United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, SEPTEMBER 21, 1995 No. 148

# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*September 21, 1995.*

I hereby designate the Honorable J.D. HAYWORTH to act as Speaker pro tempore on this day.

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

## PRAYER

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

Let us pray using the words of St. Francis.

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love.

For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

## MESSAGE FROM THE SENATE

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

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; and

S. Con. Res. 27. Concurrent resolution correcting the enrollment of H.R. 402.

## THE JOURNAL

The SPEAKER pro tempore (Mr. HAYWORTH). 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. The gentlewoman from New York [Mrs. MALONEY] will lead the membership in the Pledge of Allegiance.

Mrs. MALONEY 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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes from each side.

## SALMON FLUSH MODEL

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

Mr. METCALF. Mr. Speaker, salmon rehabilitation on the Columbia River is required by the Endangered Species Act. In Washington State, a computer model called the flush model is being used by Federal agencies as the basis for Columbia River salmon recovery efforts. While this model is used to justify reservoir drawdowns and spend hundreds of millions of dollars of expenditures, its scientific base has never been made public nor subject to peer review.

Despite months of repeated requests, I have not been able to obtain this model. The Resources Committee, under Chairman YOUNG, will issue a formal request for a copy of this model, but this information should have been available for public and peer review before the planning and costs of salmon recovery began.

But I have to ask: What do they have to hide?

## MEDICARE CUTS FOR TAX CUTS

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

Mr. PALLONE. Mr. Speaker, today is Thursday, September 21, and we still have no Medicare plan from Speaker GINGRICH and the House Republican leadership.

As you know, we were supposed to have it yesterday, and today was supposed to be 1 day of hearings before the House Committee on Ways and Means on the plan. Instead, the meeting was delayed. It is now scheduled for tomorrow, and we still have no Medicare plan to outline how the Republican leadership is going to cut $270 billion from Medicare over the next 7 years.

The Democrats feel very strongly there should be at least 4 weeks of hearings on Medicare and Medicaid. We tried to bring that up in the House yesterday and were denied that by the Republican majority. Instead, we are going to have to have our own alternative hearings starting tomorrow and going into next week just so that the



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American people can find out what the Republican plan is for cutting Medicare and Medicaid, how they are going to implement it, and how they are going to figure out what they are going to do to prevent the fact, to prevent all the tax cuts for Medicare cuts.

## SPEAK OUT AGAINST VIOLENCE

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

Mrs. MYRICK. Mr. Speaker, I could not let another day go by without commenting on two senseless incidents that have happened in the last week that are very, very frustrating to me.

One of them was in my own home city of Charlotte, where a teenager, a high school student, was senselessly gunned down in a drive-by shooting. It was not the first time it has happened, there or in other parts of the country.

Last week there was an incident in Los Angeles where a young couple made a wrong turn. When they tried to turn around, they were stopped by a gang of youths who literally fired into their car, killed a 2-year-old, injured a 2-year-old and an adult.

I just ask: What has happened in America, and how long are we going to stand back and allow this to go on without us as a people speaking up? I mean, it is just like it has become so common and everyday what we do, feel, or say, that is just the way it is. We ignore it.

I implore everybody, no matter where you live in this country, to start to speak out, to let your voice be heard and to say we are not going to tolerate this type of behavior in this great land of the United States any longer.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gallery is reminded they must refrain from applause or other editorial comments during the course of proceedings.

## MEDICARE IS THE REAL CONTRACT WITH AMERICA

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

Mrs. MALONEY. Mr. Speaker, the Republican plan to cut Medicare by $270 billion strikes a mortal blow to health security for all senior citizens. Their plan to hold just 1 day of hearings is an insult to democracy.

We had 28 days of hearings for Whitewater, 10 days for Waco, 8 days for Ruby Ridge, and we are having 1 day only, only 1 day, for Medicare. I defy anyone to find an American anywhere in this country outside of Washington, DC, who agrees with that legislative agenda.

They are cutting $270 billion to preserve corporate welfare, extravagant defense spending, and tax cuts. The result for senior citizens is higher premiums, less access, low-quality health care, and, in many cases, poverty.

The $270 billion cut is far in excess of what is needed to keep Medicare solvent, yet Republicans have the gall to say they are saving Medicare.

They will save Medicare, all right. It will be a classic case of the operation was a success, but the patient died.

Let us have real hearings. Medicare is the real contract with the American people.

## INTRODUCTION OF THE MEDICARE PRESERVATION ACT

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

Mr. HOKE. Mr. Speaker, today being introduced in the House of Representatives is the Medicare Preservation Act, a comprehensive plan for a better Medicare.

What you have heard from the other side and what you hear repeatedly is this notion there have not been hearings or there will not be hearings. It is simply not true.

The fact is, and everybody knows it, that we have been dealing with this problem now for at least 3 years, that it is clear the trustees of the Medicare trust fund have said the trust fund is going broke. We have to do something about it. We have to do something about it now.

There has been voluminous testimony, numerous, innumerable hearings, tens of thousands of pages of evidence that has been given, and that somehow this subject that has been aired as exhaustively as any subject has been in the United States in the past 3 years has not gotten hearings is absolutely ridiculous. It is untrue.

What we will do, and what we are going to do, and what the American people expect us to do, is to preserve, protect, and strengthen the Medicare Program.

## THE AMERICAN PEOPLE NEED JOBS, NOT DEBATE

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

Mr. TRAFICANT. Mr. Speaker, AT&T, after having already laid off 20,000 American workers, announced it will lay off another 8,500, including 1,000 workers in Dayton, OH. AT&T said through a spokesman they are restructuring because our economy is so strong.

Some economy, folks. Check it out. Westinghouse cut 6,000 jobs, United Technologies 11,000, McDonnell Douglas 9,000, IBM 50,000, General Motors 100,000, Xerox, Eastman Kodak 40,000.

Truth is, ladies and gentlemen, while Congress fights over partisan politics, America is becoming a colony once again. The American workers are fighting for their very jobs. The American people need jobs, not debate.

## THE LEGAL SERVICES CORPORATION

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

Ms. VELÁZQUEZ. Mr. Speaker, last week, by voting to terminate the Legal Services Corporation, Republicans committed one of the most shameful attacks on the working poor that I have ever witnessed.

In my own community, Brooklyn Legal Services is there day after day, whether it is intervening to save an elderly woman from eviction or helping tenants receive fair treatment from their landlord. Legal Services is there fighting for their forgotten people.

Mr. Speaker, the Constitution says that we are all entitled to equal protection under the law, but in today's society, some of us are ore equal than others. In this country, if you have the money to hire a good lawyer, you can make your way through our legal system. But if you are poor, you will lose regardless of whether you are right or wrong.

Nothing should come at the price of denying individuals their constitutional rights.

I urge my colleagues to support the Legal Services Corporation. Let us show the American people there are still Members in this House willing to fight for those in need of a helping hand.

Mr. Speaker, I rise before you today to express my outrage over last week's move by House Republicans to terminate the Legal Services Corporation. These actions represent a shameful attack on the poor of this country.

Mr. Speaker, many of my colleagues will argue that we cannot afford programs like the Legal Services Corporation in this time of fiscal constraint. But I challenge them, and I ask, "How can we not?"

Let me tell you about a life that the Brooklyn Legal Services Corporation saved. An 86-year-old latino woman—one of my community's abuelitas—who was to be evicted from her home. It seems the landlord wanted this elderly woman's apartment for his own use, and decided to solve the problem by throwing her out on the street. What he did not tell her, and what she did not know, was that under the law senior citizens are protected from such evictions. The landlord was maliciously tricking this woman into—literally—signing away her right to this apartment. Then, Brooklyn Legal Services Corporation stepped in. They assessed the woman of her rights, and halted an injustice that would have condemned her to a certain death on the streets.

This is not an occasional happening. Recently, a landlord in my district decided that because he was going to sell his apartment building he no longer needed to bother with its maintenance and upkeep, so he left the families living there to fend for themselves. The building deteriorated, and it became a place

unfit to live in—let alone raise a family. Once again, Brooklyn Legal Services Corporation intervened, and worked to get the building updated. Today, these families have a clean and safe building.

Mr. Speaker, the Constitution says we are all entitled to equal protection under the law, but in today's society some of us seem to be more equal than others. You see, in this country if you have the money to hire a good lawyer, you can make your way through our legal system. If you are poor, new to this country, or don't understand the legal system, however, you will lose regardless of whether you are right or wrong. That's why the efforts of the Legal Services Corporation are so important. They are in over 900 communities, working to make sure that those who need help have a fighting chance.

I urge my colleagues to support the efforts of the LSC. Let us show the American people that there are still Members in Congress willing to fight for those in need of a helping hand.

## DEAL WITH THE FACTS ABOUT MEDICARE

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

Mr. RIGGS. Mr. Speaker, our liberal colleagues on the other side of the aisle have a very distorted view of politics. They equate leadership with scaring people, and they figure the only way they can shape events is by fear, by intimidation, and by denying reality.

This has had a fraudulent approach to politics, and it ultimately cheats the American people out of good government, does a disservice to our whole country.

Let us look at Medicare. We have been hearing these constant complaints. We saw this ranting and raving yesterday in the Halls of Congress regarding our proposal to protect and save and strengthen Medicare.

Where is the Democratic plan? One can only deduce by the lack of any plan from the Democrats they are prepared to vote for a drastic increase in payroll taxes or to ration health care benefits or even worse, to bankrupt Medicare.

Mr. Speaker, saving Medicare means dealing with the facts and leading, not denying the facts and scaring Americans.

## SLOW DOWN ON MEDICARE

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

Mr. GUTIERREZ. Mr. Speaker, with all the changes the Republicans are making, we should put some new signs to warn everybody.

Like the new highway bill, your State could have a new speed limit, not 65 miles an hour, but 65 plus.

There is another new limit that people should know about. Take a look, it is the Republican health care limit, 65 years old. That is right. When the Republicans raid Medicare, there is going to be a limit on affordable health care for every senior citizen, so if you depend on your car, you are going over 65, do not worry about it, you are safe.

But if you depend on Medicare and you are over 65, watch out, the GOP has its sights on you. They are going to pull you over, hand you a big ticket, just so that they can pay out the powerful few who paid for this victory last November. That is why there is a new health limit in America, but there is no limit on how low the Republicans will stoop. They will add to the wealth of the upper class and destroy the health of the middle class.

So, slow down, Mr. Speaker, because you are going too fast.

## SAY IT AGAIN, SAM

(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, the gentleman from Florida [Mr. GIBBONS] is one of the authentic heroes of this body. This man was a paratrooper in World War II. He reclaimed Europe from the Nazi blitzkrieg. He has served the public interest from the day he was old enough to do anything. He loves that flag more than anyone.

As ranking member on the Committee on Ways and Means, he has served there longer and knows more about Medicaid and Medicare than anyone in this body, and yesterday he had every right to blow up because he found there were no facts, there was no plan, there were no details, and that is very troubling.

We are being accused of trying to scare senior citizens. Well, if their plan is so non-scary, why can they not show it? The best assurance he got was if they ever get a plan, they will give 1 whole day of hearings to that plan. That is wrong.

Say it again, SAM; say it again, SAM; and say it again, SAM.

## INTRODUCTION OF THE CONGRESSIONAL PAY ACCOUNTABILITY ACT OF 1995

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

Mr. BUNN of Oregon. Mr. Speaker, as we come to the end of the fiscal year, many of my colleagues on the other side of the aisle seem more concerned about their salaries rather than the important issue of balancing the budget.

My Republican colleagues and I are committed to delivering on our promise of balancing the budget, and now is the time to show how serious we are.

That is why I introduced H.R. 2351, the Congressional Pay Accountability Act. This bill will show the American people that we are serious. H.R. 2351 requires that Congress return to appropriating Members of Congress each year just as they used to do. It is simple. If the appropriations bills do not pass, we do not get paid.

Yesterday, I met with Federal employees from my district who said, ''We are scared. We have to pay rent. We have car payments to pay. We have food to buy for our families, and Congress is playing with our lives.'' I said, no; we are going to put ourselves in the same position that you are in and expect the same kind of treatment that you receive. We have to get behind balancing the budget. We have to take it seriously. We have to show that we are serious and will not get paid until the job is done.

My bill will prove just how serious we are.

I ask my colleagues to join me by cosponsoring this important piece of legislation to show the American people that we are willing to put our money where our mouth is.

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## ONLY 1 DAY

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

Mr. GENE GREEN of Texas. Mr. Speaker, no wonder there are brawls in the House of Congress. It turns out that the Republican plan to raid Medicare of $270 billion to pay for $245 billion in tax cuts. By a party-line vote the Republicans delayed the release of their plan and only committed to 1 day of hearings, maybe tomorrow.

We had 28 days of hearings on Whitewater, 10 days on hearings on Waco, and 8 days of hearings on Ruby Ridge, and I did not object to any of those hearings. That is what Congress is supposed to do, is to have hearings. But this shows the hypocrisy of the Republicans when they are taking only 1 day to hold hearings on their plan they are so proud of.

Why is the majority rushing the Medicare reform bill to the House floor for a vote before the 37 million elderly Americans and their families have time to review the plan? I think the answer is clear. The Republican majority, they do not want the American people to know what is in their Medicare reform bill because it does major surgery when only minor surgery is needed. The $270 billion cut for Medicare and the $245 billion cut in tax cuts, we can cure Medicare by cutting fraud, waste, and abuse, but not major surgery.

## WHY ALL THE CRITICISM ON THE PROPOSED $245 BILLION TAX CUT

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

Mr. DUNCAN. Mr. Speaker, there has been so much political criticism of the proposed $245 billion tax cut—but what are the facts?

First, this tax cut is spread over 7 years and averages about $35 billion a year.

This is just 2 percent of Federal spending over that period. Federal spending has risen almost 300 percent over the last 15 years. Do you really think we cannot give just 2 percent back?

Second, some of this tax cut will go to upper income citizens—but most of it will go to lower and middle income people. Somehow, we never hear about that.

Third, DICK ARMEY, our Republican majority leader, has introduced a flat tax proposal that totally excludes from Federal income taxes the first $26,000 of income for a single person and the first $38,000 for a married couple.

This would do a whole lot more for poor people than all the political rhetoric coming from those who do not want to cut taxes at all.

The people of this Nation need some of their money back—the bureaucrats have taken too much for far too long.

## TRUE INTENT OF THE REPUBLICANS' PLANS FOR MEDICARE

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

Mr. RICHARDSON. Mr. Speaker, how can we preserve, protect, and save Medicare, as the Republicans claim to do, by cutting $270 billion out of Medicare and drastically increasing premium fees and payroll taxes for 37 million elderly Americans? We cannot do it, and that is why Republicans are hiding the details of their Medicare plan and holding no hearings. I ask, can you blame them?

Mr. Speaker, they do not want to talk about it. They are setting up the American people and the Congress for a railroading of their plan in less than 10 days, hoping everyone will forget. They hope that no one will know the true intent of this plan, and that is to give a tax cut for America's wealthiest.

Mr. Speaker, that is not right. Let us be open. Let us see the light of day of this Medicare plan, and let us debate it openly.

Democrats have an alternative, and Democrats want to protect Medicare.

## THE REPUBLICANS' IGNORANCE-IS-BLISS WAY OF MAKING DECISIONS ON HOUSING PROGRAMS

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

Ms. ROYBAL-ALLARD. Mr. Speaker, the House Committee on Banking and Financial Services cut $2.4 billion in banking and housing services for poor and moderate-income Americans. These draconian cuts eliminated the RTC and FDIC affordable housing programs, the FHA Mortgage Assignment Program, the Multifamily Property Disposition System, and neutralized the Community Redevelopment Agency, among others.

Mr. Speaker, these cuts were not based on facts and insights from expert testimony or those impacted by those decisions. Why? Because not one public hearing was held regarding these programs.

During the bill's markup, Mr. Speaker, Republicans and Democrats asked questions that could not be answered, forcing members to make decisions on communities and their housing needs with little understanding of their impact. With these cuts, Mr. Speaker, far too many will suffer before we all realize the painful consequences of the committee's actions.

It is tragic Republicans have applied the same ignorance-is-bliss in determining key policy issues for America.

## RAMMING THE MEDICARE PLAN THROUGH CONGRESS REPRESENTS A NEW LOW

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

Ms. WOOLSEY. Mr. Speaker, I have said before that the new majority is going too far, too fast, and now I add the words, ''too low.'' Yes, the way they are trying to ram their Medicare plan through the Congress represents a new low in backroom attacks on our seniors.

Let us make it clear; The new majority is allowing only 1 day of hearings on their Medicare plan. I repeat 1 day of hearings.

As a former city council member, I can tell you that we had more debate on sidewalk improvements than Speaker GINGRICH will allow on Medicare which affects millions of seniors and their families. But, you know, if I was in the new majority, I'd be hiding their Medicare plan, too, because it increases premiums on seniors and takes away their choice of doctor for one reason, and for one reason only: to pay for one of the most outrageous and unfair tax giveaways in American history.

Mr. Speaker, let us see the full details of your Medicare plan. Let us have public hearings. Let us get it out in the open, because as far as I am concerned, a plan that cannot withstand the bright light of day simply is not good enough for the seniors and families of this country.

## THE DEMOCRATS' WAY TO ECONOMIC PROSPERITY IS NONSENSE

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

Mr. WALKER. Mr. Speaker, it is fascinating to listen to the parade of people from the minority party come before this Congress and tell us why they are in the minority. They are in the minority in large part because they hate the idea of tax cuts. Giving tax cuts to the middle class is an absolute anathema to them, and so, therefore, they come to the floor day after day and suggest that the idea of giving tax cuts to the middle class is exactly the wrong national policy and we ought to do nothing in terms of a budget that would get us to tax cuts for the middle class, because after all, they know that if we simply give a bigger and bigger Federal Government more money, that that is the way to economic prosperity.

Mr. Speaker, it is nonsense. The American people understand that their entire concept is nonsense.

Now they are talking about Medicare. We have a program to strengthen Medicare in a way to assure that Medicare is there for people in the future. Otherwise in 7 years it goes broke. The Democrats have nothing. They are coming to the floor, and they have nothing. They have offered nothing, they are willing to debate nothing, they have no plan whatsoever. They are willing to countenance bankruptcy.

So understand what their budget policy is. Their budget policy is bankrupt the American family by taxing them to death, and bankrupt the Medicare system so that nobody has medical care in the future.

## CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to House Resolution 225 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. 927.

