and Navy squadrons had to ground over one-half of their aircraft. There has also been a deferral of programmed ship and aircraft maintenance because of funding shortfalls. To remedy this serious situation the committee has taken numerous initiatives including an increase of \$210 million for training in specific areas where shortfalls were identified in testimony. The bill also provides an increase of \$379 million to help alleviate the enormous backlog of equipment that needs maintenance-repair to meet operation standards. A total of \$1 billion was added for real property maintenance. In addition to the aforementioned funds for barracks enhancement included in this increase, funds are also provided to upgrade and enhance the physical assets of numerous mission essential facilities.

Importantly, the committee has added \$647 million above the budget for the ongoing operations in and around Iraq—for example, Operations Provide Comfort and Southern Watch. Despite the fact that these operations are entering their fourth year, they have never been budgeted for by the administration. The addition of these funds ensure that other operating accounts will not be raided to fund these ongoing operations.

#### MODERNIZATION

Mr. Chairman, the budget request for the procurement account for fiscal year 1996 was \$43.1 billion. To put this in perspective, the amount provided for procurement in 1985, when measured in today's dollars, was \$135.7

billion. The budget requested no funds to procure tanks, Air Force fighter aircraft, reconnaissance helicopters, attack helicopters or fighting vehicles. Production rates of numerous other systems are at historically low rates, thus resulting in high per unit costs. The Research, Development, Test and Evaluation Account has also been decreasing and many key programs in research have been undergoing slippage.

To redress this situation, the committee has taken significant initiatives in the areas of major weapons programs, mobility, missile defense, munitions and inventory shortfalls for low profile programs.

Major Weapons: Regarding major weapons systems the committee has provided a net increase of \$493 million to continue the production of the B-2 strategic bomber. An increase of \$200 million was also provided for the Air Force's highest priority funding shortfall, the F-22 tactical fighter aircraft. Other high profile programs were fully funded at the budget request including the Comanche helicopter, the V-22 Osprey aircraft and the Navy's F/A-18 E/F aircraft.

Mobility: Given the increasingly important role of mobility and logistics in light of the greatly scaled back presence of U.S. Forces stationed abroad, the committee has included significant funds for a number of vital mobility related programs. In addition to approving the budget request for the C-17 aircraft and strategic sealift, the committee added \$339 million for additional tactical transport aircraft and \$260 million for tactical trucks and vehicles. The committee also recommended an increase of \$974 million for the lead ship of the new LPD-17 class for marine expeditionary forces. Increases were also provided for mobility infrastructure improvements and repositioning programs.

Munitions: Testimony before the committee revealed that serious shortfalls exist in a wide variety of munitions programs, including both precision guided munitions and basic munitions. An increase of \$770 million includes \$374 million for precision guided munitions and \$396 million was provided for Army, Navy, and Marine Corps ammunition accounts.

Low-Profile Programs: Throughout the hearings this year the committee asked almost every witness about shortfalls that existed in any areas no matter how low profile the program was. Interestingly, many of the shortfalls existed in very unglamorous items such as ground support equipment, aircraft loaders, night vision goggles and small arms. The committee has added almost \$500 million for such items to address shortfalls cited by the services in testimony.

Missile Defense: The committee recommends a net increase of \$599 million for the ballistic missile defense program [BMD]. The total provided for this essential program is \$3.49 billion. This expanded program accelerates both the Theater Missile Defense program and the National Missile Defense program, thus increasing the protection of our troops deployed abroad as well as the United States.

#### PROGRAM REDUCTIONS

Although the committee has provided a net increase to the budget request, the committee eliminated various programs and reduced or restructured others. The reductions ranged from eliminating programs of low military value to adjustments to programs which have en-

countered technical problems, contract savings or undergone slippage for a variety of reasons. Major reductions recommended by the committee include:

Program	Reduction
Technology Reinvestment Program .....	-\$500,000,000
Environmental Restoration .....	-\$200,000,000
Defense Acquisition .....	-\$163,500,000
Energy management programs .....	-\$114,700,000

#### POLICY ISSUES

Mr. Chairman, I'd like to briefly address a few of the general provisions we have included in the bill. Section 8104 prohibits the use of any funds available to the Defense Department being used for the deploying United States forces to participate in a negotiated peace settlement in Bosnia unless authorized by Congress. Given the course of events in that troubled area of the world, the probability of a negotiated settlement followed by the deployment of a large peace enforcement contingency is fairly remote. Nevertheless, we believe it is important that if events should evolve to the point where a large scale deployment of United States forces is the recommended policy of the administration regarding Bosnia, such a policy cannot be implemented unless specifically authorized by law.

In section 8102 we set a prohibition of the use of DOD funds for peacekeeping, peacemaking and certain types of humanitarian assistance unless the President has consulted with the Congress. Section 8102 also spells out many specifics on the types of issues to be covered in the consultation.

#### CONCLUSION

In summary, I would simply make a number of points concerning the fiscal year 1996 Defense appropriations bill.

This bill is a bipartisan effort which had widespread support from both parties in the subcommittee markup and in the full committee markup.

The bill is: \$7.8 billion above the budget request; \$2.2 billion below the authorized level; \$2.5 billion, or 1 percent, above the current fiscal year; and is within the 602(b) allocation for defense.

The bill:

Ensures that our armed services remains the finest fighting force in the world.

Ensures that the quality of life of our servicemen and servicewomen will be enhanced.

Deletes programs of a low military value and restructures programs which have encountered technical problem and delays.

Provides a modernization program which meets both today's requirements and the security needs of the future.

Mr. Chairman, I urge passage of H.R. 2126, the fiscal year 1996 Department of Defense appropriations bill.

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

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I simply want to say there are two things wrong in general with the budget under which the Congress is now proceeding. One of them is a lot of the items that wind up being cut, and the other thing wrong with the budget is a lot of items that are not cut.

Some of those items are in this bill.

In my view, for instance, it is simply not a rational division of priorities for us to decide that we are going to see reductions in programs that support senior citizens living near the edge of poverty, to see reductions in education that are crucial to improving people's lot in life, to see reductions in job training programs and economic development programs, and yet seeing this bill commit to spend some \$70 billion for the F-22, a plane which we do not need at this time, to see the recommendation made in the bill to exceed the number of B-2's that have been requested by the Joint Chiefs of Staff at a cost of well over \$1 billion a plane. Just one of those would pay the entire tuition bill for every single student at the University of Wisconsin in Madison for the next 12 years, just one of those planes, to put that in context. It seems to me that is a wasteful expenditure we should not be providing.

We will be debating that tomorrow, but also other reductions that we ought to be having in DOD travel, in star wars.

Even in my own district, the gentleman from Pennsylvania tells me that I am one of two Members of the House who has been suggesting the elimination of a defense facility, military facility, in his own district. The committee has not seen fit to share my judgment on that, but it seems to me that that is an example of things which are nice to have but which are not necessary, given the squeeze on the budget. So we will be dealing with this more tomorrow. I wanted to get that off my chest.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

An amendment striking sections 8021 and 8024 of the bill is adopted.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the

time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2126

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military functions administered by the Department of Defense, and for other purposes, namely:

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

#### TITLE I

##### MILITARY PERSONNEL

###### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$19,884,608,000.

###### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,006,363,000.

###### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$5,928,340,000.

###### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,294,620,000.

###### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$2,122,566,000.

###### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,350,023,000.

###### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$366,101,000.

###### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$783,586,000.

###### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$3,240,858,000.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,254,827,000.