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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. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 20, 1995, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 2347 is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

*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 ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
Sec. 111. Expulsion of criminals from Cuba.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.
Sec. 302. Liability for trafficking in property confiscated from United States nationals.
Sec. 303. Determination of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to ''terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance''.

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to ''implement so much as one comma'' of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning ''violations of human rights and fundamental freedoms'' in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council ''shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.''.

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a ''threat to peace'' under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of ''all necessary means'' to restore the ''democratically elected government of Haiti'', and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a

national security threat to the United States.

**SEC. 3. PURPOSES.**

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

**SEC. 4. DEFINITIONS.**

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term ''confiscated'' refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ''Cuba'' substituted for ''a foreign state'' each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term ''foreign national'' means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term ''knowingly'' means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term ''property'' means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term ''property'' shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) TRAFFICS.—(A) As used in title III, a person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government determined by the President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

## TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

**SEC. 101. STATEMENT OF POLICY.**

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

**SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.**

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may not be imposed for—

''(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

''(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

''(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.''.

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting ''SEC. 16.'' before ''(a)''.

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and''; and

(4) by adding at the end the following flush sentence:

''As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

**SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.**

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''permanent resident alien'' means an alien admitted for permanent residence into the United States; and

(2) the term ''United States agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

**SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.**

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

**SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.**

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

**SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.**

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

''(B) imports from the Cuban Government at preferential tariff rates;

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

''(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

''(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

''(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

''(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

''(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

''(C) The report required by subparagraph (B) may be submitted in classified form.

''(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee

on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

''(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

''(B) democratic political reform and rule of law activities;

''(C) technical assistance for safety upgrades of civilian nuclear power plants;

''(D) the creation of private sector and nongovernmental organizations that are independent of government control;

''(E) the development of a free market economic system; and

''(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).''.

**SEC. 107. TELEVISION BROADCASTING TO CUBA.**

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

**SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.**

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

**SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.**

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

**SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.**

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that ''the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.''.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the

objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(3) DEFINITION.—As used in paragraph (1), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

**SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.**

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

## TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

**SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.**

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

**SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored- nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

**SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.**

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

**SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.**

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.'', with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

**SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.**

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

**SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.**

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

**TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME**

**SEC. 301. STATEMENT OF POLICY.**

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

**SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.**

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

**"§ 1331a. Civil actions involving confiscated property**

''The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

''1331a. Civil actions involving confiscated property.''.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.''.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

**SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.**

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

''EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

''SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

**SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.**

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

''EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

''SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

''(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.''.

## TITLE IV—EXCLUSION OF CERTAIN ALIENS

**SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.**

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms ''confiscated'' and ''confiscation'' refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term ''property'' does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of ''traffics'' that occur on or after the date of the enactment of this Act.

The CHAIRMAN. Before consideration of any other amendment it shall be in order to consider a further amendment in the nature of a substitute by the gentleman from Indiana [Mr. HAMILTON] or his designee. That amendment shall be considered read, shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

If that amendment is rejected or not offered, no further amendment shall be in order except the amendments printed in House Report 104–253. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

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 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.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Washington the designee of the gentleman from Indiana [Mr. HAMILTON]?

Mr. MCDERMOTT. I am, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MCDERMOTT:

Strike all after the enacting clause and insert in lieu thereof the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
Sec. 111. Expulsion of criminals from Cuba.
Sec. 112. Exports of food or medical items.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.
Sec. 302. Liability for trafficking in property confiscated from United States nationals.
Sec. 303. Determination of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to ''terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance''.

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to ''implement so much as one comma'' of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning ''violations of human rights and fundamental freedoms'' in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council ''shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.''.

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a ''threat to peace'' under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of ''all necessary means'' to restore the ''democratically elected government of Haiti'', and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

**SEC. 3. PURPOSES.**

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

**SEC. 4. DEFINITIONS.**

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term ''confiscated'' refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ''Cuba'' substituted for ''a foreign state'' each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term ''foreign national'' means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term ''knowingly'' means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term ''property'' means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term ''property'' shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) TRAFFICS.—(A) As used in title III, a person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government determined by the President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

## TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

### SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

### SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may not be imposed for—

''(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

''(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

''(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.''.

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting ''SEC. 16.'' before ''(a)''.

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and''; and

(4) by adding at the end the following flush sentence:

''As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

### SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''permanent resident alien'' means an alien admitted for permanent residence into the United States; and

(2) the term ''United States agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

### SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

**SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.**

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

**SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.**

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

''(B) imports from the Cuban Government at preferential tariff rates;

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

''(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

''(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

''(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

''(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

''(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

''(C) The report required by subparagraph (B) may be submitted in classified form.

''(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

''(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

''(B) democratic political reform and rule of law activities;

''(C) technical assistance for safety upgrades of civilian nuclear power plants;

''(D) the creation of private sector and nongovernmental organizations that are independent of government control;

''(E) the development of a free market economic system; and

''(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).''.

**SEC. 107. TELEVISION BROADCASTING TO CUBA.**

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

**SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.**

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

**SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.**

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

**SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.**

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that ''the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.''.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(3) DEFINITION.—As used in paragraph (1), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

**SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.**

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

**SEC. 112. EXPORTS OF FOOD OR MEDICAL ITEMS.**

(a) AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.—Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 u.S.C. 2370(a)(1)) is amended by striking the period at the end of the second sentence and inserting the following: '', except that any such embargo shall not apply with respect to the export of any medicines or medical supplies, instruments, or equipment, or staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.''.

(b) LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.—Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 8, 1962, the Export Administration Regulations (15 CFR 368–399), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of medicines or medical supplies, instruments, or equipment, or staple foods.

(c) LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.—

(1) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba—

(A) a medicines or medical supplies, instruments, or equipment, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components subjects to export controls under such section; or

(B) of staple foods.

(2) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba—

(A) of medicines or medical supplies, instruments, or equipment, to the extent such authorities are exercised to deal with a threat to the foreign policy or economy of the United States; or

(B) of staple foods.

(d) DEFINITION.—For purposes of this section, the term ''staple foods'' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.

(e) CONFORMING AMENDMENTS.—(1) Section 1705 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended—

(A) in subsection (b)—

(i) in the subsection caption by inserting ''AND EXPORTS OF STAPLE FOODS'' after ''FOOD''; and

(ii) by striking the period at the end and inserting the following: ''or prohibit exports to Cuba of staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.'';

(B) by amending subsection (c)(1) to read as follows:

''(1) except to the extent such restrictions—

''(A) would be permitted under section 5 of the Export Administration Act of 1979 for goods containing parts or components subject to export controls under such section; or

''(B) are imposed under section 208 of the International Emergency Economic Powers Act to deal with a threat to the national security of the United States;''; and

(C) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 1704(b)(2)(B)(i) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)(B)(i)) is amended by inserting after ''Cuba,'' the following: ''or exports of staple foods permitted under section 1705(b),''.

## TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

### SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

### SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade

Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

**SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.**

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

**SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.**

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.'', with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

**SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.**

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

**SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.**

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

**TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME**

**SEC. 301. STATEMENT OF POLICY.**

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

**SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.**

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

**''§ 1331a. Civil actions involving confiscated property**

''The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

''1331a. Civil actions involving confiscated property.''.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United

States Code, is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.''.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

**SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.**

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

''EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

''SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

**SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.**

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

''EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

''SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

''(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.''.

## TITLE IV—EXCLUSION OF CERTAIN ALIENS

**SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.**

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms ''confiscated'' and ''confiscation'' refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term ''property'' does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include–

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of ''traffics'' that occur on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Washington [Mr. MCDERMOTT] and a Member opposed each will be recognized for 30 minutes.

Is the gentleman from Indiana [Mr. BURTON] opposed to the amendment?

Mr. BURTON of Indiana. Mr. Chairman, I am.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] will be recognized for 30 minutes, and the gentleman from Washington [Mr. MCDERMOTT] will be recognized for 30 minutes.

The Chair recognize the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. Chairman, this proposal which is before us to deal with Cuba is primarily a bill dealing with property rights. It is in my opinion not a good bill, but this particular amendment, this substitute, deals with only one provision of that proposal which is before us, and that is to open up the possibility of sale of medical supplies, instruments, medical literature, and foodstuffs to Cuba.

Now presently the embargo allows the donation of those kinds of things to Cuba. It puts no prohibition against that. But the fact is that we cannot through the charity system deal with the medical needs of Cuba.

Mr. Chairman, I have been in Cuba, I have visited clinics, I have visited hospitals, I have been to the medical schools, and it is clear to me that the Cuban people are suffering tremendously because of the shortage of modern-day medical supplies, and instrumentation, and pharmaceuticals.

Now it is inconceivable to me that a country 90 miles from our shores, when we, the United States, have in many places in the world insisted on international humanitarian standards being applied, would withhold from the Cuban people those things which are available to people in the United States.

Mr. Chairman, I could give my colleagues many examples, but let us just take the issue of asthma. Asthma is a disease that makes it difficult for people to breathe. There is one of the highest rates of asthma in Cuba, and they are short of the kind of medication you need to make it possible to open up people's breathing passages so they can breathe.

Now anybody who ever had asthma understands how awful that is, especially for children. The feeling in one's chest that they cannot breathe is something that any parent, looking at his own child, would never want his child to have, and yet we, by our Government policy, say that our pharmaceutical companies cannot sell the medication to the Cubans that is necessary so that parents can give to their children medication to relieve that dreadful disease. That is absolutely against anything that we as Americans hold ourselves out to the world as believing, and I do not think that that is the public policy that the U.S. Congress wants us to be espousing.

□ 1030

A patient came to me or a Cuban family came to me and told me about a cousin who was in Cuba who has leukemia. There is a treatment at the Hutchinson Cancer Center in Seattle where people can have that leukemia treated, and the success rate is about 90 percent. That medication is not readily available in Cuba, and their family member did not have access to that.

Now, there is no reason why that should not be available. Mr. Chairman, my distinguished opponents will say the medication can be donated to some hospital, some church hospital or something. I do not know, but that simply does not apply to the whole medical system in Cuba. We cannot, through donations, expect that the Sisters of Charity or whatever are going to deliver these kind of very specialized treatments if they are not available through what is essentially a government health care system.

By refusing to accept this amendment, we, as Members of the United States Congress, are saying to Cuban families, we, this bastion of democracy and humanitarianism, are going to withhold from people the ability to take care of their children and members of their family. There is no argument that I can see that would make possible that kind of a statement by the U.S. Congress.

It is for that reason, Mr. Chairman, that I offer this. I oppose a lot of the other parts of the bill, but I did not touch those. I simply touched the thing that I think is the hardest and absolutely indefensible, in my opinion.

As a physician, and if others have ever taken care of a kid and looked into the eyes of parents and recognized that we have the capacity to help them with their kid, and have been able to do it in this country, one can imagine what it is like in a country where we know that there is the medication available, but it is simply, because of the U.S. embargo, it is not available in another's country, and that child is going to either suffer or die. That is simply not what I think as an American we want our policy toward Cuba to be.

We want democracy. There is nobody on this floor who is supporting Mr. Castro. None of us think that is a good idea. Anybody who tries to paint that as the attack on us is simply misrepresenting the facts.

But in our process of pushing to change the situation in Cuba, we cannot use medicine and food staples as a way of doing that.

Mr. Chairman, the fact they cannot get modern textbooks, modern medical textbooks, why should they have to be dealing with a textbook from 1949 simply because we place an embargo on them? I think this is a good amendment and urge the adoption of it.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this, I believe, is a red herring. The fact of the matter is, the United States of America is the largest giver of humanitarian aid to Cuba in the world today. The people who are suffering down there get a great deal of help from the United States, both in medical supplies and in food. The question then comes, why are we going to give Castro the right to buy these products?

My learned opponents says we are denying people with asthma the ability to be treated; children who have other maladies are not being able to be treated.

Mr. Chairman, that is absolutely not true. Castro can buy these medical supplies if he wants to from anyplace in the world. We are not trying to keep kids from being treated or families from being treated.

As a matter of fact, as I said, we are the biggest giver of humanitarian and medical supplies in the world from a humanitarian standpoint. We do not sell them to them, we give them to them. If somebody in Cuba wants to contact a relative in the United States and say, send us some asthma medicine, they can do it and they do it.

This is a red herring. I cannot understand why they are trying to add this to the bill. We are trying to put the squeeze on Fidel Castro by denying him hard currency so that the people of Cuba will have freedom, democracy, and human rights, which have been denied them for about 35 years.

Mr. Chairman, this amendment is not necessary. The United States is doing everything we can to help the people of Cuba. If medical supplies are needed, there are hundreds of countries from which Castro can buy these supplies. What it would do is get the camel's nose under the tent as far as breaking the embargo that we have on Cuba, and that is what I think my learned colleague is trying to do.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me. Certainly the bill before us, H.R. 927, represents a new battlefront in our commitment for freedom for the Cuban people. Yesterday I showed the House—and many of our colleagues did as well—a letter signed by dozens of Cuban dissidents on the island, who, at great personal risk to their safety, sent this letter to Senator HELMS. Let us not let down those dissidents and the other millions of Cubans who daily fight against the dictatorship.

Mr. Chairman, as all of us know, Castro's repression does not go down at all. It does not diminish in any way. His power mongering continually increases. Firm and swift policies are needed to eliminate this dictator, and this bill, H.R. 927, contains those swift policies.

This substitute appears to be humanitarian in nature but it could very well constitute an economic windfall for Fidel Castro. As the chairman of the Subcommittee on the Western Hemisphere, the gentleman from Indiana [Mr. BURTON] has pointed out, food and medicine are allowed to go to Cuba now, from the United States to Cuba. No prohibition. There is no prohibition. If you want to send an aspirin from Washington to Havana, go ahead. There is no embargo on aspirin. Asthma medicine. Whatever you want. Food and medicine is not prohibited. There is no embargo.

I have said it five times, we will continue to say it for the entire hour. There is no prohibition on food and medicine going from the United States to Cuba. Also, Castro can get anything he wants, as Mr. BURTON pointed out, from every other country in the world anyway. Even if we were to have an embargo on food and medicine—which there is no embargo on—he can get it from any other country. Is the United States the only maker of aspirin in the world? I think not.

What does Castro do? He takes the food and medicine and he sells it to the tourists. He sells it to the Communist Party officials. If the people cannot get aspirin, if the people cannot get asthma medicine, it is not because it is not there in Cuba, it is because Castro takes it and sells it to the tourists. The best hospital facilities in the Caribbean are in Cuba for the tourists and for the Communist Party officials. But for the starving, needy people of Cuba, Castro decides—even if they want these supplies—he will not give it to them. It is his way of making sure that they know that he is their supreme ruler.

It is clear, Mr. Chairman, the goals of this bill. And once again let us restate them. The goals of the bill are simple. No. 1, let us try to have an end to the Castro regime. No. 2, let us plan for a democratic transition for Cuba. And No. 3, let us protect property of United States citizens in Cuba. Let us bring an end to this Castro regime and let us make sure that we understand the human rights situation in Cuba.

We have said it over and over again. Organizations like Human Rights Watch Americas, Amnesty International, Inter-American Commission on Human Rights, what do they say? The Cuban Government continues to violate the rights of freedom of expression, freedom of association, freedom against arbitrary detention, security of the person, among others. Hundreds of political prisoners remain incarcerated under difficult conditions charged with political offenses that include handing out flyers, expressing their opinions, calling out for freedom in their island. That is a crime against the repressive police state.

Castro wants and again rejects any kind of democratic approaches that these helpful ideologues want to give them. He has rejected them from Mexico, he has rejected them from Spain, he will reject them time and time again. Let us not get confused. Once again, well-meaning substitute, it is not based on facts. There is no prohibition about food and medicine. Castro has to lift the embargo that he has on the Cuban people for food, medicine, and expression of ideas. That is the embargo that we must lift.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume. I think it is important to clarify what has just been said. There is no embargo on people giving. There is an embargo on any sale of staple foods or medicines or medical equipment in Cuba. No one should come away from listening to that last speech and believe that we can get adequate amounts of these materials into Cuba.

Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank my colleague for yielding me the time.

Mr. Chairman, food and medical exports to Cuba, as would be authorized under the amendment offered by my colleague, the gentleman from Washington [Mr. MCDERMOTT], represent a modest improvement in this bill, and I support it. It is a step, a small step in the right direction, whereas this bill fundamentally is headed in the wrong direction.

What is the right direction? Again, we are all interested in a Cuba that has an open economic system and a Democratic political system. How do we get there? Well, it is ironic to me that exactly the arguments just expressed by the gentlewoman from Florida [Ms. ROS-LEHTINEN] were offered up in this body quite recently during the debate on what should be our policy with respect also to a repressive regime that mistreats its people, that does not have the kind of open economic and political system that we want for Cuba, namely the government in China.

There, Mr. Chairman, we realize that exactly the kind of approach that the gentleman is suggesting in this amendment is in the United States' interest, and that is not a policy of isolation, of mindlessly trying to pretend that by raising up all possible impediments we are going to bring about the desired result in Cuba. Rather, it is a policy that reflects our thoughtful analysis of how we get what we want with respect to regimes like this everywhere else in the world except for Cuba, and that is a challenge directly on an economic playing field, a challenge directly, politically, culturally and, in the case of the amendment offered by the gentleman from Washington [Mr. MCDERMOTT], in terms of humanitarian assistance.

The McDermott amendment is particularly addressing this last point. It is too bad it does not go beyond just the question of food and medicines to deal with the other many, many failings in the policy enacted into law previously through the Cuban Democracy Act and now being proposed to be further taken in the wrong direction by the legislation before the House.

For example, Mr. Chairman, this bill not only continues but accelerates the idiocy inherent in the TV Marti program. It is saying not only have we wasted $90 million of taxpayers' money that have accomplished zip, zilch, nada, in getting a United States' point of view received on Cuban TV sets, but we are going to go even farther faster in wasting taxpayers' money now by saying that USIA has to proceed again with the mindless, ideologically-driven program of converting to UHF, even though two-thirds of the TVs in Cuba do not get UHF reception and even though UHF signals by technical analysis will be more easily jammed than the current failed VHF program.

Again, Mr. Chairman, the gentleman's amendment, as far as it goes,

makes great sense. I hope my colleagues will support it. And I would also be interested, if the sponsor of this amendment can explain to me, why it is we are in this corner, why with regard to Cuba, unlike all other areas in the world in which we are confronting Communist regimes and trying, through a whole range of strategies to get them to change, why the approach to Cuba is different than anyplace else in the world. Does the gentleman understand why we are doing it this way?