The CHAIRMAN. Are there amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

## TITLE II

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

## (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$18,999,825,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

## OPERATION AND MAINTENANCE, NAVY

## (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,151,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$20,846,710,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

## OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$2,508,822,000.

## OPERATION AND MAINTENANCE, AIR FORCE

## (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,326,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$18,894,397,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$9,958,810,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and pay-

ments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,119,191,000.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$857,042,000: *Provided*, That of the funds appropriated in this paragraph, \$19,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$104,783,000: *Provided*, That of the funds appropriated in this paragraph, \$13,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,519,287,000: *Provided*, That of the funds appropriated in this paragraph, \$11,840,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$2,344,008,000.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair

of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; \$2,737,221,000: *Provided*, That of the funds appropriated in this paragraph, \$3,000,000 shall not be obligated or expended until authorized by law.

UNITED STATES COURT OF APPEALS FOR THE  
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; \$6,521,000, of which not to exceed \$2,500 can be used for official representation purposes.

## ENVIRONMENTAL RESTORATION, DEFENSE

## (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; \$1,422,200,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

## SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; \$15,000,000: *Provided*, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

OVERSEAS HUMANITARIAN, DISASTER, AND  
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); \$50,000,000.

## FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of

defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; \$200,000,000 to remain available until expended.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. NEUMANN

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

The Clerk read as follows:

Amendment offered by Mr. NEUMANN: On page 8 of the bill, line 1, strike out "\$18,999,825,000" and insert in lieu thereof "\$18,998,131,000".

On page 9 of the bill, line 4, strike out "\$18,894,397,000" and insert in lieu thereof "\$18,873,793,000".

On page 10 of the bill, line 10, strike out "\$857,042,000" and insert in lieu thereof "\$841,565,000".

On page 10 of the bill, line 21, strike out "\$104,783,000" and insert in lieu thereof "\$102,079,000".

On page 12 of the bill, line 3, strike out "\$2,344,008,000" and insert in lieu thereof "\$2,334,487,000".

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. NEUMANN. Mr. Chairman, I would like to start this evening, and I do have this amendment to present, but I do want to praise our chairman for the work that he has done on this bill and the members of the committee.

There are three things, in my opinion, this Nation faces. Any one of the three could bring this Nation to its knees. One is the budget and fiscal constraints that we must act on in order to bring our budget back in line to get our budget balanced, to get our deficit under control.

The second one is, while we are balancing the budget and getting the budget under control, we cannot destroy our ability to defend our Nation.

So, the three things that could bring us to our knees, failure to promptly take care of the defense budget is certainly the second one.

The third one is the moral values facing this Nation. More on that in the future.

The bottom line is our chairman has done a great job paying attention to the fact we need to preserve a very strong military in this Nation. The world is not a safe place. We need to look forward to the fact that our children can look at this Nation in a situation where we can defend our homelands and defend our Nation in the future. Our chairman deserves a lot of praise for that. Mr. Chairman, you have done a great job.

I am offering this amendment even though the bill that has been presented is in line with what is necessary to balance the budget. There are some accounts in the defense budget that can still be cut further. This is one of the accounts that can, in fact, be reduced further.

The DeFazio-Neumann amendment reduces by \$50 million the operational support aircraft account. This account funds executive travel and administrative costs. I would like to read from a June 1995 GAO report, and I am just going to read very briefly a few words out of it to show why are bringing this amendment.

The report states that, "The existing number of aircraft dedicated to OSA missions has been and continues to be excessive. Our review shows that the current OSA inventory is 10 times greater than the number of OSA aircraft used in the theater during the Persian Gulf War."

The bottom line is we have extra money in this account. It can be reduced. The DeFazio-Neumann amendment suggests we reduce by \$50 million to a sum remaining of \$196.31 million in this account.

□ 2145

So this amendment will reduce by \$50 million available in this account.

Mr. Chairman, I would reiterate that this \$50 million savings will not harm military readiness operations functions in any way, shape or form, but will cut down an unnecessary administrative cost in executive travel and force the operations support aircraft fleet to trim its budget.

Mr. Chairman, I would conclude by urging my colleagues to support the DeFazio-Neumann amendment.

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

Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. NEUMANN] for his leadership on this issue. This is an example that if Congress applies the proper scrutiny to the Pentagon, the same scrutiny that is being applied to many other budgets of the Federal Government, there are places to save funds.

The GAO report that the gentleman mentioned that a Senator from Iowa and I had commissioned found that the OSA aircraft far exceed the wartime needs of the Pentagon, and they are routinely used for missions that have no urgency, missions where the generals or the assistant secretaries involved could make the same trip on commercial aircraft for a fraction of the cost. The helicopters which are used frequently between Andrews Air Force Base and the Pentagon at a cost of between \$400 and \$1,600 more per trip, saving 10 to 12 minutes, but boosting a lot of egos, are also a place where this amendment would apply.

Mr. Chairman, it is time the same strictures are applied to the Pentagon that we are applying to other parts of the Federal budget. This is definitely an area where funds could be saved.

Mr. Chairman, I was not here for the opening dialog, but my understanding is that perhaps the committee is going to accept the amendment. I would like at this point, if I could engage the chairman in a brief colloquy.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say first that the committee is very much aware of this amendment, and we worked with both of the authors, the gentleman from Wisconsin [Mr. NEUMANN] and the gentleman from Oregon [Mr. DEFAZIO], and we are prepared to accept this amendment.

Mr. Chairman, I would like to, if I might, point out that this amendment to reduce this money does not include aircraft assigned to the unified combatant command's, so it does not have a negative effect on any of our combatant air activities.

Mr. Chairman, I would also like to say to both gentlemen that it is the intention of our subcommittee to hold specific hearings shortly after the House reconvenes in September on this very issue. But we agree strongly with what both gentlemen have said and we intend to pursue that.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Florida. I appreciate the fact that the committee will delve more deeply into this issue.

Mr. Chairman, I believe the GAO report is a road map talking about perhaps a unified use, a unified command of all of the OSA, operations support aircraft fleet, perhaps under the Air Force and one of the other services. We could meet all of the legitimate travel needs, particularly the urgent travel needs of the Command and Control staff at the Pentagon, and the Uniformed Services for a lot less than we are spending today, and we would avoid embarrassments such as the unfortunate general and his cat who flew back from Italy at a rather extravagant cost.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY: Page 9, line 11, strike "\$9,958,810,000" and insert "\$9,908,810,000."

Mr. OBEY. Mr. Chairman, it is always risky to try to compare activities of government with activities in the private sector, especially when you are dealing with military requirements. But nonetheless, this amendment is offered to try to bring attention to the fact that the General Accounting Office has reported that it cost the Department of Defense an additional 30 percent of its total cost of travel, \$3.5 billion, or roughly \$1 billion of that amount, in order to process their regular travel. They process about 8.2 million travel vouchers each year.

Mr. Chairman, I do not know whether the GAO's estimate that the Pentagon

could save around \$800 million is accurate or not. They point out that the percentage difference between what this processing costs DOD and what it costs in the private sector is 30 percent versus 6 percent. I do not know how far down you can bring that number. But certainly, if the General Accounting Office thinks that you can bring it down to the tune of \$800 million, we ought to be able to bring it down by at least \$100 million.

Mr. Chairman, this amendment does not even do that. It simply says that we will cut this account by \$50 million to indicate our concern about the problem. The Defense Department is aware of the problem. They are in the process of instituting reforms to try to deal with it, but they have not yet been able to put those in place to any appreciable degree. It seems to me that we have a requirement as an institution to indicate that we expect this problem to be attacked and to be attacked quickly, which is why I offer the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last requisite number of words.

Mr. Chairman, again, I would say to the gentleman that the subcommittee, as he knows, reduced this account by \$40 million. We do believe that the additional \$50 million will not create any undue burdens, and we are prepared to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. SKAGGS

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

The Clerk read as follows:

Amendment offered by Mr. SKAGGS: Page 9, line 11, strike "\$9,958,810,000" and in lieu thereof insert "\$9,953,810,000"; on page 35, line 11, strike "\$75,683,000" and in lieu thereof insert "\$80,683,000".