□ 1045

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

Mr. Chairman, there is no explanation that makes any sense to me. We have adopted the policy in every other country that increased trade and involvement would ultimately bring about change in the government. We just opened our trade relationship with the Republic of Vietnam, a government that we still disagree with, that we consider oppressive. In fact, we are opening trade, we are involved in a variety of things. We are already, as the gentleman mentioned, in China doing that.

It makes no sense, particularly in this area, where you are not punishing Mr. Castro, you are not punishing anybody in the top of the organization. You are punishing the people. That does not work and is wrong.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I do not believe my learned colleagues have read current law. The current law says in section 1705, ''Support for the Cuban people,'' under section B, ''Donations of food,'' ''Nothing in this or any other act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.''

Under section C, ''Exports of medicines and medical supplies,'' it says, ''Exports of medicines or medical supplies instruments or equipment to Cuba shall not be restricted.'' Shall not be restricted. It goes on to say under subsection 1, ''On-site verifications'': ''Subject to subparagraph B an export may be made under subsection C only when the President determines that United States Government is able to verify by on-site inspections and other appropriate means that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.''

The reason that language was put in there was to make sure that Castro did not take these supplies and use them for some other purpose, other than to help the Cuban people. But they can get medical supplies today under current law.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, first of all, it is important to point out what this amendment is striking. Let us start off by reading what it says. ''Strike all after the enacting clause and insert'' their food and medicine provision, so-called food and medicine provision. In other words, no more requests for elections, no more demand for freedom, no more trying to get at Castro's lifeline or foreign investment. No, no.

I am sure that when the gentleman from Washington [Mr. MCDERMOTT] goes down to Cuba, I bet he does not ask for elections there either. He is certainly not asking for elections in this substitute amendment.

I really think after 37 years, and I say this to our colleagues on the other side of the aisle, when are you going to demand elections for the Cuban people? When? You demanded elections in South Africa. I joined you. And when the President of my party, at that time President Reagan, was unclear or incorrect with regard to the need to come down hard on the South African regime, I criticized that.

When are you going to ask for elections in Cuba? In your substitute amendment, which is here, you delete everything in the bill that stands for freedom in Cuba. So you come before us, speaker after speaker after speaker, saying ''Oh, we support elections.''

When have you made a statement, Mr. MCDERMOTT? Show me when you have gone to Cuba to demand of the regime there that you go and visit and have elections?

I will tell you this, sir: I think that it is most unfortunate that, after 37 years, you still come down here and in effect pay lip service to your supposed support for freedom for our closest neighbors, and yet come here and throw red herrings into this legislation.

A point was made by the distinguished gentleman from Colorado about the fact that other embargoes do not include food sales. The embargo, for example, on Iraq, or Serbia-Montenegro, those are international embargoes.

If the gentleman from Washington [Mr. MCDERMOTT] or the gentleman from Colorado [Mr. SKAGGS] joined us in going down to the White House and asking that the leadership of this Nation be utilized to seek an international embargo against the Castro regime, we will be the first ones in an international embargo to obviously exclude the food issue, like in the embargoes against Serbia or Iraq.

You not only are not seeking an international embargo against a 37-year-old dictatorship of Castro. No. You are coming here and gutting a bill which is trying to prevent the flow of dollars to a regime that, after the loss of the Soviet subsidy, is hanging on by the sale of a slave economy, a slave economy, and the denial of all labor rights and all workers' rights. And you in effect are trying to gut our attempt to stop the flow of dollars to Castro's repressive machinery by his continued offer to international capitalism of the slave economy and the slave conditions of the Cuban worker. That is what you are doing. That is what you are doing.

So do not come here and say that you are for freedom, when you are not asking for elections. Do not come here and say that you are for elections, when you go down to Cuba, and I have not seen any statement that you make there in demanding elections.

So let us be honest. If you want to defend the regime, say so. Then I will have more respect for you.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume to respond to that.

Mr. Chairman, my distinguished colleague from Florida apparently did not read the bill. This is exactly his bill, with one phrase, that is allowing the sale of medication and staple foods. Everything else in the gentleman's bill is in this.

All that demagoguery was directed at some figment of his imagination. The gentleman simply did not pay attention to what is in this bill. It is your bill, with one addition. It simply is the addition of medication and staple foods. We have embargoes against every other country, such as Iraq, but we allow food and we allow medication, and your bill is untouched.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this amendment to H.R. 927. I think it is important to bear in mind that we have the toughest sanction ever on Iraq, which I think we would all support, but the United States and the United Nations support full and open commerce in food and medicine with Iraq. So this is not a radical suggestion that we have full and open commerce in food and medicine.

But the problem with this bill that this amendment attempts to correct is that the bill is far too inflexible and really unworkable. It is unlikely to lead to democratization or to political or social reforms, and as was said in lengthy debate on this bill last night, it will create serious legal problems. It could potentially tie up our courts in land settlements, land claims for property outside the United States. That sets a very dangerous precedent in terms of other immigrant communities who may want to seize that precedent as well. I do not think we have the capacity within our judicial system to settle these legal problems, and this is not where they should be settled, in the United States.

It will create substantial business problems. It completely undermines NAFTA, which we just passed. It is going to make it extremely difficult for our corporations, who would in fact hold the key to a free enterprise system being established in Cuba from being able to trade with Cuba, and it creates unbelievable foreign policy problems. Just at the time when the

United States President should be able to exercise his or her ability in the future, and I suspect we are talking about the near-term future, to help Cuba achieve a transitional democratic government, even if such a democratic government is not actually in place at the time, we can precipitate that occurring. But now, with this bill, if this bill were to pass, the President's hands will be completely tied behind his back. So it does not advance the interests of the United States.

This amendment will see to it that the United States would be able to act, instead of sitting on the sidelines, when change, inevitable change, does come to Cuba.

This bill is based upon a policy that dates back to when Cuba was clearly a Soviet surrogate. They were challenging our interests for Africa to Central America. But that time has passed. Russia is not playing that role, whether Castro would like Russia to or not. So it is time for a comprehensive review of United States policy toward Cuba.

So this debate is constructive, but a transition from dictatorship to democracy is not going to occur overnight. We know that from history. We ought to learn from history and try to do what we can to ensure that it be a peaceful transition to democracy, that it not be a violent revolution. We owe that to the Cuban people.

Fidel Castro is in his 35th year of absolute power, longest in Latin America history. It is not going to continue. What we need to do is to do the same thing we did with Eastern Europe, consolidate change in democracy by promoting free enterprise through a democratic system, not in this way, but by enabling the President to act flexibly, constructively, with the best interests of the Cuban people in mind.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just restate, if you read current law, medical supplies can be sold to Cuba. There is no prohibition. I want to repeat, there is no prohibition. If they want to buy medical supplies to help the people of Cuba, they can do it. So this is just a red herring.

Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, for 3 years the United States and Fidel Castro have been eyeball to eyeball. An unshakeable American determination for free elections in Cuba and a new respect for human rights. Fidel Castro's commitment to hold back the forces of history and preserve the last Communist bastion. One side or the other is going to win.

I know Americans are not a patient people, but 3 years is not a long time, and we are succeeding. Castro has made some beginnings of economic changes. The island is in economic collapse. Last year 40,000 students gathered on the streets of Havana. The pressure internally is enormous, and now there are those in this country, after only 36 months, who would step back. Eyeball to eyeball. There are some who would counsel to blink.

The amendment before this body offered by some Members of this institution who I respect more than any others is not a narrow change in the legislation of the gentleman from Indiana [Mr. BURTON]. It is not an incremental difference. Let us recognize it for what it is: It is an end of the American embargo against Fidel Castro, it is a repeal of current bipartisan policy supported by 300 Members of this institution, and it is an acceptance of the status quo in Cuba. Period.

Fidel Castro is not attempting to import American automobiles or computers. These are the items, the commodities, that he wants. This is it. This is the end of the embargo, just when we built a bipartisan, strong, and effective policy.

Mr. Speaker, in substance the amendment before this body is the judgment on American policy. I know good and decent Members of this institution do not want to be a part of poor and suffering people of Cuba suffering any more than is necessary. That is why in the Cuban Democracy Act we exempted out food and medicine. For 33 years before that, food and medicine could not be donated to Cuba. We changed that, and today, per capita, more food and medicine goes from the United States to Cuba per capita than to any other nation in the world to ensure that the poorest of the poor have access to food and medicine.

□ 1100

That is not what this amendment is about. We already did that. This amendment is to allow Cuba to rejoin the family of nations in a trading relationship with the United States for full access.

What does it do? It allows Fidel Castro to escape the reality that communism failed in Cuba, cooperative farming, the broad state enterprises. A country that was once self-sufficient in food and exported food, now needs to import everything.

We would allow him to escape the reality that communism is in collapse.

The choice needs to remain clear. We will donate what is necessary through private charities to ensure that the poorest of the poor are protected. But Fidel Castro cannot be allowed to rejoin the family of trading relationships with the United States without having free elections and respecting human rights, eyeball to eyeball.

Every Member of this institution must decide whether they are going to be part of bringing that change or allowing Fidel Castro to maintain his Communist system.

You have all made that decision before, 300 of you. Your consistent vote is to stand both with the administration, which has supported the embargo, Democratic and Republican Presidents, and this institution.

This is not about an amendment to this bill. This is about a repeal of the embargo.

Please, stand with us on a bipartisan basis and reject this amendment and then return to support the legislation offered by the gentleman from Indiana [Mr. BURTON].

Mr. MCDERMOTT. Mr. Chairman, I yield myself 1 minute to say if I were a Member setting in my office watching this on television or sitting here on the floor watching this, I would be confused because the gentleman from Indiana [Mr. BURTON] said there is no need for this amendment; it is already law; they can do anything they want. And the gentleman from New Jersey [Mr. TORRICELLI] stands up and says that, in fact, this is repealing the entire embargo. Now, which is it?

Either we do not need the amendment because they can already do it, or this is a disastrous amendment which is destroying the whole policy. Somebody is wrong on the other side.

The fact is that the gentleman from Indiana [Mr. BURTON] is incorrect, or he is correct in one part. It is possible for medication and staple foods to go to Cuba. The difference is this: If we want to sell food to Spain, you do not have to get a special license. If you want to sell food to Zaire, you do not have to get a special license. If you want to sell food anywhere else in the world except Cuba, you have to get a special license, and the policy of the Government is not to grant the licenses.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2 minutes.

If you read the law, it is very clear. It says that the President of the United States determined that the United States Government is able to verify it is being used for the benefit of the Cuban people. If President Clinton wants it to go there, he can verify that it is going to be used for the Cuban people, then it can go.

Let me read you something from a businessman who had had a business, a Spanish businessman who had a business down there that was taken away from him by Castro. I want you to listen to this. One year ago, one year ago, it says:

> This same phenomenon also occurs in general with all foreigners in Cuba because of the mere fact they have dollars, hard currency, they have access to everything the Cuban people cannot purchase with their work: food, clinics with medicines, good clothes, gasoline or electricity and hotels. In Cuba there are two types of citizens: those who have dollars, as I did, mostly foreigners, and all with the privileges that that entails and those who have Cuban pesos who are literally dying of hunger and illness because of a regime that refuses to change a system that is absolutely incapable of generating a dignified way of life for the country.

The fact of the matter is Castro takes hard dollars, the money has to go to the government for somebody's payroll, and he gives them then the same

amount of pesos. If they get $400 a month, he gets the $400 in hard currency, he gives them 400 pesos, which is 80-to-1 differential, which means they are getting $3.20 a month, and they cannot even buy things you are talking about. The fact of the matter is the Cuban people are suffering because of this Communist dictator and his policies.

It is a command economy that must be changed, and the only way it is going to change is if we pass our bill in its original form.

Mr. MCDERMOTT. Mr. Chairman, I yield myself 1 minute to respond to that.

I say to the gentleman from Indiana [Mr. BURTON], you just made my case. You require a special license under the law to sell medication. There is no way we can sell food to Cuba. There is no special license. There is no way.

What this bill is saying is we intend, if possible, to starve the Cuban people into submission, and that kind of policy from the Federal Government is why the U.N. General Assembly has voted 3 years in a row against our position.

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

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me this time. I commend him on his initiative, and I support his amendment.

Mr. Chairman, the amendment simply provides, I think, clear authority for United States companies to engage in direct commerce with Cuba in food and medicines. They cannot do that today.

I think the gentleman from Indiana, my friend, is correct when he says that current law does not prohibit food and medicines in Cuba, and that is done largely today through nongovernment organizations. What is missing in this debate so far, it seems to me, is the plight of the Cuban people. No matter what is going on there today with regard to food and medicine, we all know what that plight is. The sugar harvest this year in Cuba is the lowest in a half a century. Food and medicine, under anybody's standards, are in very short supply. Serious epidemics have broken out among the Cuban people.

In that circumstance, surely we want to try to help those Cuban people with the essentials of life, food and medicine, and that is all this amendment does. It changes no other part of the bill, as I understand it. It simply tries to help the Cuban people get more food and medicine. What in the world can be wrong with that?

This initiative will increase our contact with the Cuban people. It will help the Cuban people. It will generate goodwill, and it will begin to ease some of their long, long suffering.

This is no radical idea that we are presenting to you. The foremost Republican spokesman on foreign policy in this generation was Richard Nixon, and he argued shortly before his death that our policies in Cuba, toward Cuba, must turn away from hurting the Castro government to helping its people, and that is exactly right, and that is what this amendment tries to do.

Let me take just a moment to try to put this whole bill in a little broader perspective. What we will be voting on on the final passage of this bill is two very different approaches to how you deal with the problem of Cuba. On the one hand is the philosophy of this bill, H.R. 927. It is that if you make these conditions in Cuba significantly worse, you will prompt the Cuban people to rise up against their government. The other approach, the one I support and I think many in this institution do, perhaps not a majority, is the competing view that governments can be toppled peacefully by exposure to the free flow of ideas and benefits of the free market. Everybody in this Chamber agrees that Castro must go. But we must get away from this focus on Castro, and we must focus on the Cuban people and what is good for them.

A policy of engagement, of contact, of dialogue, of exchange offers the best hope for what we all want, which is a peaceful transition for the dictatorship of Castro to a free market and an open society. We support free elections in Cuba. I strongly support that, and I think we ought to do everything we can to put Castro on the spot and say, ''Why don't you hold free elections?''

I am quite prepared to support you on that. You are absolutely right about it. Our policy should keep the pressure on him. But I think the policy of isolation is a risky policy, and the reason it is risky is because the more pressure you apply, the more desperate you make the Cuban people, the more likely they will turn to violence, and that is what we do not want there.

So that policy of isolation, of squeezing the Cuban people increases the risk of a violent explosion in Cuba and the massive exodus of refugees, and that, of course, is our most important concern because the primary threat today from Cuba is not an invasion from Cuba. It is not an export of revolution from Cuba. The primary threat to the United States from Cuba today is what you in south Florida have suffered so greatly from, and that is trying to assimilate a massive number of refugees.

I believe the issues in this debate are very, very clear. This bill increases the isolation of Cuba. It increases the hardship of the Cuban people, and it is the wrong policy. That is what President Richard Nixon emphasized over and over again, and that is what Secretary of State, former Secretary of State Larry Eagleburger, has said, and the national security adviser under the Carter administration, Mr. Brzezinski, and many, many others.

So I hope that this Chamber will defeat this bill. We should not base our policy on a hatred of Castro. We should base our policy on what is best for the United States, what is best for the Cuban people, and what is best for the United States and what is best for the Cuban people come together here.

A policy of isolating Cuba over 36 years has not worked. Let us break the impasse that exists between these two nations, open up contracts with them, and choose to engage the Cuban people in order to increase the chances for a peacetime transition to a democracy and a market economy.

I urge my colleagues to support the McDermott amendment, which begins this process in a very, very modest way, and I urge my colleagues to defeat H.R. 927.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

My colleagues from Indiana says we are hurting the Cuban people. Do you know how much they make, I ask the gentleman from Indiana [Mr. HAMILTON] every day? The average Cuban makes between 10 and 15 cents a day, 10 and 15 cents a day. How are you going to hurt them worse than Castro has? You cannot, and the only thing that is going to change is if we force this man from power, and if we deny him hard currency, we can get that job done and save the Cuban people. Ten cents to fifteen cents a day.

Mr. Chairman, I yield 1 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to talk about this healing process that will take place if food and medicine go to Cuba.

Castro has food now, and he feeds the tourists. Castro has medicine now, and he heals the tourists. He starves the Cuban people. He has the Cuban people suffering in pain.

There is no prohibition on feed and medicine going to the Cuban people. If you want your family to have medicine, you can send them the medicine. If charitable organizations want to send food and medicine now to nongovernment agencies in Cuba, they can do so. If you sell goods to Castro, he will sell the goods to the tourists. If you send food, he will give it to the tourists.

Because Americans are a generous people, we want all nations to belong to this humanitarian family, and we naively and foolishly believe that Castro wants the Cuban people to prosper, that he wants them to fulfill their dreams. What Castro wants is to remain in power, so he has the Cuban people suffering for their daily sustenance. It will go to the tourists. Reject the substitute.

Mr. BURTON of Indiana. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has 10 minutes remaining, and the gentleman from Washington [Mr. MCDERMOTT] has 5½ minutes remaining.

Mr. MCDERMOTT. Mr. Chairman, do we have the right to close?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has the

right to close because he is the manager of the committee position on the bill.

□ 1115

Mr. BURTON of Indiana. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. MENENDEZ], a learned leader on the Democrat side of the aisle.

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

Mr. MENENDEZ. Mr. Chairman, I thank my distinguished colleague and sponsor of the bill, the gentleman from Indiana [Mr. BURTON], who I must say has been a strong proponent of freedom and democracy in Cuba, for yielding this time to me.

Mr. Chairman, unlike many others who have spoken here, and I question no one's motives, I believe that they want to help the Cuban people, but I believe that their efforts to do so are misguided. I say that as someone, not who deals with this issue in the abstract. I say it as someone who has family living in Cuba. I say it as someone who understands the difficulties they go through. I go through the phone calls, I go through the letters; that is not something others can say. I do not deal with this issue of humanitarianism in the abstract. I deal with it in reality.

But let us talk about some truths. Some of the truths are this:

The Cuban people suffer, yes. Why? They suffer because the dictatorship does not do the market reforms and create the political openings that can relieve their suffering. We are not the only providers of food and medicine in the world. If not, we would dictate the world's policies. The fact of the matter is that there are tremendous pharmaceutical companies in Europe. The fact of the matter is that we have countries that are part of the breadbasket of the world, and the fact is they all trade with Cuba, but they are unwilling to give it to them gratuitously. I say to my colleagues, you need something called hard currency. You need money to be able to purchase those foods and those medical supplies, and that is what Castro simply does not have because he relied on $6 billion of what was the Soviet Union, he lost it, and now he has not made the changes to help the Cuban people. And do we have national interests? Absolutely.

Mr. Chairman, this is the third-largest army in the Western Hemisphere. I do not suggest, the gentleman from Indiana [Mr. HAMILTON] has said we do not face a risk of invasion; that is not what I am suggesting. But why do they need the third-largest army in the hemisphere if their people are hungry? Why do they use money to have the largest standing army and a huge security force if their people are hungry? Stop spending the money on the bullets and the rifles, and start putting food on the plates of families in Cuban homes, in my family's homes.

Now they have chosen to stay because they do not want to leave their homeland. They stay and fight, and they risk their lives every day to do so, and I risk it to some extent because of what I do here. Now that is something we do not have to worry about in the United States, so this debate in the abstract is one thing.

Now we have heard a lot about what do the Cuban people want. We want to relieve their suffering, but we cannot do it while we have someone who, in fact, seeks to do everything to repress them, use his resources not to put food and medical supplies that he can accomplish throughout the world, and we are the greatest remitters of that. The Cuban Democracy Act that the gentleman from New Jersey [Mr. TORRICELLI] helped pass and that was overwhelmingly voted by this House opened up the doors for medical supplies which did not exist prior to that in our embargo. But when we want to hear what the Cuban people have to say, I will give my colleagues two different specific examples.

When we went with a group of Members of the House to Guantanamo where 30,000 people risked the Florida Straits, risked their lives, brought their children with them to flee from a regime because of liberty, which is the word that used when we got there, not simply because of hunger, but for liberty, they said to us, the democratically elected leaders of those camps, the first ones who had an opportunity to have a free election; they did not say to us, ''The United States is punitive against us, you are hurting us.'' No, they said, ''Why can't you get the Mexicans, and the Canadians, and the Spanish, and others to join with us and have an international embargo,'' as we did in Haiti, as we did in the divestitures of South Africa, to help free those people from those oppressive regimes. They said, ''Why don't you do that? We want to end our suffering once and for all. We don't want to have to free our homeland.'' So who makes the Cuban people suffer? In the words of the Cuban people, not here in Congress; that is the words of those who were trying to flee, the 30,000. They said, ''We support your efforts.''

And just yesterday 40-something brave Cubans who risked their lives by putting their names to a letter saying, ''We support his bill,'' told the Congress, ''Vote with us, be with us, help us in a free and democratic Cuba.'' They said, ''Vote with us.''

Now these people risked their lives. Those who do not think that this is true, we have thousands of political prisoners in jail. We have these people who were willing for liberty, for freedom, and to end the suffering of the Cuban people.

Now I have heard a lot about this is cold war rhetoric. The fact of the matter is no one has told Fidel Castro the cold war is over. He has not gotten over it, he has not stopped repressing his people, and what is best for the Cuban people? They have told us, they have told us, the 30,000 who were in those camps, they told us, ''Strengthen this embargo, try to get other countries to join you.'' They did not say to stop it, and what did the people who valiantly fight, who are dissidents in Cuba, fight for, and what are they willing to risk their lives? Today they said, in fact, ''Go ahead and pass this bill.''

This bill is about standing up for American interests, it is in the national interests, giving our companies and our citizens the right to sue for properties that were illegally confiscated, and it also says, the part that I wrote, ''We can go help the Cuban people in a transition to democracy, and we lay out that groundwork.''

Vote against the substitute, vote for the bill, in the United States interests and also in the interests of the Cuban people.

Mr. MCDERMOTT. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let us start by finding those things we agree on, and I think every Member in this body, every Member of the other body, wants to get rid of Fidel Castro. He is a thug, he got there by force, he has stayed in power by force. But the present plan is not working. The first embargo was put on Castro by Eisenhower. He was still there when President Kennedy put an embargo on him. He was still there when President Johnson put an embargo on him. He was still there when President Nixon put an embargo on him, still there when President Ford continued the embargo, President Carter continued the embargo, President Reagan continued the embargo, President Bush continued the embargo, and now, under the Clinton administration, we still have an embargo.

Embargo is not working. So let us try something different.

I am going to say something good about President Reagan, and one of the beauties of what President Reagan did in the military buildup against the Soviet Union was at the same time he said, ''Let's trade with them. Let's show them what the worst could be, and let's show them what the best can be, with a free market, how a free market helps feed people, how a free market provides opportunities.'' I think we ought to do the same thing with the Cubans. I think we ought to lift the embargo. It is not working. I think the sooner the Cuban people can interface with the Americans, the sooner we give them, we show them, what our life is like, what our opportunities are like, in so many ways we give them the kind of hope, and I guarantee, if we were to lift the embargo within 2 years, Castro is gone, but he is gone in a peaceful manner rather than in the chaos that I think some people want to see happen.

Mr. Chairman, my biggest concerns are to balance the budget and to provide for the common defense, and right now Cuba is a threat, the chaos down

in Cuba is a threat, in a couple of ways. First, it is only 90 miles from the continental United States. If Castro were to get hold of a missile from the former Soviet Union, then we have got a problem. It is also an expensive proposition right now where our Nation is spending about $30 million a month to take care of the Cuban boat people down at our base in Guantanamo, and that comes out of our defense budget, a defense budget that is already too small, a defense budget that is not building enough ships and taking good enough care of our people.

So I asked the chairman of the Atlantic Command, a four-star Marine general by the name of Sheehan, if he thought it was in our Nation's best interests to continue the embargo or to open diplomatic relations with the Cubans, and I want to quote him from what he said before the Committee on Armed Services.

Gen. SHEEHAN. I think it will be extraordinarily helpful to start some type of dialogue with the process of the Cubans. That is going on to the intersection in Havana. We have almost on a daily basis, requirements to deal with the frontier border guard and the Cubans, either because there are Cuban migrants who are frustrated by the process, who are actually walking through mine fields to return to Cuba and in some cases they have maimed themselves. We are risking American lives who go into the mine fields and pull them out.

We have Cubans on a weekly basis go into the water to swim back to Cuba. As a result, we need to have some kind of mechanism just from a sheer safety standpoint to make sure that these Cubans do not permanently maim or kill themselves in the process.

Castro holds all of the cards on the migrant issue. He can put 100,000 Cubans in rafts tomorrow morning in a heartbeat. We cannot absorb 100,000 at Guantanamo Bay Cuba. It seems to me that it would be in our best interest to manage the change that is going to occur in Cuba. It is going to happen.

Mr. Chairman, this is not GENE TAYLOR of Mississippi speaking. This is a four-star Marine general who is in charge of the Atlantic Command for the United States of America.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from Washington [Mr. MCDERMOTT] for yielding this time to me, and I want to commend again the gentleman from Washington for this initiative. Let me just address this quick question that has arisen so frequently in the last few minutes about why the Cuban people are suffering.

Mr. Chairman, my friends on the other side of the aisle have repeatedly made the point that they are suffering because of Castro's policies. They are absolutely right about that. There is not any doubt about it. The principal reason that the people of Cuba are suffering today is because of the policies of Fidel Castro.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DIAZ-BALART], a great American, a Cuban-American, of whom I am very proud.

Mr. DIAZ-BALART. Mr. Chairman, I just want to point out to my colleagues an interesting wire that was just handed to me, a news wire that was just handed to me:

CUBA PROVIDES HELP FOR AFFECTED ISLANDS

Cuba is providing $47,000 in medicines to assist islands of the Caribbean Community (CARICOM) affected by the recent hurricanes.

The emergency aid will go to Antigua and Barbuds, Dominica, and St. Kitts and Nevis, according to Barbados-based Cuban Ambassador Lazaro Cabezas.

Cabezas is accredited to a number of CARICOM states, including Trinidad and Tobago, where Cuba plans to open a diplomatic mission by the end of the year.

Castro is not denied, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] said, medicine. He has all the medicines he wants to buy with the dollars he gets, but he does not give them to the Cuban people.

If my colleagues want to go to one of the most luxurious medical centers in the world, go to the medical center that Castro provides for the tourists. He has got a thriving industry to collect dollars from tourists from throughout the world, medical tourism. The Cuban people cannot go to those medical centers. The Cuban people do not have medicines and do not have any of the amenities that the tourists have because of Castro's policies, not because of the United States.

So we continue to blame America first in this instance, blame America for the lack of medicines that Castro does not permit the Cuban people to have.

Let us defeat this gutting amendment. Let us move forward.

Mr. MCDERMOTT. Mr. Chairman, I yield the balance to my time to the gentleman from Indiana [Mr. HAMILTON].

□ 1130

Let us have no mistake about that. But it is also true that when you put on top of those failed policies an embargo from the United States, that that embargo increases the suffering of the Cuban people. If you ease that embargo by letting food and medicine go in there, which they desperately need, you are going to ease the plight of the Cuban people.

Now, Mr. Chairman, Castro takes this embargo we have and uses it as a repressive tool in Cuba today. He uses it as an excuse for repression. All this amendment does is give the opportunity for more food and medicine to go to Cuba. What in the world is wrong with that? Why should we be opposed to relieving the suffering of the Cuban people?

I do not know how much will go in. It may not be huge quantities. But we know the situation there today. They are suffering. They need medicine. They need food. Let us see if we can help them out with this very modest measure.

Mr. Chairman, I urge a vote against this bill, and I urge a vote for the McDermott substitute.

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

The people in Cuba make 10 cents a day. My colleague over there says if we lift the embargo that we are going to help them. The fact of the matter is that Castro has the command of the economy; he controls the food and medicine.

My colleague from Florida just pointed out that he is giving medicine to the hurricane victims in other countries. If he is so strapped, why does he not keep the medicine for his own country?

He has the supplies. He has the food. As the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out, he is selling it to tourists for hard currency so he can pay the military to keep him in power because he is afraid of his own people. We will not help the Cuban people by lifting this embargo.

Mr. Chairman, let me go on to say that the embargo really did not start until 2½ years ago when the Torricelli bill, the Cuban Democracy Act, passed. Up until that time, it had no teeth in it. When the Soviet Union cut off the aid, the $6 billion a year to Castro, he started to sink. He is desperately trying to survive today, and we should not throw him a lifeline as my colleagues unintentionally are trying to do. We should deny him the hard currency.

All this bill does is say he cannot sell confiscated U.S. property. Our constituents had property down there that he took away from them that he is now selling to try to get hard currency to survive. All we want to do is give our constituents a way to get restitution from this government and deny him the hard currency he needs to survive as the Communist dictator, the last Communist dictator in our hemisphere.

Mr. Chairman, I want to end up by reading to Members a part of a letter from Armando Valladares, who spent 22 years in Castro's gulags. He was our U.N. human rights ambassador, one of the most revered Cuban Americans and Cubans in the world. He says, ''I am a former political prisoner of Fidel Castro's jails, where I was confined for 22 long years. In those jails I saw many of my best friends die due to the horrible tortures and inhumane treatment. I strongly believe that the remaining days of Castro's tyranny will be shortened once your Libertad bill, now up for a vote, is passed''.

The endorsement of our legislative by the most influential dissident leaders inside Cuba, inside Cuba, proves that they are convinced, as I am, that this law is an important contribution towards our goal: A free and Democratic Cuba. Viva Cuba libre.

Mr. Chairman, we want liberty and freedom for the Cuban people, and this is the way to do it, to deny Castro his lifeline and the hard currency that he so desperately needs. With that, I urge a no vote on this amendment and a yes vote on the liberty amendment, the liberty bill, which I think will help the Cuban people.

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

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington [Mr. MCDERMOTT].

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

RECORDED VOTE

Mr. MCDERMOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 283, not voting 13, as follows:

[Roll No. 682]

AYES—138

Abercrombie
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Boucher
Brewster
Brown (CA)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—283

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Blute
Collins (IL)
Gephardt
Hilleary
Jefferson
Moakley
Ney
Payne (NJ)
Reynolds
Salmon
Sisisky
Stokes
Tucker

□ 1158

Mr. STARK and Mr. PAYNE of Virginia changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–253.

□ 1200

AMENDMENT NO. 2 OFFERED BY MR. WYNN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WYNN: Page 22, strike line 4 and all that follows through page 23, line 7 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Page 23, line 8, strike ''(c)'' and insert ''(b)''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Maryland [Mr. WYNN] and a Member opposed, the gentleman from Indiana [Mr. BURTON], will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Maryland [Mr. WYNN].

AMENDMENT, AS MODIFIED, OFFERED BY MR. WYNN

Mr. WYNN, Mr. Chairman, I ask unanimous consent that I be allowed to modify my amendment so as to read as the text of amendment No. 4 printed in the September 20 CONGRESSIONAL RECORD. I believe a copy of the modification is at the desk and also in the possession of the subcommittee chair.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WYNN: Page 22, strike lines 4 through 20 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

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

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

There was no objection.

The CHAIRMAN. Is there objection to the modification?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I

have talked with the gentleman offering the modification to the amendment. I think it is a good modification and we are prepared to accept that.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. Chairman, first let me thank the subcommittee chairman for his leadership on this issue. We have not always agreed on the appropriate approach but I certainly appreciate the courtesies he has extended to me during the course of this debate.

The modified amendment that I am offering today will simply give the President the flexibility to support Cuba's membership in international financial institutions after a transition government is in power in Cuba. I believe that the most effective time for international assistance is during the transition period.

If a pro-democracy transition in Cuba is going to be peaceful and if it is going to succeed, it will need the support of international financial institutions. The International Monetary Fund, the World Bank, and others can make an enormous difference in Cuba during the transition period because of their strict requirements for economic reforms. The IFI's could help Cuba privatize its industry, develop commercial banking systems, and develop a tax system that will support a market-based economy.

Nobody knows what a transition in Cuba will look like but we must be prepared to react and act quickly. Let me be very clear, however, that the transition period that we are talking about and a transition government is specifically delineated within the context of the existing language of the bill.

It is specified that a transition government is one in which there is freedom of political activity, freedom of association, freedom of the press, respect for internationally recognized human rights, and is in the process of organizing free elections. It also specifically states that a transition government may not include Fidel or Raoul Castro.

I believe we are talking about a very strictly defined set of circumstances under which international financial assistance could be of great importance. Quick involvement has shown, in the case of Eastern Europe, that we can lend a strong effort toward the movement to democracy. We were successful in Eastern Europe. I believe the same model will apply in the case of Cuba.

Mr. Chairman, what we saw in Eastern Europe was that the transition led to democracy, not toward some sort of non-Communist dictatorship. We would like to see the same model in Cuba. That is where the international financial institutions come into play.

At some point in time, Mr. Chairman, in the not-so-distant future, the Castro dictatorship is going to come to an end. I do not know how that will be but we do know that is fact it will be.

During that period of time, once the transition government has met the criteria specified in this bill, I believe that we ought to assist them with participation in international financial institutions. That is what this amendment would do. I would certainly ask the membership to support the amendment.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that the gentleman from Maryland [Mr. WYNN] has come up with a very valuable amendment. It was well thought out. I appreciate very much his contribution that he has made to this legislation. I want to thank him for being willing to work out an agreement that I think is going to be better for the bill and better for the legislation and better for the people of Cuba in the final analysis. It provides a mechanism for helping them rebuild Cuba once the Castro dictatorship falls.

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

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. WALSH. I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise today to enter into a colloquy with my distinguished colleague, the gentleman from New York [Mr. GILMAN], along with my good friend the distinguished gentleman from Texas [Mr. COLEMAN].

Mr. Chairman, section 401 of H.R. 927 would exclude from the U.S. aliens who have confiscated property of U.S. nationals or who traffick in such property. The report on H.R. 927 by our Committee on International Relations relates that the Department of State is actively engaged in prosecuting hundreds of confiscation claims of U.S. citizens in Nicaragua, Honduras, Costa Rica, and Cuba. The report then states:

> Persons who are responsible for these confiscations or who are trafficking in such property should be among those initially targeted for exclusion under this section.

I have been working to bring to resolution an egregious expropriation executed by the Dominican Republic's military against Western Energy Inc. Western Energy is a U.S. company that was operating an important liquid petroleum gas facility in the Dominican Republic and operates a similar facility in my district in New York.

Would the distinguished gentleman agree that the confiscators and traffickers in this case should also be among those initially targeted for exclusion?

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

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I agree with the distinguished gentlemen from New York and Texas. The report on H.R. 927 cites four countries which should be initial targets with respect to section 401 because they have been found to have the most confiscation cases. However, the seriousness of the Western Energy case merits priority attention for exclusion of the persons involved, and I will work with the distinguished gentlemen to try to achieve that result.

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

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I too have been working to bring to resolution this egregious expropriation suffered by Western Energy Co. that is headquartered in my congressional district. It is my understanding that numerous high-ranking Dominican Government officials have expressed both public and private outrage with their government's action but they have said they have been powerless to redress it.

I think, Mr. Chairman, that the U.S. Ambassador should be commended for her efforts to resolve the situation. An exclusion under section 401 of H.R. 927 would certainly buttress her efforts. The names of the persons involved in the confiscation and who are trafficking in Western Energy's property are well known and could be provided by the U.S. Embassy as anticipated in the report on section 401 of H.R. 927.

I thank the gentleman from New York [Mr. GILMAN] for his response. I understand that he agrees that these persons should be among those initially targeted for exclusion under section 401 of H.R. 927. Is that correct?

Mr. GILMAN. If the gentleman will yield, that is correct. I want to assure both gentlemen that we will work with them to try to correct these problems.

Mr. WALSH. I thank the gentleman.

Mr. COLEMAN. I thank the gentleman from Indiana for yielding to the gentleman from New York.

Mr. BURTON of Indiana. Let me end, Mr. Chairman, by saying once again that I appreciate the hard work of the gentleman from Maryland [Mr. WYNN]. He is a very thoughtful member of the Committee on International Relations. We are very happy to accept his amendment.

Mr. Chairman, I include for the RECORD correspondence to the Speaker concerning committee consultations on H.R. 927.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, August 3, 1995.*

Hon. NEWT GINGRICH,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing to you regarding the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995'' (H.R. 927), legislation that has already been reported by the Committee on International Relations (H. Rept. 104–202, Pt. 1). When it was introduced, H.R. 927 was also referred to

the Committee on the Judiciary and, following the filing of the report by the International Relations Committee, this referral period was extended until August 4, 1995.