Mr. SKAGGS. Mr. Chairman, this amendment would move \$5 million from the operation maintenance account dealing with, in particular, travel, and shift that \$5 million into the account for intelligence community management.

Mr. Chairman, the purpose is to provide those funds for the continued operation of the Environmental Task Force, which has been a very important initiative within the intelligence community to make intelligence products declassified and available for use by the scientific community and by various agencies of Government.

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

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have discussed this in some detail, and we are going to do everything we can in conference to get this change made. I think the gentleman from Colorado has made a good point to us, and we

will certainly do everything in conference that we can to get this worked out.

Mr. SKAGGS. I appreciate the comment of the gentleman.

Mr. Chairman, I would be pleased to yield to the gentleman from Florida [Mr. YOUNG], our distinguished subcommittee chairman also on this point. I hope I might have his assurances of assistance in trying to get this matter taken care of when we get to conference.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, I would say to the gentleman that we understand the issue; we did have some concern about who really should be paying for this, and it is a good project, but our concern was who should pay for it.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MURTHA] has stated our position very well. In the conference with the other body, we believe we will be able to work this out.

Mr. SKAGGS. I appreciate the comment of the gentleman.

As I am sure the gentleman is aware, there are various consumers of intelligence product around the Government about which essentially the same argument could be made, perhaps USTR and its work and so forth. So I really think that this is one that we ought to be able to work out. I appreciate the willingness of both of the gentlemen to assist with this when we get to conference.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

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

There was no objection.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

#### TITLE III

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,468,067,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$45,000,000 shall not be obligated or expended until authorized by law.

##### Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and

accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$842,830,000, to remain available for obligation until September 30, 1998.

##### Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,616,964,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$257,300,000 shall not be obligated or expended until authorized by law.

##### Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,019,315,000, to remain available for obligation until September 30, 1998.

##### Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 41 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,570,125,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$24,538,000 shall not be obligated or expended until authorized by law.

##### Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized

equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$4,310,703,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$204,215,000 shall not be obligated or expended until authorized by law.

#### Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$1,736,211,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$109,800,000 shall not be obligated or expended until authorized by law.

#### Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$483,779,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$22,000,000 shall not be obligated or expended until authorized by law.

#### Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; \$5,577,958,000, to remain available for obligation until September 30, 2000: *Provided*, That additional obligations may be incurred after September 30, 2000, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for

the construction of any naval vessel in foreign shipyards.

#### Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 252 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$2,480,670,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$19,198,000 shall not be obligated or expended until authorized by law.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 194 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; \$480,852,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$81,605,000 shall not be obligated or expended until authorized by law.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$7,162,603,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$130,651,000 shall not be obligated or expended until authorized by law.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$3,223,265,000, to remain available for obligation until September 30, 1998.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$321,328,000, to remain available for obligation until September 30, 1998.

#### Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 385 passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$6,508,425,000, to remain available for obligation until September 30, 1998.

#### Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$2,187,085,000, to remain available for obligation until September 30, 1998.

#### National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; \$908,125,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$138,125,000 shall not be obligated or expended until authorized by law.

#### AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: On page 23, line 17, strike "\$7,162,603,000," and insert "\$7,140,703,000".

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Ms. FURSE. Mr. Chairman, this is a very simple amendment. This is to cut \$21.9 million from an aircraft procurement account for spare parts. That \$21.9 million is more than what is required, and my amendment would merely remove that \$21.9 million from the \$117 million.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we appreciate the amendment being offered. We are very much aware of the amendment and agree with this amendment, and we are prepared to accept it.

Ms. FURSE. I thank the Chairman and I thank the ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BONILLA), having assumed the chair, Mr. SENSENBRENNER, 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. 2126), making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

#### WAIVING PROVISIONS OF LEGISLATIVE REORGANIZATION ACT OF 1970 REQUIRING ADJOURNMENT OF CONGRESS BY JULY 31

Mr. SENSENBRENNER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 89) waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 89

*Resolved by the House of Representatives (the Senate concurring), That, notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198(a)), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2200

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BONILLA). 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 Illinois [Mr. WELLER] is recognized for 5 minutes.

[Mr. WELLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### BLM LOBBYING AGAINST LIVESTOCK GRAZING ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 10 minutes as the designee of the majority leader.

Mrs. CHENOWETH. Mr. Speaker, I rise tonight to speak with you about an issue that is taking place with regards to the activities of the Bureau of Land Management and the Rangeland Reform Act that is now pending before the committees here in the House and in the Senate. Shockingly the Bureau of Land Management, Mr. Babbitt, and the Clinton administration have ordered a communications plan designed to discredit the Livestock Grazing Act before committee hearings were even held on the act and before the legislation has been finalized. It is obvious, Mr. Speaker, that through this action the Clinton administration has no desire to work with Congress on grazing issues so important to our lifestyle, our culture, our economic base, and our way of life in the West.

Mr. Speaker, the job of the Bureau of Land Management is very plain and simply to carry out the laws passed by Congress, not to use taxpayer dollars to lobby the media or attempt to write their own laws.

Mr. Speaker, the Director of the Bureau of Land Management in the State of Nevada published in local newspapers a lobbying effort against this particular action. I am, Mr. Speaker, calling on the Bureau of Land Management to immediately cease spending taxpayer money to spread false and misleading information to the public on the Public Rangeland Management Act.

I need to remind the Bureau of Land Management that the Hatch Act under section 7322 of the United States Code clearly states that an employee in an executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or a body.

Section 303 of the Interior Appropriation Act of 1995 clearly states that, quote, no part of any appropriations contained in this act shall be used for

any activities, for publications or distribution of literature that in any way tend to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The Public Rangeland Management Act currently under consideration by the House and the Senate is the result of hard work and lengthy discussions from all parties involved with the use and management of public rangelands.

Mr. Speaker, I intend to work as a member of the House Committee on Resources to schedule a special hearing on the conduct of the Bureau of Land Management to this issue. It is imperative that we bring the separation of powers back under control as envisioned by our Founding Fathers.

Article I, section 1, of the United States Constitution suggests, and states, and mandates that the Congress shall form all laws. It is the administration's responsibility simply to carry out those laws. Many of these public employees are very well paid. They have very high positions, and to see them blatantly ignore the Hatch Act and other pieces of legislation which have kept and maintained that separation of powers over these years, to see it blatantly ignored, is alarming to me, Mr. Speaker.

You know, today I had the fortune of going to Fredericksburg and viewing the battlefield there, viewing the battlefield where 35,000 young men from age 12 up through their twenties are buried, where only 15 percent of those young men were identified with grave markers. So much has gone before us, Mr. Speaker, in order for us to maintain the concepts emboldened and embodied in the Constitution of the separation of powers, so much has gone before us in the way of sacrifice, and yet today, yet today, we see public officials blatantly ignore the laws of Congress with absolutely no retribution or no fear of retribution.

Mr. Speaker, it is only when we are able to bring this out in the public and the public is able to see and to say to the lawmakers and to the policy makers in this Nation it is time, it is time, Mr. Speaker, that the members of the Bureau of Land Management and various other agencies abide by the same course of law and standard of law that nonpublic employees must live and abide by.

#### WILL MEDICARE SEE ITS 40TH BIRTHDAY?

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, this week marks the 30th birthday of Medicare, very important health care program for our senior citizens, and this week is very important, that we look to Medicare and see how we

can strengthen, preserve, and protect Medicare.

We have heard disturbing news, however, that Medicare, as strong as it has been, as much good as it has done, could be in trouble unless we make some changes. Currently the Medicare board of trustees has reported in a bipartisan fashion to the Clinton administration that in fact, if Medicare is not preserved, protected, and improved within 7 years' time, the Medicare funds will be depleted. In fact, the hospital insurance trust fund, which pays beneficiaries' bills, begins to run a deficit in the near future. Only 2 years following the initial problems we will find there to be \$126 billion in the hole.

Republicans and some reform-minded Democrats in the House of Representatives recognize the gravity of the situation, Mr. Speaker, we know that Medicare must be protected for the sake of current and future generations. To do this, we have determined that there are six basic principles which will guide our efforts to strengthen, preserve and protect the Medicare Program.

First, we must act immediately to preserve Medicare for current retirees and to protect the system for the next generation of beneficiaries. The President's trustees have reported that the Medicare Part A Trust Fund will be bankrupt in 7 years. Medicare must be preserved and prompt, decisive action—*at once*—is imperative.

Second, Medicare spending will increase at a controlled rate. Under the proposed new budget, spending per beneficiary would increase at least from \$4,800 this year to \$6,700 over the next 7 years, and that includes adjustment for new beneficiaries.

Third, senior citizens deserve the same choices available to other Americans. Medicare currently gives seniors only one choice—an outdated, bureaucratic fee-for-service program that is rife with waste, fraud and abuse. Our seniors, like all Americans, deserve to choose a plan that best fits their personal needs.

Fourth, Government must not interfere in the relationship between patients and their doctors. Medicare currently dictates to doctors how to treat patients, limits patient options and worse, it has buried both the patient and the doctor under an avalanche of duplicative regulations. To succeed in reforming the system, we need to ease this burden by reducing regulation and needless paperwork.

Fifth, senior citizens should be rewarded for helping to root out waste, fraud and abuse in the system. Seniors have proven themselves to be fine stewards of public funds by frequently calling attention to fraud and abuse in the Medicare system. We need to reward their efforts to make the system more efficient. According to the Government Accounting Office [GAO], there already exists \$44 billion in fraud, waste and abuse in the Medicare/Medicaid systems.

Sixth, strengthening Medicare is too important to be left to "politics as

usual." All Americans see how important it is for Medicare to be saved. They expect Republicans and Democrats to work together to get the job done and that is exactly what we will do, Mr. Speaker.

To help us find the best solutions on a local level, many of us have formed local Medicare preservation task forces, as I have in the 13th District of Pennsylvania. Our task force has taken public testimony from doctors, health care professionals, senior citizens, insurance companies, and health care consumers to suggest a course of action that we should take to preserve and protect Medicare. The task force has had four hearings, heard from dozens of witnesses and has read volumes of materials regarding possible solutions. They are drafting a report which has been prepared for my inspection on September 5 when I will have a public meeting in the district at a town meeting at Montgomery County Community College at 7 p.m. the day after Labor Day. I will present the task force report to the people of the 13th District, and thereafter, Mr. Speaker, I will transmit back to this House those suggestions so that we may make the kinds of legislative initiatives that will preserve, protect, and preserve Medicare as the outstanding health care program for our seniors which it has been.

Saving Medicare will make the 30th birthday of Medicare a happy occasion after all. By working together, Republicans and Democrats, we can save Medicare for the beneficiary of today and tomorrow, and by doing so we will insure that Medicare will have a bright future and many happy returns.

#### THE FAILURE TO ENFORCE ENVIRONMENTAL LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to talk tonight briefly about what happened with regard to the VA, HUD, and EPA appropriations bill, and specifically the amendment sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] on a bipartisan basis which was in effect turned around tonight.

Mr. Speaker, I think many people do not realize in the House of Representatives you can vote once in what we call the Committee of the Whole, which is what happened with this bill last week, and have a vote one way, but again, when the bill comes to the full House, as it did tonight, you can have the same amendment or provision, and the bill can go another way, and what happened essentially, Mr. Speaker, is that over the weekend the Republican leadership spent a lot of time trying to convince Members and get Members back here so that in fact today, when this amendment came up again, the vote went the other way, and what I

consider a very good amendment that was sponsored on a bipartisan basis by both Democrats and Republicans was defeated. The appropriations bill that we took up today essentially does great damage to the environment by including something like 17 riders, as we call them, that would prohibit expenditures of funds for enforcement of environmental protection.

Mr. Speaker, when I was first elected to the House of Representatives back in 1988, I believe the main reason I was elected was because I said I would come down here and try to protect the oceans and try and protect the environment. We had gone through a summer in New Jersey where we had medical waste wash up on the beaches. Our beaches were closed. People were very concerned about what the Federal Government was doing to protect the environment, particularly clean water, and we passed some major legislation over the last 7 or 8 years that increases protection of the environment not only with clean water, but clean air and a lot of other areas, and the most important aspect of that is enforcement because, if you think about it, you can pass all the environmental bills you want, you can have every environmental agency that you can possibly have, but if you do not have the money to hire people to go out and enforce the law, you might as well not have the laws on the books, and that is what we were facing here today, a bill, an appropriations bill, that cut back by one-third the amount of money that was available to the Environmental Protection Agency to enforce the law and riders, if you can call them, or provisions that were put into this appropriations bill that made it difficult, if not impossible, for the EPA to enforce environmental laws.

The amendment sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] would have changed all that and taken out these riders, and, as I said, it did pass last week, but over the weekend a lot of pressure was put on this Congress, particularly the Republican Members, to try to make sure that that bill, that amendment failed today, and it did in fact fail today.

□ 2215

To give you an idea of some of the provisions that are in this bill now, without that amendment having passed, the spending package includes more than 17 substantive riders which will gut key environmental provisions by prohibiting spending for implementation and enforcement.

Mr. Speaker, let us talk about the Clean Water Act, which is so important to my district and to coastal states. Basically, the bill would bring enforcement of the existing law to a halt. It stops enforcement of wetlands protection programs. It blocks the Great Lakes water quality initiative. It bars effluent guidelines and water quality

standards. It freezes storm water permits and it also stops enforcement of sewer overflow permits. If you think of those things collectively, they add up to gutting the Clean Water Act.

With regard to the Clean Air Act, it makes the clean air operating permit program voluntary. It exempts refineries from air toxic standards. It allows full credit for ineffective auto emission inspection and maintenance programs. It exempts the oil and gas industry from accident prevention programs. It provides special treatment for cement kilns and exempts those kilns that burn hazardous waste from air toxic regulation, and it forbids trip reduction strategies in state clean air plans.

Mr. Speaker, some of these things I am providing are from an analysis put together by the Natural Resources Defense Council.

On the Safe Drinking Water Act, which is so important to so many communities in this country, the bill prohibits, on EPA's issuance of tap water standards for arsenic, a known human carcinogen, it prohibits the EPA's issuance of a tap water standard for radon and other radionuclides. Other environmental protection programs are gutted. There is a threat, essentially, to the community right to know program. It is gutted. There are major cuts in the energy efficiency program. It also revokes the Delaney clause.

Mr. Speaker, the bill essentially repeals the Federal Food, Drug and Cosmetic Act's prohibition on the use of cancer causing pesticides in foods when the pesticides concentrate in processed foods, such as in the making of apple sauce. All in all, this is a very bad piece of legislation. It is really a shame tonight that we saw the reversal on the Stokes-Boehlert amendment.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.

Mrs. THURMAN (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

#### 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 to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCKEON, for 5 minutes, today.

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

Mr. JONES, for 5 minutes, on August 1.

Mr. FOX of Pennsylvania, for 5 minutes, on August 1.

(The following Member to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. FURSE) and to include extraneous matter:)

Mrs. SCHROEDER.

Mr. RAHALL.