H.R. 927 was referred to the Judiciary Committee because of a number of its provisions fall within the Rule X jurisdiction of this Committee. Specifically, section 302 would create a civil cause of action in U.S. district courts by ''United States nationals'' against any person that traffics in property that was confiscated by the Government of Cuba, on or after January 1959. A ''United States national'' includes individuals who became naturalized U.S. citizens after the confiscation occurred. Section 303 establishes an alternate method for determining the amount and ownership of claims brought under section 302. In doing so, both section 303 and section 304 impact on the decisions and jurisdiction of the Foreign Claims Settlement Commission, which is an agency under the jurisdiction of the Judiciary Committee. Section 401 impacts on this Committee's jurisdiction with respect to the Immigration and Nationality Act by permitting the Secretary of State to exclude from entry into the United States any alien who has confiscated the property of a U.S. national or who traffics in such property.

As a result of consultations between the International Relations Committee and the Judiciary Committee, a number of changes were made in the text of H.R. 927. Consequently, the Judiciary Committee does not intend to mark up H.R. 927. However, this does not in any way waive this Committee's jurisdiction over that bill or related legislation, nor over the general subject matters contained in the bill which fall within this Committee's jurisdiction. I also request that Members of the Judiciary Committee be appointed to serve on any conference committee appointed with respect to this legislation.

Sincerely,

HENRY J. HYDE,
*Chairman.*

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COMMITTEE ON BANKING AND FINANCIAL SERVICES,
*Washington, DC, July 24, 1995.*

Hon. NEWT GINGRICH,
*Speaker, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I am writing concerning H.R. 927, the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, which the House of Representatives may consider later this year. This legislation contains two provisions which fall under the jurisdiction of the Committee on Banking and Financial Services under Rule X of the Rules of the House of Representatives. These provisions are found in Sections 103 and 104.

Section 103 prohibits a U.S. national or agency from extending a loan, credit, or other financing to a foreign person or U.S. national to finance transactions involving any property confiscated by the Cuban government the claim to which is owned by a U.S. national as of the date of enactment of H.R. 927. This provision falls under the jurisdiction of the Banking Committee relating to international finance and investment policies. While enforcement of this provision could be complex, and its impact on the competitiveness of the U.S. financial services industry is uncertain, the Banking Committee agrees to waive consideration of H.R. 927 and requests to be discharged from further consideration of Section 103 without prejudice.

Section 104 requires the Secretary of the Treasury to instruct the U.S. executive director to each international financial institution (IFI) to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until a democratically elected government in Cuba is in power. It further requires that if any IFI approves a loan or other assistance to Cuba over the opposition of the United States, the Treasury Secretary is to withhold payment to such institution, with respect to paid-in and callable capital, of an amount equal to the amount of loan or other assistance to the Cuban government.

In this regard, it has been longstanding United States policy to oppose Cuban membership in the international financial institutions. Indeed, Cuba is not now a member of any such international organization. Consequently, while the Committee would have serious concerns about the impact of IFI withholding provisions on U.S. foreign policy and the international financial institutions generally, the Banking Committee agrees to waive jurisdiction of H.R. 927 and requests to be discharged from further consideration of Section 104 without prejudice.

Sincerely,

JAMES A. LEACH,
*Chairman.*

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COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 3, 1995.*

Hon. BENJAMIN A. GILMAN,
*Chairman, Committee on International Relations, House of Representatives, Rayburn Building, Washington, DC.*

DEAR MR. CHAIRMAN: This is to confirm my understanding of our agreement concerning further consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995, which was referred to the Committee on International Relations, and in addition, to the Ways and Means Committee for a period ending on August 4, 1995.

Section 109 of H.R. 927, as reported by your Committee, would impose a certification requirement on exporters of sugar and sugar products to the United States. In addition, sections 201 and 202 contain statements about the trade policy objectives of the United States toward a democratic Cuba and authorize the President to take action to achieve those goals.

The action taken by the Committee on International Relations concerning the sugar provision was clearly contrary to clause 5(b) of Rule XXI of the Rules of the House, which provides that no bill carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures.

However, I now understand that you will offer a manager's amendment that will drop all provisions relating to trade in sugar (section 109) from the bill and change the text of the remaining minor trade-related provisions to language drafted by my staff. In addition, I understand that you have committed to oppose any modifications or additions to these provisions during further consideration in the House.

Based on your written assurances to that effect, and in response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 927 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees, and as sole conferees on provisions within its sole jurisdiction.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
*Chairman.*

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COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, August 4, 1995.*

Hon. BILL ARCHER,
*Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I write to you with respect to your August 3 letter and further House consideration of H.R. 927, the ''Cuban and Democratic Solidarity (LIBERTAD) Act of 1995.''

Pursuant to agreements reached between you and key proponents of this legislation, including the Chairman of the Western Hemisphere Subcommittee, Dan Burton, I would like to assure you that the Committee intends to offer an amendment during floor consideration of this measure which addresses the specific concerns raised by you and your staff with respect to sections 109, 201, and 202 of this legislation. Moreover, I would like to further assure you that we will work with you and Members of your Committee in opposing any proposed modifications or additions relating to these provisions during further House consideration of this legislation.

In addition, I understand that you will request that Ways and Means Members be appointed as conferees on these provisions and any other tax, tariff, or trade policy matters that might be at issue in a conference with the Senate on this legislation.

I should note that these understandings on this legislation do not prejudice in any way this Committee's jurisdiction over international economic policy issues and the Committee's authority to seek conferees on these and any other provisions of the bill that are within the jurisdiction of the Committee on International Relations during my House-Senate conference committee that may be convened on this legislation.

I extend to you my gratitude for your willingness to work with members of this Committee and other interested Members to move this important legislation to the full House without delay.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
*Chairman.*

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

Mr. WYNN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, first I would like it to be understood on the record that there is no Member of this House for whom I have greater affection and respect than the gentleman from Indiana [Mr. BURTON].

One of the reasons I have so much respect for him is his consistency. He has the same trade policy for China as he has for Cuba. Those who differ between the two countries, I could say, puzzle me somewhat.

I want to quote a former U.S. Senator from Indiana, Homer E. Capehart, a member of the party of the gentleman from Indiana [Mr. BURTON], who said back in the late 1950's, ''If you would let me turn loose 10,000 American salesmen in the Soviet Union, I would guarantee that the days of communism would be numbered.''

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

Mr. Chairman, I do not have any further speakers. I would just indicate, therefore, in closing that I believe this is a constructive amendment. It will enable us to move quickly at such time as we see a transition government in Cuba and I believe that will help us move Cuba more quickly to democracy. I thank the gentleman from Indiana for his support with respect to this amendment.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Maryland [Mr. WYNN].

The amendment, as modified, was agreed to.

The CHAIRMAN. The Chair is advised that amendment No. 3 will not be offered. Is that correct?

Mr. BURTON of Indiana. That is correct, Mr. Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–253.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STEARNS: Add at the end of title I the following:

**SEC. 112. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.**

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban Government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. STEARNS] and a Member opposed will each be recognized for 10 minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. JOHNSTON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. STEARNS].

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

I will be brief. This is an amendment that I had put together as a piece of legislation, H.R. 1909. It was introduced earlier this year and had bipartisan support. We had the support of Chairman BURTON, ranking member TORRICELLI, as well as the Members from the State of Florida.

I intend, Mr. Chairman, to withdraw this amendment, but I wanted to just outline a little bit about the amendment because I think it is important that the House be aware of what this amendment intended to do.

It was also offered on the Senate side. The important part about this amendment is it says basically that when the administration negotiates with the Castro regime, that they cannot do so without notifying Congress first. I think that is important, particularly when we saw what happened in Vietnam.

My amendment would require that the President notify congressional leadership prior to any meeting with the Castro regime, and that a timely report be made to the leadership with the results of any such negotiations.

With the situation as delicate as it is right now, Mr. Chairman, I am a little concerned, particularly talking to people on both sides of the aisle, that this would move the negotiation process into a phase where there might be a lot of confrontation, and that the administration itself might not be amenable to this amendment.

I actually withdraw this amendment, but I would like to make my opening statement part of the RECORD.

Mr. Chairman, my amendment is largely identical to H.R. 1909 which I introduced earlier this year with broad bipartisan support and which includes Chairman BURTON, Ranking Member TORRICELLI, Representative ROS-LEHTINEN, and Representative DIAZ-BALART among its original cosponsors.

It was jointly introduced with an identical bill in the Senate offered by my colleague from Florida, Senator MACK, who was also joined with widespread support in the other Chamber, including Majority Leader DOLE, Foreign Relations Chairman HELMS and Senator LIEBERMAN.

My amendment will require that the President notify congressional leadership prior to any meetings with the Castro regime and that a timely report be made to the leadership with the results of any such negotiations.

The Cuban Liberty and Democratic Solidarity Act is an important piece of legislation. It rightly steps up the pressure on the Castro regime in the hope that Democracy can be restored to the people of Cuba.

But this legislation and its impact could be rendered meaningless if the present administration opens up negotiations which could legitimize the very regime we are trying to remove.

With a situation as delicate as negotiations with one of the last Communist dictatorships left in the world, it is essential that Congress be kept aware of any attempts made by the administration to legitimize the Castro government.

Already members of this administration have shown their willingness to deal with Castro. Chairman BURTON has wisely included language in this bill that emphasizes the true position of our Nation: Not to deal with the Communist dictatorship in Cuba. This Congress must remain vigilant and ensure that this policy is in fact the one being followed.

The normalization of United States relations with the Communist government of Vietnam is just one example of where the current administration has moved too quickly and without open discussions with the Congress prior to its actions. Had there been a provision such as this during the negotiations with Vietnam, at least the Congress would have had the ability to advise the President on how we felt. Instead, the President presented us with a fait accompli. We need to ensure that tomorrow we don't see a headline proclaiming ''Administration Officials Meet With Castro, Congress Caught Totally Unaware.''

Mr. Chairman, while I recognize that it is the prerogative of the President to conduct foreign affairs, it is also the responsibility of the President to keep Congress informed of his actions so that we might respond accordingly. This amendment will insure this just balance of power.

Mr. Chairman, I urge my colleagues to join me in making sure that the United States does not rush into a closer relationship with a Communist dictatorship without the elected Representatives of the people being properly informed. I urge the adoption of this amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I rise today in strong support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

This legislation has been carefully crafted to bring an end to the Castro regime by reaffirming the principles contained in the Cuban Democracy Act passed in 1992. This legislation seeks to close the loopholes in order to more effectively continue our embargo against Cuba.

Another provision in H.R. 927 prepares the United States to support a transition government which eventually will lead to a democratic government in Cuba. We realize that the isolated Government of Castro is on its last leg and this is a positive signal to the Cuban people that the United States will support their efforts toward democratization.

Finally, this legislation takes important steps to protect the property interests of U.S. nationals by making persons who intentionally traffic in stolen property liable for damages in U.S. Courts.

It is anathema to all Americans that in our own backyard we have one of the last Communist countries and one of the last dictators within a half hour plane flight. Today, Cuba is more backward than ever. This authoritarian regime now symbolizes the fact that communism has failed.

Since the collapse of the Soviet Union the $4.5 billion in annual support for Cuba has all but disappeared. No other countries have come to Castro's financial aid. Meanwhile, the United States embargo continues to keep Cuba without sought after American dollars.

Recent reports state that the deteriorating living conditions, the repressive control exercised by the state and economic difficulties led to the mass exodus on the high seas in 1994. These reports also state that the Cuban crisis has deep internal roots affecting not only the economic, political, and social sphere, but all of the island's institutions. This crisis is the direct result of the repressive policy of Castro coupled with the exclusion of differing viewpoints.

Castro has not shown a willingness to make any efforts to liberalize Cuba's political system or economic markets. For this reason stronger actions are needed to deal with his regime as compared to other Communist countries which recently have shown movement toward democratic principles.

In my judgment, H.R. 927 takes the necessary steps to increase pressure on the Castro regime to initiate needed political and economic reforms. By passing this measure we will also send a strong signal to Castro that the United States will stand firm until he is gone and Cuba becomes a democracy.

Mr. GEPHARDT. Mr. Chairman, I rise to express my support for the general thrust of H.R. 927. This legislation sends an important signal to the Castro regime in Cuba that the United States will continue its vigilance in opposing the communist dictatorship there. For this reason, I will support passage of this bill today. At the same time, however, there are a number of provisions in this legislation that I believe could have an unintended negative impact on our efforts to promote a transition to a democratic government in Cuba and impede the conduct of U.S. foreign policy elsewhere.

In particular, I have serious concerns about the bill's attempt to restrict United States assistance to international financial institutions and other nations based on their policies toward Cuba. I believe we have broader interests vis-a-vis these institutions and nations that should not be allowed to be dictated by our policy toward Cuba.

I am also concerned that the constraints imposed by the bill on the types of United States assistance that may be provided to a transitional or democratically elected government in Cuba may in fact hinder our ability to promote the changes we desire there.

In addition, it appears that some of the bill's provisions relating to property claims may have the unintended consequence of tying up considerable amounts of property in litigation for years after a transition to a democratic government has occurred. This could hinder investment by Americans desiring to promote economic development in a post-Castro Cuba.

For these reasons, my vote today in support of H.R. 927 does not indicate an intention to support the conference version of this bill. Rather, I will withhold my decision on support for final passage of this legislation pending action by the conferees to address the deficiencies contained in the House version of the bill.

Mr. COYNE. Mr. Chairman, I rise today in opposition to H.R. 927. I believe that every Member of Congress agrees on our foreign policy goals with regard to Cuba. We all want to encourage democracy and economic growth, protect human rights, and neutralize a potential military threat just miles away from the United States. We legitimately disagree, however, on the most effective means of achieving these goals.

The Cuban people deserve a free, democratic, society that respects human rights and political freedom. Specifically, they deserve to enjoy the fruits of their labors and the right to travel freely across international borders. They deserve the freedom to speak their minds freely, without fear of persecution. And they deserve the fundamental right to organize and to control the actions of their own government through a free, fair, and democratic electoral process. I would suggest, however, that H.R. 927 is not the most effective way to accomplish these goals.

The so-called Cuban Liberty and Democratic Solidarity Act of 1995 is intended to ratchet up the pressure on Cuba by intensifying the economic sanctions and travel restrictions already in place. The theory behind this legislation is that any additional hardship imposed on the Cuban people will be transformed into additional dissatisfaction with the Castro regime and will precipitate an indigenous insurrection against Castro. The problem with this reasoning is that in many ways it plays into Castro's hands by allowing him to blame the Cuban people's suffering on foreign enemies—namely, the United States. Sanctions like these provide Castro with a convenient scapegoat for the failings of his unsustainable regime. Moreover, some of the provisions in this legislation would violate GATT and NAFTA. While I am no supporter of NAFTA, I believe that the United States is bound to observe international treaties that have been duly signed and ratified by the U.S. Government. We can not pick and choose as the mood takes us. Violation of our obligations under these treaties could result in sanctions on U.S. trade and the loss of U.S. export-related jobs. This legislation would damage the economic health of the United States without advancing our foreign policy goals. Consequently, I must conclude that H.R. 927 would do more harm than good.

I believe that the most effective tool for fostering democracy, human rights, and economic development in Cuba is exposure to the citizens and cultures of free, democratic societies. Consequently, I am a cosponsor of H.R. 2229, the Free Trade with Cuba Act, which was introduced by my colleague from New York, Representative CHARLES B. RANGEL. This legislation would lift the existing sanctions on trade, travel, and commerce with Cuba. It would only allow the President to impose new export controls on Cuba in accordance with certain sections of the Export Administration Act of 1979, and it would allow the President to apply the authority granted him under the International Emergency Economic Powers Act only in the case of a new national emergency resulting from actions undertaken by the Cuban Government. In short, this bill would normalize United States relations with Cuba.

In closing, let me just point out that we've had sanctions against Cuba for over 30 years. They made some sense during the cold war, when Cuba was allied with a hostile superpower, but they haven't been particularly successful in undermining the Castro government. In the end, an ineffective economic system and political repression will bring down the Castro regime, just as similar institutions precipitated the collapse from within for the other countries of the Soviet bloc. The best ways to speed up that process is through engagement, not through isolation. Therefore, I urge my colleagues to join me in opposing H.R. 927 here today.

Mr. BURR. Mr. Chairman, I rise today in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I am proud to be a cosponsor of this legislation along with a bipartisan group of my colleagues.

We are at an important moment in the struggle for freedom for the Cuban people. It is a well-known fact that the Cuban economy is in complete disarray. In order to prop up his failing regime, Castro has attempted to attract foreign investors to the country so that he may obtain more hard currency for his benefit, I repeat his benefit. Let us not pretend that the people of Cuba will benefit from these investments. Have no doubt, the capital that comes with foreign investment is for the benefit of Castro and his regime, not the people of Cuba.

To those who will say that Castro is liberalizing his political and economic policies, this is simply untrue. There is no indication that elections held in Cuba are anything more than a rubber stamp of his corrupt regime and there simply are not real economic reforms occurring there. Castro will continue to control the Cuban economy and the Cuban people because he and his regime control all of the money received from foreign investments.

To those who argue that we must end the embargo because it has not worked in 35 years, I would tell you that the embargo has worked best in the last few years due to the end of subsidies from the Soviet Union. The embargo is working and should be tightened, as this bill seeks to do, so the end of the Castro regime comes as soon as possible.

Finally, I support the provisions of this bill that provide American citizens a right of action in a U.S. court of law to ensure that property confiscated from them is not sold for the benefit of the Castro regime. The only way to end Castro's dictatorship is to end his access to foreign capital. I support these provisions as well as those that provide for a smooth transition to democracy and I urge all of my colleagues to support this bill with a ''yes'' vote on final passage.

Mr. KENNEDY of Rhode Island. Mr. Chairman, this bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom.

We won the cold war because we never gave in to communism. By standing firm we brought down the Iron Curtain and saw communism collapse in Europe.

The conditions which existed when President Kennedy implemented our embargo have not changed.

Now is not the time to offer relief to the Castro regime, especially relief at the expense of American citizens who have had their property seized by Castro. Castro wants to use American property to lure foreign investors to Cuba who will provide cover for his dictatorship and cash to his treasury.

This bill prevents the Castro regime and foreign investors from profiting off the confiscated property of Americans. It says, quite simply, theft is wrong.

The Libertad bill allows Americans, whose property Castro has seized, to pursue legal redress if an international corporation or investor purchases that land for profit-making.