Mr. STARK.

Mrs. COLLINS of Illinois.

Mr. DIXON.

Mr. HILLIARD.

Mrs. MALONEY.

Mrs. MINK of Hawaii.

Mr. BORSKI.

Mr. STOKES.

Mr. DINGELL and to include extraneous matter on H.R. 2099 in the Committee of the Whole today on the Dingell-Brown amendment.

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mrs. JOHNSON of Connecticut.

Mr. BAKER of California.

Mr. SCHIFF.

Mr. ALLARD.

Mr. HORN.

Mr. WAXMAN, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$3,497.

#### ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 1, 1995, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

1281. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1282. A letter from the Administrator, Agency for International Development, transmitting the quarterly update report on development assistant program allocations as of March 31, 1995, pursuant to 22 U.S.C. 2413(a); to the Committee on International Relations.

1283. A letter from the Administrator, Federal Aviation Administration, transmitting the administration's final environmental impact statement [FEIS] on the effects of the implementation of the expanded east coast plan over the State of New Jersey, pursuant to Public Law 101-508, section 9119(c) (104 Stat. 1388-369); to the Committee on Transportation and Infrastructure.

#### 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. 701. A bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO; with an amendment (Rept. 104-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 1874. A bill to modify the boundaries of the Talladega National Forest, Alabama; with an amendment (Rept. 104-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2017. A bill to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; with an amendment (Rept. 104-217 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1675. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; with an amendment (Rept. 104-218). Referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2017. The Committee on Government Reform and Oversight discharged.

H.R. 2017 referred to the Committee of the Whole House on the State of the Union.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2017. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than July 31, 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. SCHIFF (for himself, Mr. FAWELL, Mr. HASTERT, Mr. WAMP, Mr. BAKER of California, and Mrs. MORELLA):

H.R. 2142. A bill to promote the scientific, technological, and the national security interests and industrial well-being of the United States through establishing missions for and streamlining Department of Energy laboratories, and for other purposes; to the Committee on Science, and in addition to the Committee on National Security, 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. ACKERMAN (for himself, Mr. ABERCROMBIE, Mr. BORSKI, Mr. BROWN of California, Mr. DEFAZIO, Mr. DEUTSCH, Mr. ENGEL, Mr. FARR, Mr. FAWELL, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GILMAN, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. KLECZKA, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. McDERMOTT, Mr. MANTON, Mrs. MALONEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MORAN, Mr. NADLER, Mr. OWENS, Mr. PORTER, Ms. ROYBAL-ALLARD, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mr. TORRICELLI, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, and Mr. YATES):

H.R. 2143. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska (for himself, Mr. HAMILTON, Mr. JACOBS, Mr. SKELTON, Mr. EMERSON, Mr. VOLKMER, Mr. BEREUTER, Mr. FUNDERBURK, Mr. EHLERS, Mr. BROWNBACK, Mr. KINGSTON, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. HEINEMAN, and Mr. CHAMBLISS):

H.R. 2144. A bill to amend title 49, United States Code, in a manner which ensures to a greater degree the ability of utility providers to establish, improve, operate, and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers by removing limitations on maximum driving and on-duty time in regard to utility vehicle operators and drivers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself, Mr. SHUSTER, Mr. MINETA, Mr. WISE, and Mr. WICKER):

H.R. 2145. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 2146. A bill to amend the Internal Revenue Code of 1986 to extend the nonconventional fuel tax credit; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr.

LUCAS, and Mrs. CHENOWETH):  
H.R. 2147. A bill to amend the Federal Crop Insurance Act to permit producers greater discretion in deciding to purchase catastrophic risk protection and to amend the Agricultural Act of 1949 to clarify the prevented planting rule for the calculation of crop acreage bases; to the Committee on Agriculture.

By Mr. SENSENBRENNER:

H. Con. Res. 89. Concurrent resolution waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31; considered and agreed to.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

145. By the SPEAKER: Memorial of the House of Representatives of the State of Maine, relative to memorializing the Administrator of the Environmental Protection Agency to require development of a gasoline that reduces ozone without endangering health; to the Committee on Commerce.

146. Also, memorial of the House of Representatives of the State of Texas, relative to requesting the Congress of the United States to continue its efforts to determine the location and status of all U.S. military personnel still missing in Southeast Asia; to the Committee on International Relations.

## ADDITIONAL SPONSORS

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

H.R. 60: Mr. BONO and Mr. CANADY.  
H.R. 533: Mr. EHLERS.  
H.R. 580: Mr. PETERSON of Minnesota, Mr. SANDERS, and Mr. MINETA.

H.R. 743: Mr. LATHAN and Mr. HANSEN.  
H.R. 784: Mr. MCCOLLUM.  
H.R. 789: Mr. GALLEGLEY.  
H.R. 863: Mr. SANDERS.  
H.R. 940: Mr. DICKS, Mr. FLAKE, Ms. MCKINNEY, Mr. TUCKER, Ms. WATERS, and Mr. PALLONE.

H.R. 1226: Mr. EMERSON, Mr. ANDREWS, and Mr. LINDER.

H.R. 1423: Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. WAXMAN, Mr. BORSKI, Mr. DELUMS, Mr. MINETA, Mr. KENNEDY of Massachusetts, and Ms. DELAURO.

H.R. 1594: Mr. CALVERT.  
H.R. 1619: Mr. CALVERT, Mr. HUNTER, and Mr. LOBIONDO.

H.R. 1687: Mr. FOX, Mr. ANDREWS, Mr. PALLONE, and Mr. HINCHEY.  
H.R. 1821: Mr. HORN, Mr. BILBRAY, Mr. WALSH, Mr. RIGGS, and Mr. DOOLITTLE.

H.R. 1833: Mr. DEAL of Georgia, Mr. DELAY, Mr. POMBO, Mr. SOUDER, and Mr. DICKEY.  
H.R. 1846: Mr. BEREUTER and Mr. BONIOR.  
H.R. 1974: Mr. HOEKSTRA.

H.R. 1978: Mr. ROHRBACHER.  
H.R. 1980: Ms. NORTON, Mr. TORRES, Mr. SCHUMER, Mr. BECERRA, Mr. TEJEDA, Mr. ROMERO-BARCELO, Mr. ABERCROMBIE, and Mr. FLAKE.

H.R. 2045: Mr. McDERMOTT.  
H.J. Res. 70: Mr. PAYNE of New Jersey.  
H. Res. 174: Mrs. MORELLA, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. WATT of North Carolina, and Ms. FURSE.

H. Res. 200: Mr. FORBES.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

OFFERED BY: MR. MARKEY

AMENDMENT NO. 2: Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(C)) is amended to read as follows:

“(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.”

Page 127, line 4, strike “or 5 percent” and all that follows through “greater,” on line 6.

Page 129, strike lines 16 through 21 and insert the following:

“(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.”

Page 130, line 16, insert “and” after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.”

Page 131, strike line 6 and all that follows through line 21, and insert the following:

“(m) SMALL CABLE SYSTEMS.—

“(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

“(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this subsection, ‘small cable system’ means a cable system that—

“(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and  
“(B) directly serves fewer than 10,000 cable subscribers in its franchise area.”

H.R. 1555

OFFERED BY: MR. MARKEY

AMENDMENT NO. 3: Page 150, beginning on line 24, strike paragraph (1) through line 19 on page 151 and insert the following:

“(1) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding 35 percent. Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.

Page 150, line 4, strike “(a) AMENDMENT.—”

Page 150, line 9, after “section,” insert “and consistent with section 613(a) of this Act.”

Page 154, strike lines 9 and 10.