This is government-sanctioned theft.

The bill also states that we will not allow those who traffic in this stolen property to enter the United States. Why should we welcome those who profit from property stolen from our citizens, from our constituents, and who are exploiting the hopes, dreams, and labor of the Cuban people?

Let us be clear, foreign investment in Cuba means one thing—it is a lifeline to the Castro regime.

It will legitimize an illegitimate government.

It will offer protection to a man who must be brought down just like the Communist dictators of Eastern Europe.

It will postpone the day that the people of Cuba will live in freedom and democracy.

A vote for this bill is a vote in support of those trying to build democracy in a land that desperately wants freedom.

This bill will help that day of liberty come sooner. This is our duty as Americans.

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington. This amendment, which includes the text of my bill, H.R. 1700, would lift the embargo against Cuba on the sale of medicines, medical supplies and equipment, and food. It is an appropriate amendment and would bring to an end a policy that is unworthy of this great Nation.

I realize that most of my colleagues support the embargo against Cuba and support this legislation that will tighten that embargo to new and even more absurd heights. That is not the issue before us in this amendment.

What this amendment asks us is, should the U.S. demonstrate its disapproval of another government by cutting off the sale of food and medicine to civilians, the elderly, the young, and the sick?

Historically, no matter how repugnant we have found the behavior of other governments, the United States has not resorted to this immoral and inhuman form of pressure.

When the Pinochet dictatorship in Chile set off a terrorist bomb on the streets of Washington, killing an American citizen, we didn't punish the Chilean people by embargoing food and medicine.

The Chinese Government brutally oppresses human rights from Beijing to Lhasa and is rewarded by this Congress with most-favored-nation treatment.

Salvadoran Government-run death squads slaughtered tens of thousands of civilians, including four American nuns and the Archbishop of San Salvador, and El Salvador was rewarded with United States aid.

Even when we went to war against Iraq, there was not embargo on food and medicine.

So what has Cuba done that merits this sort of inhuman treatment? Clearly, the Members of this House are so accustomed to voting for sanctions against Cuba that we have lost any sense of proportion.

I certainly understand that most Members of Congress want to seem tough on Cuba. I know that's where the votes are today. But in our zeal to be the big cowboy in the hemisphere, we should not lose sight of fundamental decency. The embargo on food and medicine is wrong; it is immoral, and it brings dishonor to the United States.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DUNCAN, 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. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, pursuant to House Resolution 225, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

□ 1215

The SPEAKER pro tempore (Mr. LAHOOD). 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.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. JOHNSTON of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 294, noes 130, not voting 10, as follows:

[Roll No. 683]

AYES—294

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—130

Abercrombie
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bonior
Boucher
Brewster
Brown (CA)
Bryant (TX)
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hostettler
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kildee
Kleczka
Klink
LaFalce
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McDermott
McHale
McKinney
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar

Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Clay
Hastings (FL)
Moakley
Reynolds
Salmon
Scott
Sisisky
Stokes
Tucker
Waters

□ 1238

Mr. OWENS changed his vote from ''aye'' to ''no.''

Mr. COSTELLO, Mr. RAHALL, Mrs. KENNELLY, and Ms. MCCARTHY changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

## PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on rollcall 683, I was unavoidably detained. Had I been present, I would have voted ''aye.''

## GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 927, the bill just passed.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 743, THE TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–256) on the resolution (H. Res. 226) providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–257) on the resolution (H. Res. 227) providing for consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1601, INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–258) on the resolution (H. Res. 228) providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station, which was referred to the House Calendar and ordered to be printed.

## APPOINTMENT OF CONFEREES ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

### MOTION TO INSTRUCT CONFEREES OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DELLUMS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1530 be instructed to insert upon amounts for authorization of appropriations for Operations and Maintenance accounts such that the total amount of such authorizations is not less than the total amount authorized for Operation and Maintenance accounts in section 301 of the House bill.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the gentleman from California is normally a person who does not flaunt his background and so forth, and speaks about defense from, you know, his philosophical ideas and so forth.

But I just want to say I ran across a Marine yearbook today, and I uncovered in here that the gentleman from California has had a very distinguished career as a Marine, if, indeed, the gentleman from California is exactly the same RONALD V. DELLUMS who is in here was in the Merit Platoon. I just want to say if this is the same gentleman, I hope everybody listens to this gentleman because if there is anything the Marines know about, it is readiness.

So is the gentleman from California the same one I am seeing here?

Mr. DELLUMS. The gentleman is the same gentleman, about 40-some years old, however.

Mrs. SCHROEDER. The Marines would be very pleased that the gentleman has not forgotten his training about readiness. I truly support the gentleman's motion to instruct, and I thank the gentleman.

Mr. DELLUMS. I thank my distinguished colleague.

Mr. Speaker, I thank the gentlewoman for her generous remarks.

Mr. Speaker, I rise to offer a motion to instruct conferees on the bill, H.R. 1530, the national defense authorization bill.

Mr. Speaker, Members of the House, this motion is very simple. It would assert that the House conferees insist on retaining the amounts that we have already voted to provide for the sufficient training and readiness of our Armed Forces personnel.

Let me take a few moments to place this motion in its proper context.

Mr. Speaker, the President requested $91.9 billion for readiness, fiscal year 1996. The House bill contains $94.7 billion for readiness. The Senate bill contains only $91.7 billion.

The conference, overall, will add about $7.1 billion to the President's overall budget request for this fiscal year for defense. In this gentleman's humble opinion, Mr. Speaker, we should not use all of this additional money for what I believe to be unnecessary hardware programs. Instead, we should retain the training and readiness funds the House made available to our men and women in uniform.

The majority members on the Committee on National Security started off the year, Mr. Speaker, with a series of hearings outlining what they considered to be the unfunded readiness needs of the service. Indeed, if you will recall, Mr. Speaker, they claim in the bill, H.R. 7, that came to this floor, voted upon by this body, and elsewhere, that insufficient funds for readiness threaten the imminent return to the hollow forces of the 1970's.

□ 1245

Whether my colleagues agreed or disagreed with that position, that was the

assertion of the majority party in these Chambers in H.R. 7 and in a series of hearings before the Committee on National Security. As a result of all of that, they increased the readiness budget by over $2.8 billion over the President's request and stated on the floor of these Chambers that the balance between readiness and modernization was the appropriate balance. The House report accompanying H.R. 1530 states in part, and I quote:

> The committee has recommended additional spending in core readiness accounts such as depot maintenance, . . . real property maintenance to begin addressing what is likely to be a 30- to 50-year problem of halting the deterioration of base support facilities, mobility enhancements to allow more timely deployment of forces and reserve component readiness.

Mr. Speaker, if the majority of the House National Security Committee now feels that there has been significant change in the readiness posture of this country, then I believe the Members of the House deserve an explanation of what happened to change their minds. If, in fact the premise on which days and days of hearings that were held that were calculated to make the case that near-term readiness of our military was indeed in dangerous peril, is no longer a compelling factor, then we need to know why, and the proposition before the body that this gentleman offered is calculated to ask that question.

If, however, the majority of the committee has made the political decision and I underscore ''political decision'' that the readiness issue is secondary to their need to deliver certain procurement projects, then let the record reflect that fact.

So the proposition before the body is designed to either say, ''You believed in what you were saying in H.R. 7, you believed in what you were saying in the Contract for American, you believed in what you were saying during the series of hearings, you believed what you said in H.R. 1530 about readiness, and you feel that it is important to maintain it,'' or that, ''As you view the changing circumstances in the world, that that is no longer a compelling reason.'' Then step back; explain that to the body. Let us move forward. Or, as I said, to repeat, ''If you make the political decision that you now can trade off readiness, which you made such a large issue over the last several weeks and months, and you are more interested in procuring weapons systems than readiness, then make that statement so that we understand where we are.''

In either case, Mr. Speaker, I believe that the Members of this body deserve to know what has happened in the intervening months since the readiness hearings that has allowed our committee's majority to feel so much more relaxed about what they claimed to be a problem of Draconian proportions just a few short weeks ago.

While I have expressed my own personal doubts as a Member of this body that we need an increase in the defense top line, and over the last several months I have tried to argue that case, I am doubly certain that we need not raid our readiness accounts to pay for unneeded cold war weapon systems that no longer are appropriate. The dire forecast the majority makes regarding our modernization accounts, Mr. Speaker, fails to account for the fact that we have been able to defer procurement requirements over the past few years due to the carefully managed utilization of excess weapons systems and platforms that have resulted from force structure reductions. Simply stated, as we have downsized our military, we have excess property, and in managing that excess property there has been no need for us to escalate in our procurement account because we are now dealing with materiel that is in excess, and we can move along those lines, and that has been carefully drawn and carefully dealt with.

Mr. Speaker, I believe that our first priority in this conference should be to insure that our troops, active and reserve components, are trained and ready to meet the task which they can reasonably expect to be called on to perform.

Therefore, for all these reasons, Mr. Speaker, I ask my colleagues on both sides of the aisle in a bipartisan fashion to join with me in an effort to prevent shifting more funds out of the readiness account, an argument that was stated in a very powerful fashion over the last several months at the level of subcommittee, full committee, and an action taken before the body, and with those remarks, Mr. Speaker, I reserve the balance of my time.

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

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

Mr. SPENCE. Mr. Speaker, I rise in support of the gentleman's initiative and to let him know that I support his motion, and I also welcome him to support for the readiness of our military forces. I also rise to encourage all of my colleagues to join with us in our continuing efforts to ensure that the United States maintains a ready military force.

Because the gentleman's motion references specific figures, I need to remind my colleagues that H.R. 1530 passed the House before a final budget resolution had been agreed upon. Consequently, H.R. 1530's top-line reflected the House-passed budget resolution figures for Defense, which ended up being approximately $2.6 billion over the fiscal year 1996 Defense top-line figure in the final budget resolution. The Senate's Defense authorization bill and both Defense appropriations bills were passed based on the final budget resolution Defense figures.

In order to conference with the Senate, we obviously have to reconcile the higher figures in H.R. 1530 with the final budget resolution and the other Defense bills. Approximately $1.9 billion of this $2.6 billion reconciliation effort has occurred in the operations and maintenance accounts. While that might seem like a significant cut, it is not, since all of the funds cut lacked an appropriation. Therefore, they represented a hollow authorization.

H.R. 1530 still authorizes operations and maintenance funding at almost $93 billion—close to $1 billion over the President's request. In five main readiness categories beyond the traditional operational tempo accounts—depot maintenance, real property maintenance, base operations, mobility enhancement, and Reserve component readiness—H.R. 1530 is $1.6 billion over the President's request and $1.1 billion over the Senate bill. Of the four Defense bills, H.R. 1530 contains the highest operations and maintenance funding levels and is almost identical to the House-passed Defense appropriations levels for these accounts.

The committee has always been concerned with military readiness and will continue to address readiness problems, as well as quality of life and modernization, shortfalls as a priority. Therefore, as we head into conference with the Senate, I welcome the gentleman's support on the critical issue of readiness funding, and I stand prepared to accept the motion.

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

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

Mr. Speaker, I thank the distinguished gentleman from South Carolina [Mr. SPENCE] for his support. I think that that guarantees that this would be a bipartisan effort as we move into the conference with the other body, and I deeply am appreciative of the gentleman's remarks and his support.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina [Mr. SPRATT], my distinguished colleague.

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

Mr. SPRATT. Mr. Speaker, one of the first bills brought to the floor in keeping with the Contract For America was H.R. 7, the National Defense Revitalization Act. Its very title implies that our Armed Forces are not ready, that they lack vitality. Now I question that assessment. But there is some findings in the preamble of that bill, and I would just like to read them again so that those who voted for it can be reminded of what assessment is contained in that bill. It says,

> A return to the ''hollow forces'' of the 1970's has already begun. At the end of fiscal year 1994, one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions were reporting a reduced state of military readiness. During fiscal year 1994, training readiness declined for the Navy's Atlantic and Pacific fleets. Funding shortfalls for that fiscal year resulted in a grounding of Navy and Marine Corps aircraft squadrons and cancellation and curtailment of Army training exercises.

Marine and naval personnel are not maintaining the standard 12- to 18-month respite between 6-month deployments away from home. Marine Corps units are spending up to 2 of their first 4 years away from their base camps. The significantly increased pace of Department of Defense operations has U.S. Forces overdeployed.

Now these findings are, I think, over some. They run counter to the Pentagon's assertions that our troops on the whole, with some exceptions, are ready, but following on these premises and these concerns, our committee in its markup of the defense authorization bill this year, our committee added by my calculation $2.8 billion to the administration's request of $91.9 billion for readiness. That is a 3-percent plus up. The Senate Armed Services Committee on the other hand provided $800 million less than the Clinton administration requested.

So, this motion before us is very simple. It says, ''Stick to your guns. Stand by the House's position on the issue of readiness.''

This is an opportunity to act once again on our readiness concerns, which I think all of us to one degree or another share. If we think our forces are in any way in a downward spiral, or that they are overdeployed, or if we think we are trending back or slipping down the slippery slope to the hollow forces of the 1970's, then a 3-percent plus up is a modest step indeed to reverse that trend.

Mr. Speaker, I urge my colleagues to stand by the House's position on readiness, to stiffen the resolve of our conferees, and to vote for this motion.

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

Mr. Speaker, I do not have any other requests for time. I would just like to thank our colleagues on the other side of the aisle for supporting readiness, and, as I said before, I support the motion.

Mr. DELLUMS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. PICKETT], my distinguished colleague.

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

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

Mr. Speaker, 1995 has been a busy year for the U.S. military. Our Nation called repeatedly upon its Active and Reserve Forces to represent and protect our national interests all around the world.

The U.S. Armed Forces were able to respond to the call in Asia, in Europe, in Africa and elsewhere, in part, because this Congress and the American people have provided the military with the necessary assets and training to do the job.

Men and women in uniform responded to each challenge in a manner that makes all Americans proud. They have responded to the call to duty largely without complaint and served their country with honor and distinction.

This ability to provide flexible response is not without cost either in equipment or to our people. The services have had to switch money away from training to respond to these contingencies and valuable training opportunities have been lost.

Our first priority is to provide our military personnel with what they need to fight, to win, and to return home safely after having answered their country's call. They are among the finest young people our country has to offer. They serve their country out of a sense of duty. At the same time, these men and women expect Congress to give them the resources they need to do their jobs. They also expect Congress to provide them a reasonable quality of life for themselves and for their families, and a place in which to train and work that will allow them to give the best of themselves. Congress must live up to this commitment.

Mr. Speaker, the operations tempo in our military remains high. The service chiefs have reported that the force is stretched thin; that readiness is being impacted by a high current optempo; and that certain units are deploying repeatedly in support of contingency operations.

This high optempo has occurred at the same time U.S. force structure and defense budgets have been dramatically reduced. U.S. Forces continue to be asked to do more and more with less and less.

The most important component of readiness is people. The people serving in uniform today were selectively recruited and carefully trained. They are truly the finest force that the United States has ever had.

Readiness must be preserved both in the near term and in the long term. Readiness problems compound quickly and cannot be repaired easily or inexpensively. The military personnel that we put in harm's way deserve a full and continuing commitment from this Congress. The House of Representatives has met that commitment to readiness in the DOD bill that we passed. I urge my colleagues to ratify this effort by voting for this motion to instruct House conferees to support the higher House figure for readiness and to reject the lower Senate figure.

□ 1300

Mr. DELLUMS. Mr. Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

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

Mr. DELLUMS. Mr. Speaker, I object to the vote on the grounds 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.

Does the gentleman from South Carolina [Mr. SPENCE] have a unanimous-consent request?

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the automatic record vote on the motion to close the conference under clause 6, rule XXVIII be reduced to 5 minutes.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from South Carolina?

There was no objection.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 17, as follows:

[Roll No 684]

YEAS—415

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King

Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—2

Neumann
Petri

NOT VOTING—17

Boehner
Browder
Chenoweth
Clay
Clyburn
Collins (MI)
Foley
Johnston
Kolbe
Mink
Moakley
Quinn
Reynolds
Sisisky
Stokes
Tucker
Waters

□ 1320

Mr. PETRI changed his vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on rollcall No. 684, I was inadvertently not recorded. although I was on the floor during the vote. Had I been recorded, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall No. 684, a motion to instruct conferees, I was detained in a meeting and unable to reach the floor before the voting machine was locked. Had I been present, I would have voted "yea."

## MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. SPENCE. Mr. Speaker, pursuant to clause 6(a) of rule XXVIII I move that conference committee meetings on the bill H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. Pursuant to clause 6(a) of rule XXVIII, the vote on this motion will be taken by the yeas and nays.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 19, as follows:

[Roll No 685]

YEAS—414

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

DeFazio

NOT VOTING—19

| | | |
|---|---|---|
| Andrews | Kennelly | Tucker |
| Burton | Lewis (CA) | Waters |
| Chenoweth | Moakley | Watt (NC) |
| Clay | Rangel | Waxman |
| Clyburn | Reynolds | Wilson |
| Coleman | Sisisky | |
| Johnston | Stokes | |

□ 1331

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the Chair appoints the following conferees:

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, 850–96) and the Senate amendment except for sections 801–03, 815–818, 2851–57, and 4001–4801), and modifications committted to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON (PA), DORNAN, HEFLEY, SAXTON, CUNNINGHAM, BUYER, TORKILDSEN, Mrs. FOWLER, and Messrs. MCHUGH, WATTS (OK), JONES, LONGLEY, DELLUMS, MONTGOMERY, Mrs. SCHROEDER, and Messrs. SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TANNER, BROWDER, TAYLOR (MS), ABERCROMBIE, EDWARDS, and PETERSON (FL).

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–818 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, WATTS (OK), DELLUMS, and SPRATT.

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, HEFLEY, JONES, ORTIZ, AND MONTGOMERY.

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, TORKILDSEN, WATTS (OK), LONGLEY, DELLUMS, EDWARDS, and PETERSON (FL).

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Messrs. COMBEST, YOUNG (FL), and DICKS.

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

Messrs. ROBERTS, ALLARD, LAHOOD, DE LA GARZA, and JOHNSON (SD).

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, SCHAEFER, and DINGELL.

Provided, Mr. OXLEY is appointed in lieu of Mr. SCHAEFER for consideration of sections 323, 2824, and 3107 of the Senate amendment.

Provided, Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment.