H.R. 1555

OFFERED BY: MR. MARKEY

AMENDMENT NO. 4: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

**SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

“(v) Prescribe—

“(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

“(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.”.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Sec-

tion 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

“(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).”.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

“(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

“(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

“(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

“(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

“(A) enables parents to block programming based on identifying programs without ratings,

“(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

“(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.”.

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking “section 303(s), and section 303(u)” and inserting in lieu thereof “and sections 303(s), 303(u), and 303(w)”.

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

H.R. 1555

OFFERED BY: MR. MORAN

AMENDMENT NO. 5: Page 90, beginning on line 11, strike paragraph (7) through page 93, line 6, and insert the following:

“(7) FACILITIES SITING.—(A) Except as provided in subparagraph (B), the Commission shall be prohibited from engaging in any rulemaking that preempts or has the effect of preempting State or local regulation of the placement, construction, modification, or operation of facilities for the provision of commercial mobile services.

“(B) No State or local government or any instrumentality thereof may regulate the placement construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

“(C) A State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities if—

“(i) the regulation of the placement, construction, and modification of facilities for the provision of commercial mobile services by any State or local government or instrumentality thereof—

“(I) is reasonable, does not discriminate among commercial mobile service providers, and is limited to the minimum necessary to accomplish the State or local government's legitimate purposes; and

“(II) does not prohibit or have the effect of precluding any commercial mobile service; and

“(ii) a State or local government or instrumentality thereof acts on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services within a reasonable period of time after the request is fully filed with such government or instrumentality; and

“(iii) any decision by a State or local government or instrumentality thereof to deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services is in writing and is supported by substantial evidence contained in a written record.

“(D) Any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (i) the district court of the United States for any judicial district in which the instrumentality is located; or (2) in any State court of general jurisdiction having jurisdiction over the parties.”.

H.R. 2126

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 12: Page 28, line 11, insert “(increased by \$8,000,000)” after the dollar amount.

H.R. 2126

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 13: Page 28, line 11, strike "\$13,110,335,000" and insert "\$13,118,335,000".

H.R. 2126

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 14: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for the procurement of Army projectiles, except when it is made known to the Federal official having authority to obligate or expend such funds that such procurement is in compliance with the Competition in Contracting Act.

H.R. 2126

OFFERED BY: MR. DORNAN

AMENDMENT NO. 15: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense, except when it is made known to the Federal official having authority to obligate or expend such funds that the life of the mother would be endangered if the fetus were carried to term.

H.R. 2126

OFFERED BY: MR. FARR

AMENDMENT NO. 16: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act or any other Act for any fiscal year may be obligated or expended in a total amount in excess of \$6,700,000 for the relocation of Fort Bliss, Texas, as a result of the report of the 1995 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126

OFFERED BY: MR. FARR

AMENDMENT NO. 17: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act or any other Act for any fiscal year may be obligated or expended in a total amount in excess of \$6,700,000 for the relocation, as a result of the report of the 1995 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126

OFFERED BY: MR. KASICH

AMENDMENT NO. 18: Page 94, after line 3, insert the following new section:

SEC. 8107. (a) None of the funds provided in this Act may be obligated or expended for new production aircraft for the B-2 bomber aircraft program.

(b) The amount otherwise provided in title II of this Act for "AIRCRAFT PROCUREMENT, AIR FORCE" is reduced by \$493,000,000.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 19: On page 8 of the bill, line 1, strike out "\$18,999,825,000" and insert in lieu thereof "\$18,998,131,000".

On page 9 of the bill, line 4, strike out "\$18,894,397,000" and insert in lieu thereof "\$18,873,793,000".

On page 10 of the bill, line 10, strike out "\$857,042,000" and insert in lieu thereof "\$841,565,000".

On page 10 of the bill, line 21, strike out "\$104,783,000" and insert in lieu thereof "\$102,079,000".

On page 12 of the bill, line 3, strike out "\$2,344,008,000" and insert in lieu thereof "\$2,334,487,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 20: On page 8 of the bill, line 1, strike out "\$18,999,825,000" and insert in lieu thereof "\$18,998,131,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 21: On page 9 of the bill, line 4, strike out "\$18,894,397,000" and insert in lieu thereof "\$18,873,793,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 22: On page 10 of the bill, line 10, strike out "\$857,042,000" and insert in lieu thereof "\$841,565,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 23: On page 10 of the bill, line 21, strike out "\$104,783,000" and insert in lieu thereof "\$102,079,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 24: On page 12 of the bill, line 3, strike out "\$2,344,008,000" and insert in lieu thereof "\$2,334,487,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 25: Page 88, after line 3, after "for the current fiscal year" insert "or prior fiscal years."

Page 88, line 5, strike "serving in an operation" and all that follows through line 10 and insert "participating in an operation described in subsection (b) unless the participation of United States Armed Forces units in such operation is previously authorized by law or conditions meeting subsection (d) apply."

Page 89, strike line 12 and all that follows through line 18 on page 90.

Page 90, line 19, strike "(d)" and insert "(c)".

Page 91, strike lines 3 through 12 and insert new subsection "(d) None of the funds provided in this Act may be obligated or expended for the participation of United States Armed Forces in any operation in the territory of the former Yugoslavia for a period in excess of 60 days after the date of initial deployment above the level of forces so deployed as of date of enactment."

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 26: On page 94 of the bill, after line 3, add the following section:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Army" is hereby reduced by \$1,694,000: *Provided*, That not more than \$6,652,000 of the funds made available under that heading shall be available for operational support airlift.

(b) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Air Force" is hereby reduced by \$20,604,000: *Provided*, That not more than \$80,896,000 of the funds made available under that heading shall be available for operational support airlift.

(c) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Navy Reserve" is hereby reduced by \$15,477,000: *Provided*, That not more than \$60,767,000 of the funds made available under that heading shall be available for operational support airlift.

(d) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Marine Corps Reserve" is hereby reduced by

\$2,704,000: *Provided*, That not more than \$10,614,000 of the funds made available under that heading shall be available for operational support airlift.

(e) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Army National Guard" is hereby reduced by \$9,521,000: *Provided*, That not more than \$37,379,000 of the funds made available under that heading shall be available for operational support airlift.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 27: Page 94, line 3, insert the following new section:

SEC. 8107. 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 facility at Andrew 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. NEUMANN

AMENDMENT NO. 28: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds provided in this Act may be obligated or expended for the participation of United States Armed Forces in any operation in the territory of the former Yugoslavia for a period in excess of 60 days after the date of initial deployment or 60 days after the passage of this Act above the level of forces so deployed as of date of enactment.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: Page 8, line 1, strike "\$18,999,825,000" and insert "\$18,809,825,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: Page 8, line 13, strike "\$20,846,710,000" and insert "\$20,756,710,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: Page 9, line 4, strike "\$18,894,397,000" and insert "\$18,804,397,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: Page 9, line 11, strike "\$9,958,810,000" and insert "\$9,918,810,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: Page 28, line 11, strike "\$13,110,335,000" and insert "\$12,910,335,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: Page 23, line 17, strike "\$7,162,603,000" and insert "\$6,669,603,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: Page 23, line 17, strike "\$7,162,603,000" and insert "\$7,112,603,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 36: Page 26, line 10, strike "\$908,125,000" and insert "\$569,125,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 37: Page 28, line 11, strike "\$13,110,335,000" and insert "\$12,110,335,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 38: Page 28, line 24, strike "\$9,029,666,000" and insert "\$8,579,666,000".

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 39: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract that is prohibited by section 4(a) of the Buy American Act (41 U.S.C. 10b-1(a)).

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 40: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract when it is made known to the Federal official having authority to obligate or expend such funds that such contract is contrary to subsection (a) of section 4 of the Buy American Act (41 U.S.C. 10b-1), without regard to subsections (b) and (c) of such section.