Provided, Mr. HASTERT is appointed in lieu of Mr. SCHAEFER for consideration of sections 2851–57 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

Messrs. GOODLING, RIGGS, and CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332, 333, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, MICA, BASS, Mrs. COLLINS (IL), and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–818 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, HORN, DAVIS, Mrs. COLLINS (IL), and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

Messrs. CLINGER, DAVIS, and Mrs. COLLINS (IL).

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, SCHIFF, ZELIFF, HORN, DAVIS, Mrs. COLLINS (IL), Mrs. MALONEY, and Mr. SPRATT.

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, ROBERTS, and HOYER.

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, ROTH, BEREUTER, SMITH (NJ), HAMILTON, GEJDENSON, and LANTOS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, GEKAS, and CONYERS.

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

Messrs. SOLOMON, DREIER, and BEILENSON.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

Messrs. WALKER, SENSENBRENNER, and BROWN (CA).

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, WELLER, and OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modifications committed to conference.

Messrs. SMITH (NJ), HUTCHINSON, and KENNEDY (MA).

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

Messrs. ARCHER, THOMAS, and STARK.

There was no objection.

## LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the distinguished majority leader for purposes of asking the schedule for next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am sure everybody is aware that we have had our last vote for the day and indeed we have had our last vote for the week since the House will not be in session tomorrow.

Mr. Speaker, in observance of the Jewish holiday Rosh Hashanah, there will be no recorded votes next Monday, September 25 and Tuesday, September 26.

On Wednesday, the House will meet at 12 noon, although we do not expect any recorded votes before 1 p.m. Next week we will consider the following bills, all of which will be subject to rules:

H.R. 743, the Teamwork for Employees and Managers Act;

H.R. 1170, the Three Judge Court Review for State-Wide Referenda Act;

H.R. 1601, the International Space Station Authorization Act; and

The District of Columbia Appropriations Act for fiscal year 1996.

As we approach the end of the fiscal year, it will be necessary to put together a continuing resolution to keep the Government operating. There are many variables involved in this process, and therefore we are unable to fix a firm time for the House to complete its business.

I must admit that if I had my druthers, we would adjourn the House on Friday, September 29 and start the October district work period then. However, Members should be advised that it may be necessary to continue working over the weekend and through to Tuesday, October 3. If this is the case we will adjourn no later than 12 noon on Tuesday.

Mr. BONIOR. If I could ask the distinguished majority leader what he expects in the way of appropriation bills next week. It is a week now before the end of the fiscal year, and we have not had one single appropriation bill that has been sent to the President.

We all understand that when the Congress fails to meet its responsibilities, we have to have what is known as a continuing resolution. We have heard through the rumor mill and through printed material that we have seen today that the majority is asking for a 6-week extension through the continuing resolution.

My question to the gentleman from Texas, the distinguished majority leader, would be, would it not be advisable to have a much shorter CR to keep the pressure on so we can get these appropriations bills—we only have a week to get them to the President, obviously we are not going to make it, but obviously it would keep the pressure on us to get them there, so we could finish our work and Members could return to their constituencies.

Mr. ARMEY. I say to the gentleman, of course we will be taking up the conference reports as soon as the conferences do report. The Senate I am sure will do the same. We will move this legislation as quickly as we can to the President's desk. We will probably do some next week.

The gentleman asked if I thought that maybe it would not be more advised for us to have a shorter continuing resolution than the one we expect to pass. My response is if I had thought that, I would have been bringing a shorter continuing resolution. I think the one we will bring will be appropriate to our circumstances.

Mr. BONIOR. May I ask if the distinguished majority leader expects it to be longer than 2 weeks.

Mr. ARMEY. My anticipation is that the continuing resolution will give us a period of time, approximately 6 weeks, which should be a comfortable period of time for everybody to get their work done.

Mr. BONIOR. Do you expect to bring the TEAM legislation to the House next week?

Mr. ARMEY. The TEAM legislation is scheduled for next Wednesday.

Mr. BONIOR. Could I get a sense from the distinguished majority leader if indeed the conference appropriation bills that he expects might fall in the following categories, the Defense conference bill, the Interior bill, the Transportation bill, the Ag bill, and the Treasury and Postal Service bill, are those the likely candidates to come to the floor next week?

Mr. ARMEY. If the gentleman will yield, they certainly are in the candidates and I have expectations that the work will be completed on some if not all of them. But again I would prefer to let the committee work and look forward to their report to the House and to the Senate.

□ 1345

Mr. BONIOR. Mr. Speaker, finally, I would ask the gentleman from Texas, my friend, again, if he would not indeed bring up the Dingell resolution, which would allow the public to have time to understand the Republican Medicare plan. We are asking for 4 weeks of hearings and this resolution would be brought to the floor so Members could understand and absorb it.

There are major, major, significant changes in Medicare in the majority's plan, and we think the country and the folks around the kitchen table ought to have the chance to absorb what is in it and we are asking to have a debate on that resolution and we ask the gentleman to bring it up.

Mr. ARMEY. Mr. Speaker, I appreciate the comments of the gentleman from Michigan [Mr. BONIOR] and with respect to the question put regarding the Dingell resolution, the gentleman should be advised that no, in fact I do not anticipate bringing up the Dingell resolution.

Mr. BONIOR. Mr. Speaker, in that case I would advise the gentleman from Texas that since we are only going to have one day of hearings on the majority's direct plan, we anticipate that we will have our hearings on the lawn of the U.S. Capitol. We anticipate those hearings to commence tomorrow and will continue throughout the following week, so that the American people will have the right to understand and know that we are changing Medicare as we know it, and we are doing it not to save Medicare or to reduce the budget, but to provide tax cuts for the wealthiest people in our society.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, would it be possible, would there be any period of time that the gentleman from Texas would agree to extend? I mean, I am sure the gentleman from Michigan [Mr. DINGELL] would not want to cut the 4 weeks down, but would the gentleman from Texas agree to maybe 2 weeks or maybe 3 weeks or something? We have over 21 cosponsors who really feel that we need more than 1 day.

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's comments. In light of the fact that we have had over 30 hearings on Medicare already this year, we see no need, as you allege. But I would suggest that should the minority come up with a Medicare bill, we would certainly be willing to give some consideration to hearings on that bill, or make a place for that bill in the proceedings.

To this point, I have not seen even so much as an inkling of such a bill and, therefore, see no good reason to slow down continued progress on the bill that our side of the aisle has been working on.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman from Michigan yield further? That is our problem. We have not seen so much as an inkling of a bill from the majority side. We understand there is like a 60-page concept paper, but the hearings would be there tomorrow and there is still no real there there.

Mr. Speaker, I think it is interesting. I know the best defense is an offense, but really we have been waiting to find out what the real bill is. We still do not know, and there have not been any hearings on the real bill because there is no real bill yet.

Mr. ARMEY. Mr. Speaker, I appreciate the comments of the gentlewoman from Colorado [Mrs. SCHROEDER] and the fact of the matter is that we do have a good deal of communication going on with the committees. We will continue to move on as scheduled.

It is, of course, always a difficult proposition for the minority when they do not participate in the process very actively. The frustrations are real and I do appreciate their frustrations, but we do have a schedule and we will be moving on with it.

Mr. BONIOR. Mr. Speaker, in conclusion, I would just invite my friend from Texas to join us on the lawn as the American people come and testify on this particular bill and problem that we have before us in this Congress. We will be meeting tomorrow on the lawn of the U.S. Capitol to have hearings on this important issue.

Mr. ARMEY. Mr. Speaker, would the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I appreciate the invitation of the gentleman from Michigan [Mr. BONIOR]; unfortunately, I will be back in Texas speaking to my constituents tomorrow.

Mr. BONIOR. Mr. Speaker, we wish the gentleman a good voyage.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 94

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor from House Resolution 94.

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

There was no objection.

## ADJOURNMENT TO MONDAY, SEPTEMBER 25, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, September 25, 1995.

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

There was no objection.

## ADJOURNMENT FROM MONDAY SEPTEMBER 25, 1995 TO WEDNESDAY, SEPTEMBER 27, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns Monday, September 25, it adjourn to meet at noon on Wednesday, September 27, 1995.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LINDER). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

[Mr. GIBBONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

## HELPING VICTIMS OF HEMOPHILIA-ASSOCIATED AIDS

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

Mr. GOSS. Mr. Speaker, for 6 years I and my staff have worked with victims of hemophilia-associated AIDS seeking justice and assistance from the Federal Government. Because hemophiliacs rely on blood-clotting products made from human blood, they are at an enormous risk of contracting blood-borne diseases. In the 1980's, tragedy struck this community, and approximately 8,000 Americans—or one-half of all hemophiliacs in this country—became infected with the deadly virus that causes AIDS. This tragedy occurred in part because the Federal Government failed to fulfill its unique responsibility for regulating the safety of blood products and for taking aggressive action to prevent the spread, through blood products, of the HIV virus. That conclusion was strongly supported in a recent report of the Institute of Medicine, a highly respected, objective, scientific analysis arm of the National Academy of Sciences. This report has confirmed my belief that the Federal Government shares the responsibility for what happened, since the regulatory system failed to respond to the clear early warning signs of blood-borne AIDS. As a result, in my view the Federal Government has a clear and compelling obligation to provide compassionate assistance to the victims of what has been called the worst medical tragedy in modern history. I have introduced legislation, called the Ricky Ray Hemophilia Relief Fund Act, to establish a compensation program that would allow the Government to own up to its obligation. This bill is named for a 15-year-old Florida boy who died in December 1992, and whose family today still suffers from his loss and the ongoing illnesses of Ricky's two brothers, who are also HIV positive hemophiliacs. The Ricky Ray bill, which carries more than 125 bipartisan cosponsors, establishes a trust fund from which eligible victims could each claim $125,000. The legislation specifies that the trust fund, once authorized, would sunset after 5 years and would be capped at a total of $1 billion, with the funds to come from the annual appropriation process. Some people have asked, what makes these victims special? What is it about this tragedy that moves us to provide Government compensation?

What is unique about the victims of hemophilia-associated AIDS? In my view, the record is clear: Government has established a unique regulatory scheme for blood products, overseeing their safety under the auspices of both the Food, Drug, and Cosmetic Act and the Biologics Act. In making its regulatory decisions about the safety of blood products, the FDA, until just recently, relied heavily on advice from an advisory panel comprised in large part of people with expertise from the blood banking industry itself. In addition, we have a national blood policy, established in 1974, that outlines our commitment to blood and blood products as a national resource. And blood products are exempted from national product liability legislation, fostering the development of a unique legal framework in which blood products are shielded from normal product liability standards under nearly all State laws.

Mr. Speaker, this is a brief outline of why I believe a strong case can be made that this situation—in which we have about one death every day of a hemophiliac with AIDS—is unique and requires a special Federal response. I understand that the Federal Government cannot become involved in every tragic case that occurs in this country. But this case is unique—and the Federal Government has a unique responsibility for what went wrong. I urge my colleagues to look at H.R. 1023—and I again ask that our Judiciary Committee schedule hearings to consider the complex regulatory, legal, and ethical questions this tragedy raises.

Mr. Speaker, it is not going to go away. Every day one more person is going to die tragically, and it is partially our fault. We need to deal with it.

## HEARINGS ARE NEEDED ON MEDICARE REFORM PROPOSALS

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

Mrs. SCHROEDER. Mr. Speaker, I have come to the floor to talk a bit about what my biggest fear as a Member has always been, and that has been not being prepared.

Mr. Speaker, it is so difficult to try very hard to find out what is going on and to be prepared. I was trained as an attorney, and I learned you never step into a courtroom, you never do anything without being prepared.

Well, let me tell my colleagues in this Medicare-Medicaid debate, there is no way anyone can be prepared. Here we are on the eve of the 1 day of hearings that they are going to grant on Medicare, and there is still no bill. There is still no bill.

So, if we wanted to go to those hearings tomorrow and be prepared, I do not know how we would do it. Today, they released 60 pages of conceptual language, but there are no numbers. How do we know if they add up or do not add up? We do not know what the Congressional Budget Office is saying.

Mr. Speaker, I think that this is playing very fast and loose and I am very troubled, because if I were an average American watching this and watched the barbs being traded back and forth across the aisle, they are filled with both bravado and bluster and everything else. But the bottom line is there is no there there. They do not have a real bill there.

The same thing has happened with Medicaid. On Medicaid we did not have even 1 day of hearings. They just moved immediately into a markup. We are beginning to find out what is coming out of that markup, which is really

fairly frightening. If we look at Medicaid, there are 18 million children that rely on Medicaid for their health care. There are 6 million disabled relying on Medicaid for their health care. Overall, there are 36 million Americans relying on Medicaid for health care.

Now, the numbers. It looks like they are going to cut my State of Colorado back by about a third. So what happens? How do you treat two-thirds of a child? How do you treat two-thirds of a disabled person? Where do you pick up the difference? How do you do this?

Well, there were no hearings. People from my area were not allowed to come forward. We had many people who would like to and, of course, we are going to see the same act tomorrow when it comes to Medicare.

When we look at Medicare, there are 37 million Americans that are affected by Medicare. Now, when I add 36 million for Medicaid and 37 million for Medicare, I end up with 73 million Americans. And we are holding the future of their health care in our hands as legislators.

Mr. Speaker, I find it really outrageous, as we hold the future of their health care in our hands, that we do not have a real bill; that we are not having real hearings; that we are not having people with the expertise in delivering this care looking at real bills to find out if they will really work.

Mr. Speaker, I would never say that I totally understand how this whole thing works. None of us can possibly understand every specialty that we have to deal with. That is what hearings are about. Otherwise, we could save a lot of money and never have hearings on anything.

So 73 million people, as I add these two numbers together, have got to be wondering what is happening. And I must say, I am very frustrated that tomorrow our side of the aisle has got to start alternative hearings out in the yard somewhere, and hope it does not rain, because we have not been able to get even a room assignment to do this.

Now, really, I think when we look at all the other things this body has had time to do, when we look at something this serious, we really should be going in with many more facts.

□ 1400

Yes, I have heard people on that side saying, ''You are just to trying to do Mediscare.'' We do not want to do Mediscare. But you start being very scared if nobody gives you the details. The devil is always in the details. You, also, worry very much about what the end result is going to be.

Whenever you ask a question, someone says, ''Well, what is your plan?'' The President put our plan out there. The people know what our plan is.

Then the other side continually says, ''We are just trying to save it.'' Our question is: Maybe they are trying to kill it. But if it is so harmless, if they have found this wonderful way they are going to save all of this money without paying, why are they holding it? I would think the hearings this side of the aisle has been asking for and the 201 Members of this body have asked for, I would think they would love those hearings because people will be coming and saying, ''Hosanna, how wonderful that they got all of this together.''

So I really hope there is more than the 1 day of hearings, and I think it is a very sad day when we are forced to go outdoors and have alternative hearings without even a real bill.

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The SPEAKER pro tempore (Mr. LINDER). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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## THE RESTRICTIONS OF THE ISTOOK AMENDMENT

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, the so-called Istook amendment to restrict political activities by people and organizations getting any kind of funding or thing of value from the Federal Government seems to be having more lives than the proverbial cat.

The House, of course, passed it as a rider to the Labor-Health appropriations bill. Now it is hanging up the House-Senate conference committee as a proposed rider to the Treasury-Postal Service appropriations.

Let me just say to the members of the conference committee, please, read the text of this dog. Do not believe the descriptions of the amendment by its supporters. It does not just apply, as they would have you believe, to lobbyists or to nonprofits or, for that matter, to the so-called special interests. With only a very few exceptions, it regulates every person and every organization in this country that gets not only funds but anything of value from the Federal Government.

Let us just look at one small set of people and organizations that would be caught up in this Orwellian net of political regulation, and they are the people receiving water from just one Federal water project, the Bureau of Reclamation's Colorado Big Thompson water project.

To begin with, those of us in the West know full well irrigation water is a thing of value. We can assure you of that. Looking at the text of the Istook amendment, the legal counsel for the water conservancy district, which distributes this water, has concluded that everybody getting water from the Colorado Big Thompson water project would be regulated under the Istook amendment.

Here is a partial list of all the people that would be affected by the Istook amendment and their political activities in one part of the State of Colorado, 2,000 individuals and organizations, mostly farmers and ranchers, individuals from Larry Accord to Henry Zimmerman, some companies, Anderson Farms, Boulder Valley Farms, Montford of Colorado, Reynolds Cattle Co. Besides farmers and ranchers, others would be regulated, too, because they receive water from this project: Ames Junior College, the Archdiocese of Denver, Boulder Country Club, Eastman Kodak, First Christian Church, IBM, Hewlett-Packard all get irrigation water from this Bureau of Rec project, and because of the Istook amendment, would all have their so-called political advocacy activities regulated according to the bill.

In addition, we could go on into other categories of persons affected that the sponsors of this incredible provision do not want you to know about, whether it is pregnant and nursing mothers getting WIC vouchers, disaster victims getting emergency assistance, students getting subsidized school lunches, whatever. What happens to all of these people? They face several major restrictions on how they can participate in the public life of their Nation and of their communities. So-called political advocacy activities would be regulated, restricted and, in many cases, prohibited including, depending upon how this kicks in, writing to your State legislator, school board member, applying for a building permit, because you are trying to influence a government decision, appealing the tax assessment on your home, writing a letter to the editor of your local paper, running for office or supporting someone who does. And beyond those things, it also attempts to regulate essentially derivative political activities, doing business with anybody or making a contribution to anybody who has exceeded the limits on political advocacy in this awfully ill-conceived proposal.

This might be described as a kind of secondary boycott requirement.

For example, hiring somebody who has been especially politically active would be prohibited to these people getting irrigation water. Can you believe that? Or buying something from a company that has just spent over 15 percent of its budget on ''political advocacy,'' as might well happen in a year and which they had to get a new building permit and go through a zoning change. These are the kind of restrictions that would be applied not only to individuals but to family farms like the Leister family farm that gets their irrigation water, or to big companies like IBM.

What happens to them? Chilling, chilling requirements. They are barred from getting any kind of Federal Government support or assistance if in any of the previous 5 years they have spent more than 5 percent of their own private funds engaging in an incredibly

broad range of public advocacy activities at the State, local or Federal level. They cannot spend any of what they received by way of assistance in dealing with anybody that has violated these political advocacy limits, and on and on and on.

This amendment has nothing to do with ending welfare for lobbyists, as its supporters claim. It has everything to do with shutting down free and open political discussion in this country.

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

[Mr. HORN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. SALMON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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## TRADE DEFICIT WATCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, in Washington, we hear a lot of talk about legislative train wrecks these days. But has anyone noticed that America is hitched to a runaway locomotive racing us toward a record trade deficit this year?