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 41: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for the salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract for production or manufacture of an article outside of the United States after the national unemployment rate for the United States during the first 6 months of fiscal year 1995 exceeded 4 percent.

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 42: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for the salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such contract is for production or manufacture of an article outside of the United States; and

(2) the national unemployment rate for the United States during first 6 months of fiscal year 1995 exceeds 4 percent.

H.R. 2126

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 43: Page 94, after line 3, insert the following new section:

SEC. 8107. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3 percent.

H.R. 2126

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 44: Page 9, line 11, strike "\$9,958,810,000" and in lieu thereof insert "\$9,953,810,000"; on page 35, line 11, strike "\$75,683,000" and in lieu thereof insert "\$80,683,000".

H.R. 2126

OFFERED BY: MR. SPRATT

AMENDMENT NO. 45: Page 94, after line 3, insert the following new section:

SEC. 8107. (a) Of the funds provided in title IV of this Act, not more than \$100,442,000 may be obligated or expended for research, development, test, and evaluation for the Sea-Based Wide Area Defense (Navy Upper Tier) program, notwithstanding the proviso in the paragraph under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE".

(b) The amount otherwise provided in title IV of this Act for "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" is reduced by \$100,000,000.

H.R. 2126

OFFERED BY: MR. STOCKMAN

AMENDMENT NO. 47: On page 90, line 23, strike the word "should" and replace it with "must".

H.R. 2126

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 47: Page 94 after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated in this Act may be used to modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

H.R. 2127

OFFERED BY: MR. BLUTE

AMENDMENT NO. 18: Page 75, after line 24, insert the following section:

SEC. 514. Of the total amount made available in titles I through IV of this Act, there is hereby made available for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981 an amount that is equal to 2 percent of such total amount (exclusive of funds that are by law required to be made available) and that is derived by hereby reducing each account in such titles (exclusive of such funds) on a pro rata basis to provide such 2 percent.

H.R. 2127

OFFERED BY: MR. EWING

AMENDMENT NO. 19: Page 88, after line 7, insert the following new title:

#### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than \$5,000,000.

H.R. 2127

OFFERED BY: MR. EWING

AMENDMENT NO. 20: Page 88, after line 7, insert the following new title:

#### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than \$10,000,000.

H.R. 2127

OFFERED BY: MR. GOODLING

AMENDMENT NO. 21: Page 45, line 7, strike "\$1,057,919,000," and insert "\$1,062,788,000, of which \$4,869,000 shall be for the National Institute for Literacy; and".

Page 49, line 1, strike "\$255,107,000" and insert "\$250,238,000".

H.R. 2127

OFFERED BY: MR. GOODLING

AMENDMENT NO. 22: Page 88, after line 7, insert the following new item:

#### TITLE VII—LITERACY PROGRAM NATIONAL INSTITUTE FOR LITERACY (INCLUDING TRANSFER OF FUNDS)

For expenses to carry out the literacy program of the National Institute for Literacy under section 384 of the Adult Education Act

(20 U.S.C. 1213c), to be derived from amounts provided in this Act for "EDUCATION, RESEARCH, STATISTICS, AND IMPROVEMENT", \$4,869,000.

H.R. 2127

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 23: Strike section 509 (page 69, lines 12 through 17) (and redesignate the succeeding sections accordingly).

H.R. 2127

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 24: Strike title VI (page 76, line 1 through page 88, line 7).

H.R. 2127

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 25: Page 55, strike line 20 and all that follows through page 56, line 19 (relating to the Corporation for Public Broadcasting).

H.R. 2127

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 26: Page 88, after line 7, insert the following new title:

#### TITLE VII—TRAVEL FUNDS

SEC. . None of the funds appropriated in this Act may be used by the National Labor Relations Board for travel when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such travel is not directly related to conducting elections under section 9 of the National Labor Relations Act or preventing unfair labor practices under section 10 of such Act by the Chairman or other Members of the National Labor Relations Board; and

(2) a written decision has not been issued by the Board in the review of the Administrative Law Judge decision, dated May 29, 1992, in California Saw and Knife Works.

H.R. 2127

OFFERED BY: MR. SAM JOHNSON OF TEXAS

AMENDMENT NO. 27: Page 41, after line 8, insert the following section:

SEC. 210. Each dollar amount otherwise specified in the account in this title relating to "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH" is reduced to \$0.

H.R. 2127

OFFERED BY: MR. KOLBE

AMENDMENT NO. 28: Page 69, strike lines 12 through 17 and insert the following:

SEC. 509. Notwithstanding any other provision of title XIX of the Social Security Act, for quarters beginning on or after October 1, 1993, the Federal medical assistance percentage applicable under such title with respect to medical assistance which consists of abortions furnished where the pregnancy is the result of an act of rape or incest shall be 100 percent.

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 29: On page 45 line 15, strike "and 3" and insert "3 and 4" and on page 45 line 17, strike \$6,916,915,000 and insert \$7,056,915,000 on page 32 line 8 after the word "expended" insert:

" : Provided, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 71 percentum."

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 30: On page 45 line 15, strike "and 3" and insert "3 and 4" and on page 45 line 17, strike \$6,916,915,000 and insert \$6,920,915,000.

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT No. 31: On page 45 strike out all beginning on line 21 through the word "purpose:" on line 8 of page 46.

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT No. 32: On page 69, strike lines 12—17.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 33: On page 3 line 11 strike \$350,000,000 and insert \$385,000,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 34: On page 3 line 11 strike \$350,000,000 and insert \$385,000,000.

On page 22 line 16 strike \$2,927,122,000 and insert \$2,973,122,000.

On page 33 line 12 strike \$2,136,824,000 and insert \$2,140,824,000.

On page 33 line 15 strike \$2,136,824,000 and insert \$2,140,824,000.

On page 35 line 15 strike \$1,000,000,000 and insert \$100,000,000.

On page 37 line 7 strike \$4,543,343,000 and insert \$4,662,343,000.

On page 37 line 23 strike \$778,246,000 and insert \$827,246,000.

On page 43 line 22 strike \$3,092,491,000 and insert \$3,213,491,000.

On page 44 line 11 strike \$4,000,000 and insert \$5,500,000.

On page 44 line 15 strike \$39,737,000 and insert \$41,737,000.

On page 44 line 24 strike \$72,028,000 and insert \$78,528,000.

On page 55 line 19 strike \$168,974,000 and insert \$184,974,000.

On page 32 line 8 after the word "expended" insert:

" : Provided, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 65 percentum."

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 35: On page 18, strike lines 17 through 24.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 36: On page 18, strike lines 17 through 24.

On page 19 strike out all beginning on line 1 through line 14 on page 20.

On page 20 strike out lines 15 through 22.

On page 20 strike out all beginning on line 23 through line 12 on page 21.

On page 21 strike out lines 13 through 23.

On page 41 strike lines 6 through 8.

On page 51, strike out all beginning after "1996" on line 12 through line 18 on page 52.

On page 54 strike lines 6 through 18.

On page 58 strike all beginning after the word "purposes" on line 20 through page 60 line 8.

On page 69 strike lines 12 through 17.

On page 70 strike all beginning on line 17 through line 8 on page 71.

On page 71 strike all beginning on line 7 through line 15 on page 72.

Strike title VI of the bill beginning on page 76 line 1 through line 7 on page 88.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 37: On page 19 strike out all beginning on line 1 through line 14 on page 20.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 38: On page 20 strike out lines 15 through 22.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 39: On page 20 strike out all beginning on line 23 through line 12 on page 21.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 40: On page 21 strike out lines 13 through 23.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 41: On page 22 line 16 strike \$2,927,122,000 and insert \$2,973,122,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 42: on page 32 line 8 after the word "expended" insert:

" : Provided that none of the funds in this Act may be used to reimburse any State for expenditures incurred under titles XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 65 percentum"

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 43: on page 33 line 12 strike \$2,136,824 and insert \$2,140,824,000 and on page 33 line 15 strike \$2,136,824,000 and insert \$2,140,824,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 44: on page 35 line 15 strike \$1,000,000,000 and insert \$100,000,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 45: on page 37 line 7 strike \$4,543,343,000 and insert \$4,662,343,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 46: on page 37 line 23 strike \$778,246,000 and insert \$827,246,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 47: on page 41 strike lines 6 through 8.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 48: on page 32 line 22 strike \$3,092,491,000 and insert \$3,213,491,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 49: on page 44 line 11 strike \$4,000,000 and insert \$5,500,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 50: on page 44 line 15 strike \$39,737,000 and insert \$41,737,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 51: on page 44 line 24 strike \$72,028,000 and insert \$78,528,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 52: on page 51, strike out all beginning after "1996" on line 12 through line 18 on page 52.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 53: on page 54 strike lines 6 through 18.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 54: on page 55 line 19 strike \$168,974,000 and insert \$184,974,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 55: On page 58 strike all beginning after the word "purposes" on line 20 through page 60 line 8.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 56: On page 69 strike lines 12 through 17.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 57: On page 70 strike all beginning on line 17 through line 6 on page 71.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 58: On page 71 strike all beginning on line 7 through line 15 on page 72.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT No. 59: Strike title VI of the bill beginning on page 76 line 1 through line 7 on page 88.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT No. 60: Page 20, strike lines 15 through 22 (relating to OSHA ergonomic protection standards).

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT No. 61: Page 58, line 20, strike the colon and all that follows through "Act" on page 59, line 8 (relating to NLRB and salting).

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT No. 62: Page 59, line 8, strike the colon and all that follows through "evidence" on page 60, line 8 (relating to NLRB section 10(j) authority).

H.R. 2127

OFFERED BY: MR. SANDERS

AMENDMENT No. 63: Page 88, after line 7, insert the following new title:

#### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS FOR AGREEMENTS FOR DEVELOPMENT OF DRUGS.—None of the funds made available in this Act may be used by the Director of the National Institutes of Health to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the National Institutes of Health on a drug, including an agreement under which such information is provided by the National Institutes of Health to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal officer having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

H.R. 2127

OFFERED BY: MR. SKAGGS

AMENDMENT No. 64: Page 76, strike line 1 and all that follows through page 88, line 7.

H.R. 2127

OFFERED BY: MR. SOLOMON

AMENDMENT No. 65: Page 88, after line 7, insert the following new title:

#### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to study or research

the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

H.R. 2127

OFFERED BY: MR. STOCKMAN

AMENDMENT No. 66: On page 41, strike lines 9 and 10 and add the following new section:

"SEC. 209. No funds appropriated under the provisions of this title may be used for funding to any jurisdiction that sanctions physician-assisted suicide.

"This title may be cited as the 'Department of Health and Human Services Appropriations Act of 1996'."

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 67: On page 2 line 15, strike \$3,180,441,000 and insert \$4,355,441,000.

On page 2 line 16, strike \$2,936,154,000 and insert \$3,436,154,000.

On page 2 line 21 strike \$95,000,000 and insert \$120,000,000.

On page 2 line 23, after the ":" insert:

" and of which \$650,000,000 shall be available from January 1, 1996, through June 30, 1996 for the Summer Youth Employment and Training Program

On page 3 line 3, strike \$830,000,000 and insert \$930,000,000.

On page 3 line 4 strike \$126,672,000 and insert \$276,672,000.

On page 41 line 4, strike \$95,000,000 and insert \$120,000,000.

On page 45 line 7, strike \$1,057,919,000 and insert \$1,157,919,000.

On page 45 line 8, strike \$1,055,000,000 and insert \$1,155,000,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 68: On page 2 line 15, strike \$3,180,441,000 and insert \$4,355,441,000.

On page 2 line 16, strike \$2,936,154,000 and insert \$3,436,154,000.

On page 2 line 21 strike \$95,000,000 and insert \$120,000,000.

On page 2 line 23, after the ":" insert:

" and of which \$650,000,000 shall be available from January 1, 1996, through June 30, 1996 for the Summer Youth Employment and Training Program.

On page 3 line 3, strike \$830,000,000 and insert \$930,000,000.

On page 3 line 4 strike \$126,672,000 and insert \$276,672,000.

On page 41 line 4, strike \$95,000,000 and insert \$120,000,000.

On page 45 line 7, strike \$1,057,919,000 and insert \$1,157,919,000.

On page 45 line 8, strike \$1,055,000,000 and insert \$1,155,000,000.

On page 32 line 8 after the word "expended" insert:

": Provided, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 69 percentum".

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 69: on page 2 line 15, strike \$3,180,441,000 and insert \$4,355,441,000, on line 16, strike \$2,936,154,000 and insert \$3,436,154,000, on line 21 strike \$95,000,000 and insert \$120,000,000, on line 23, after the ":" insert:

" and of which \$650,000,000 shall be available from January 1, 1996, through June 30, 1996 for the Summer Youth Employment and Training Program".

and on page 3 line 3, strike \$830,000,000 and insert \$930,000,000 and on line 4 strike \$126,672,000 and insert \$276,672,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 70: on page 2 line 15, strike \$3,180,441,000 and insert \$3,185,441,000, on line 16, strike \$2,936,154,000 and insert \$2,941,154,000, and on line 21 strike \$95,000,000 and insert \$100,000,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 71: on page 32 line 8 after the word "expended" insert:

": *Provided*, That none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provisions in excess of 65 percentum"

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 72: on page 41 line 4, strike \$95,000,000 and insert \$120,000,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT No. 73: on page 45, line 7, strike \$1,057,919,000 and insert \$1,157,919,000 and on line 8, strike \$1,055,000,000 and insert \$1,155,000,000.

H.R. 2127

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 74: Page 88, after line 7, insert the following new title:

TITLE VII—GIFTED AND TALENTED PROGRAMS

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 "RE-LATED AGENCIES—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—SALARIES AND EXPENSES", \$9,500,000.

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT No. 75: Page 2, line 15, after the dollar amount, insert the following: "(increased by \$55,000,000)".

Page 2, line 21, after the dollar amount, insert the following: "(increased by \$55,000,000)".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT No. 76: Page 2, line 15, after the dollar amount, insert the following: "(increased by \$378,500,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by \$378,500,000)".

Page 3, line 4, insert after "such Act," the following: "\$1,228,500,000 shall be for carrying out title III of such Act (employment and training assistance for dislocated workers)".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT No. 77: Page 2, line 15, after the dollar amount, insert the following: "(increased by \$350,000,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by \$350,000,000)".

Page 3, line 4, insert after "such Act," the following: "\$350,000,000 shall be for carrying out title II, part B of such Act (summer youth employment and training programs)".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT No. 78: Page 23, line 8, insert before the period the following: ": *Provided further*, That of the amount made available under this heading, \$105,000,000 shall be available for the Healthy Start infant mortality initiative".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT No. 79: Page 36, beginning on line 16, strike "Head Start Act,".

Page 37, line 7, strike "\$4,543,343,000" and insert "\$1,145,915,000".

Page 37, after line 10, insert the following:

HEAD START ACT

For carrying out, except as otherwise provided, the Head Start Act, \$3,534,429,000.

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT No. 80: Page 55, line 19, insert before the period the following: ": *Provided*, That of the amount made available under this heading, \$68,640,000 shall be available for the Foster Grandparent Program".