Today the Jobs and Fair Trade Caucus begins a monthly report to the American people called the Trade Deficit Watch. Our focus will be on how our Nation's trade deficit acts as an undertow in our economy, destroying good jobs, pulling wages down and displacing investments and industry here at home. The latest trade deficit figures released yesterday show that this year America will record an overall trade deficit of $164 billion, and just looking at the merchandise portion of that, we are talking about over $200 billion more of goods coming in here from abroad than we are able to sell in other markets. Folks, that is a bigger deficit than the budget deficit we are trying so hard to reduce.

How will a $164 billion trade deficit this year affect the American people? Let us take a look at the historic debate that is about to occur here in Congress on Medicare. How does our historic trade deficit play a role in this debate? The administration often uses the ratio of 20,000 jobs equaling every 1 billion dollars' worth of trade. Therefore, a $164 billion deficit will put 3 million more good American jobs at risk, added to the 2 million well-paying manufacturing jobs that were destroyed since the 1980's.

Unfair competition with low-wage, undemocratic countries puts continuing pressure, downward pressure, on wages in this country, and it is no surprise. Real wages and purchasing power in America have declined steadily over the past 20 years. Talk to your relatives, talk to people who work every day. They know what is happening with the buying power of their check.

Think about this: With 5 million lost jobs, that is 5 million paychecks, fewer paychecks, from which FICA, the portion of your paycheck that pays for Medicare and Social Security, is not being collected.

Think about this, too: Trade deficits have bled our manufacturing base almost dry. America is becoming a nation of temporary workers, the fastest growing segment job market in this country.

Before, a worker earning a decent wage at General Motors contributed 33 cents an hour to Medicare and Social Security through their FICA deduction. But a temporary worker at Manpower who typically earns only $5 an hour contributes one-fourth as much, about 8 cents an hour, one-fourth as much as a worker who worked in one of those good jobs that we have continually destroyed over the last 15 years in this country. No wonder the Medicare trust fund and Social Security are in trouble.

We have to keep finding new answers to try to refinance them. The high-skilled, high-wage jobs needed to fill the coffers of these programs are disappearing right before our eyes, and Washington has been asleep for 15 years at the wheel.

But corporations and their profits have continued to soar. In fact, Wall Street is slaphappy at this point because with low-paid workers, corporations are required to pay only one-fourth of what they had been paying before into trust funds like Medicare.

So, what is the Clinton administration and the Republican leadership doing about these trade deficits? Today the Committee on Ways and Means decided to adopt legislation which will allow more trade agreements to come down the pike without the American people having a say in the matter. This is called fast-track, and it is a bill that will force Congress to again consider trade agreements with no debate and without the ability to make amendments. In other words, it is a done deal when it comes to the floor.

We are again ceding our constitutional responsibilities to the trade ambassadors.

What, may I ask, are we on a fast track to? Are we going to continue putting every high-skilled, high-wage job with benefits in America on fast track right out of this country? It is happening in every single trade sector of this economy.

We have got to stop cashing out American industries and American jobs for the sake of a few trade deals that make a few traders and their shareholders rich but bankrupt the rest of America.

Look around the towns that you live in. How does the Clinton administration or Speaker GINGRICH expect to balance the Federal budget or solve the Medicare problem if real wages for working Americans are locked in a race to the bottom because of trade policies that destroy good jobs and good wages here at home?

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## TRIBUTE TO A SPECIAL GROUP OF DEDICATED AMERICANS SERVING IN THE UNITED STATES AIR FORCE

The SPEAKER pro tempore (Mrs. MYRICK). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Madam Speaker, I rise today to pay tribute to a special group of dedicated Americans serving in today's United States Air Force. This is the incredible story of a new world record for around-the-world flight and more importantly the demonstration of a truly unique force projection capability within the U.S. Air Force.

Two B–1B bombers, from Dyess Air Force Base in Abilene, TX, completed the fastest flight around the world on June 2 and 3 of this year. According to the National Aeronautical Association, the flight measured 36 hours, 13 minutes and 36 seconds and covered a distance of 22,814.5 miles. This includes some 3,000 miles the crews did not plan on in order to divert around tropical storms in the Indian Ocean and a hurricane near the Phillipines. The planes each had 6 in-air refuelings and averaged over 630 m.p.h. to complete this amazing flight. The two B–1B Lancer's, from the 9th Bomb Squadron, were nicknamed ''Hellion'', and appropriately enough, ''Global Power.''

While these record flights are amazing in their own right, the awesome military power they reflect is even more impressive. To demonstrate the ability to project power anywhere in the world and return non-stop to the United States, the bombers also dropped 500-pound, concrete-filled training bombs on three continents during the mission dubbed ''Coronet Bat.'' Coronet Bat clearly demonstrated the immense capability of the B–1B and reinforced its position as a vital component of our conventional bomber force.

Besides the awesome technical capability displayed in this historic flight, it also reflects the ingenuity, dedication and professionalism of today's Air Force. This mission required a genuine team effort and was designed to exercise the total force capabilities of our Nation's military. This type of mission

proves the B–1B's readiness to meet global mission requirements.

Meticulous planning, requiring support across a full-range of Air Force commands, was required for this highly successful mission to prove the long-range, power-projection capability of the B1–B Lancer.

First, this mission required the idea, supplied by Capt. Christopher Stewart, a native of Logan, UT, the support of Air Force leadership and the skilled flight planning from dozens of professionals like Lt. Col. David Snodgrass, from the 9th Bomber Squadron, Capt. Jeffrey Kumro, the ground mission commander, and S. Sgt. Scott Fromm, now at Officer Training School, from the 7th Operations Support Squadron, who was responsible for coordinating the hundreds of airspace issues associated with such a complex mission.

Also key to the success of the mission were all the people who made possible the six in-air refuelings, closely coordinated around the globe, at precise times, to be sure the B–1B's had enough fuel to reach the next rendezvous.

Range support, at bombing ranges from Pachino, Italy, to Kadena, Japan, to the Utah Test and Training Range, allowed the crews to prove their global power by delivering ordnance on target around the globe.

And, of course this tremendous flight would never have been possible without the unsung heroes of military aviation, the maintenance crews, like crew chief, Sgt. Kenneth Kisner, who keeps these machines flying and safe for the air crews. A testament to their professionalism, these two aircraft left on time, completed the grueling mission, most of it a supersonic flight, and returned home requiring only minor post-flight maintenance.

Let me also recognize the flight crews who ultimately made Coronet Bat such a resounding success. In the lead, and record breaking aircraft, Hellion, was mission commander and 9th Bomber Squadron Commander Lt. Col. Douglas Raaberg, aircraft commander Capt. Ricky Carver, offensive systems officer, Capt. Gerald Goodfellow, and weapons systems officer, Capt. Kevin Clotfelter.

The crew of Global Power included Capts. Steve Adams, Chris Stewart, Kevin Houdek, and Steve Reeves.

As mission commander, Lieutenant Colonel Raaberg said, this was a global teamwork at its best and reinforces Air Force plans for the B–1B conventional upgrade program. Again, I want to offer my personal congratulations to all the members of the Air Force team that made this happen, and the thanks of the American people for the tremendous service you provide a grateful Nation each and every day.

Congratulations on a job well done.

□ 1415

## DEBATE OVER MEDICARE

The SPEAKER pro tempore (Mrs. MYRICK). Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, in the 1930s I was growing up in the coal fields of eastern Kentucky, in a family with four children, and I watched for years as my mother and father took responsibility for the health care of both sets of their parents.

It was an enormous burden. Health care was not all that good in the 1930s. Blood transfusions were given by anybody who came in off the street, and they did not go through typing and crossmatching as we do today. I had a sister that died in North Carolina, as they were operating on her for appendicitis, and she died of double pneumonia. So you can see that the benefits of medicine have increased enormously in the past half century.

One of the most important beneficiaries of that improvement has been the elderly of the United States. Since 1965, families like mine when I was a child no longer have to struggle to meet the health care needs of elderly parents. I remember when the debate took place in 1965, and I remember when it passed, and there was rejoicing in the country that senior citizens who were alone or senior citizens who were in impoverished circumstances could get the same kind of health care, the same appropriate kind of health care as the wealthiest person in the country. And we felt very good about this development.

But the debate over Medicare, like the debate over Social Security, was vitriolic in both houses. There was no unanimity of consent in either the House of Representatives or the Senate for Social Security or Medicare. Indeed, if you were to read that debate, you would be surprised I think at some Members who are still here who voted against the Medicare program and spoke very strongly against it.

It was the Democrat Party that gave us Social Security. It was the Democrat Party that gave us Medicare. Now it is the Democrat Party that is struggling to try to save Medicare.

There is a recommendation by the Speaker of the House of Representatives to have the largest cut in Medicare in its 30-year history. They are recommending $270 billion be cut out of Medicare over the next 7 years in order to pay for a $245 billion tax cut for the rich, the wealthy and corporations.

This is going to be done with one hearing, which will take place here tomorrow. The Democrats have not been allowed to ask for a hearing or even to participate very much in the meeting that let up to the decision for the hearing tomorrow. And for that reason, the Democrat Party, which gave this country Medicare, will have to hold its hearing tomorrow out on the lawn of the Capitol of the United States.

I am confident that has never been done before. The Capitol is a pretty large building. Meeting rooms all over it. But we have been told that not a single one is available for us tomorrow to hold a hearing.

So tomorrow we will have ordinary Americans, hospital administrators, caregivers, rural hospitals, community health associations, home care specialists to be here to say what these awful cuts are going to do in the services that they can provide.

Thirty-seven million seniors now are on Medicare, and by the year 2002, if you factor in for inflation, we will need to be paying $8,400 a year to cover the same benefits that $4,800 buys today. The Republican proposal only provides $6,700. Now, how is the difference going to be made up? Higher premiums, higher deductibles, inability perhaps to choose your own doctor or accept fewer services, fewer choices, and lower quality.

I think that is a rotton set of choices for the elderly in this country.

Last week, the Speaker of the House assured the American people on television that Medicare beneficiaries could expect their premiums to increase by only $7 a month. Within days, the leadership was forced to admit the figure was actually going to be more like $32 a month, about $400 a year. For people who live on a fixed income, that can be a devastating blow and can really make the difference in their lives as to whether they can eat or pay their rent. If they cannot afford it and if they are lucky enough to have children or grandchildren who will chip in, perhaps they can survive it. But a lot of our seniors do not.

Those premium increases will hurt not only the people who are recipients of the care, but we anticipate the closure of a lot of hospitals and a lot of services and perhaps even of home care.

## THE REPUBLICAN MEDICARE PLAN

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

Mr. DOGGETT. Mr. Speaker, during this next hour I and a number of my colleagues are going to be discussing the Republican Medicare plan. It is the pay more, get less plan. We have been discussing it this week during the special orders because of the fact that there is no real opportunity to debate this plan on the floor of the U.S. Congress, except during these sessions.

Indeed, it has been impossible to get even a public hearing so that citizens across America could come forward, the experts could come forward; and our seniors are among the leading experts on how Medicare works. There has been no opportunity for them to come forward for all of these many months really and be heard on a specific Medicare plan. All they know is

that they will have to pay more and get less.

Tomorrow we will have the only day that has been allocated to hear their concerns. And as I begin this discussion, I think it is appropriate, because the gentlewoman from New York [Ms. SLAUGHTER] has spoken so eloquently this afternoon on this matter, to hear the conclusion of her remarks, because she shares the same concern I do that if our seniors are saddled with a pay more, get less plan, this Nation will be much the worse off, and I would welcome the observations of the gentlewoman.

Ms. SLAUGHTER. I thank the gentleman for yielding to me, and I will be very brief.

I just want to make the point that the $270 billion cut in Medicare is almost equal to the defense budget of the United States. I think we pour over this month after month, and committee after committee looks into it, and debate often takes days on the floor of the House. To this day, a bill that we are supposed to vote on next week has not been printed. Nobody has seen a single written word on what the bill that the hearing is going to be held on tomorrow will cover, not one thing.

If you want to put this in some kind of context, imagine, if you will, the health care plan that was debated in Congress last year, had there been not a word of what was in it, not one sentence of what the consequences might be, just simply slash and burn, and that may give you some idea of what we are facing here with Medicare.

Mr. DOGGETT. Would the gentlewoman yield on that point?

Ms. SLAUGHTER. I would be happy to.

Mr. DOGGETT. I am a new Member, and so I was not here last year, but I read that when that health care plan came up and when the Congress moved along near the August recess, it was the Republican members of this body who were saying, even though there had been extensive hearings in several committees, we need more time, the people need more time.

Ms. SLAUGHTER. Absolutely, we need more.

Mr. DOGGETT. I know I read in the Dallas Morning News, a well-known publication and has been known throughout its history to have been known to have at least a slight Republican tinge to it, actually referring to the Republicans this year, and it was not my word but theirs, the Dallas Morning News word, as being guilty of hypocrisy.

How is it in 1 year, after having weeks of hearings on a health care plan, they could come to this Congress and deny us and the American people all but 1 day to focus on this essential problem?

Ms. SLAUGHTER. I think it is safe to say that nothing on the magnitude of this cut has ever gone through the Congress of the United States without complete hearings, without participation of the public, without an opportunity to go home and say to our constituents, what they have ahead of them.

We do not have anything to take home to show them. We get little notices in the press, and then we hear it is going to be $7 a month, and then we find out that that is not true. So, so far we are standing on sinking sand and shifting sands below us, and we do not know how it will affect the elderly of this country or indeed the fate of health care.

Mr. DOGGETT. I thank you for your important observations.

I see that we have been joined by other colleagues from Texas.

Again, I congratulate my colleague, the gentleman from Texas, Mr. GENE GREEN, for the work that he has been doing this session and for his victory this week on behalf of individuals with disabilities as he worked to preserve our State vocational rehabilitation system.

I know that there are people with disabilities across this country. Even though our focus in talking about this Medicare plan has been that it means pay more, get less for America's seniors, the same is true for many people with disabilities, several million in fact across America who are not 65 but because of a disabling condition are reliant or dependent upon the Medicare system. Perhaps you are aware of how they will be impacted by this vague plan that we have had presented.

Mr. GENE GREEN of Texas. Well, I thank the gentleman from Texas for yielding to me and my colleague from San Antonio. This is not just the Texas hour here.

But it will impact people who are not seniors, not only those who are disabled before they are 65 but the seniors' families. We all have family members who are over 65 and enjoy Medicare, because I have shared with my relatives what we had before 1965 when we had no Medicare, and we know the difference between 1964 and 1995 when we had no Medicare.

I rise today objecting to this phantom plan that we have that will be released today for two reasons: One, it is a proposed cut; and also objecting to the lack of the public hearings on the proposal.

Now, we have been told that the committees have been hearing Medicare proposals and talking about Mediscare tactics on what needs to be done, but we have not actually seen the plan, and we have not seen it as of today. And what they are going to have a hearing on tomorrow, 1 day of hearings is just wrong.

The propaganda being dumped on American people by the Republican Medicare plan that will be released, that it is not a cut and just slowing the growth is preposterous. We know that we have to plan, whether we are in business or in government, your expected growth in your business or in your senior population.

It is real simple that the population served by Medicare is growing, and there are going to be more people who will be 65 next year than were 65 last year or the year before. The people, thank goodness for our health care successes, are living longer. And yet when they say they are only slowing the growth in Medicare, they are actually going to end up rationing in the cut and in the growth. You either have to push people out of the system or you are going to provide people proportionally with less services. When they reduce that growth, they are affecting not only those who are currently beneficiaries in Medicare but those people who will become 65 next year and the year after and, you know, until the year 2002.

□ 1430

If we go back to the days when seniors had to choose between health care and food on their tables, are we going to do that, and I think that is what will happen by cutting a program with a growing population. We will need rationing.

Last year I was here. My colleague was still on the Supreme Court of Texas. I was here and involved in the health care reform, and the fear from all of us, and we would have rationing if we had some national health care. Well, here we have a plan that will create rationing for seniors, and the health care will be rationed to those who can afford to pay more out of pocket. They will be asked to pay more and more of their fixed incomes, which will lower the standard of living for our seniors.

Now I have heard and read the articles that everyone has read about how our seniors are so much better off today than they were 30 and 40 years ago, and that is true. That is why Medicare was established, because you realized in the 1940's, and 1950's, and early 1960's, that seniors were being left out of the growth and the benefits of America after they spent their life to build this country, and a number of them literally put their life on the line to make sure this country can still enjoy the freedom, and now we are going to take those people who served in World War II and say, ''OK, now you received Medicare, and we're going to make you pay more for less.''

I think your poster is so correct, I say to the gentleman. We need to ask ourselves, ''Do you want the force to pay senior citizens to pay more for less service and choose between health care and food? Do you want our elderly loved ones to have to have surgery in a hospital pushed to the brink of bankruptcy due to cuts in Medicare funding?''

In my district in Houston we have a number of hospitals that their patient base is substantially Medicare, and Medicaid, and managed care, and managed care is forcing hospitals to transfer those costs to Medicare recipients, and there is just no place to go if you

cut the cost of Medicare. You are going to have hospitals close not only in rural areas, but in urban areas. Do you want to have to be operated on by a physician or surgeon whose training may have been reduced by the cuts in Medicare that we do now for medical education?

We hear a lot these days about avoiding a train wreck. Well, the seniors of our country will experience one of the most destructive train wrecks in history if this plan is passed.

If you answered no to any of these questions, then I hope it is not only our duties as Members of Congress, but our constituents and people all over the country, to oppose this Republican Medicare train wreck that will be fostered on us tomorrow.

My second objection is lack of public hearings that we have had to this not-yet-released plan, and here we are Thursday, and you and I have not seen it. Of course we do not serve on the Committee on Ways and Means, so we might not see it even until tomorrow when it is released publicly.

But I participated in 10 days of hearings on the Waco incident. I saw 28 days of hearings on Whitewater and 8 days of hearings on Ruby Ridge, and I do not object to those hearings.

Mr. DOGGETT. If the gentleman will yield on that, so that is 10 days about the tragedy that happened in Waco, 28 days about what the President may or may not have done; was that 12 years ago? Some long time ago, back when he was Governor of Arkansas. Twenty-eight days on that. And how long on this incident in Idaho?

Mr. GENE GREEN of Texas. Well, 8 days on the Ruby Ridge incident that happened in 1992, long before most of us, least the majority in the House, were ever elected. So we had all those days of hearings after the fact, and here we are only going to have 1 day of hearings, 1 day on a plan that will be released maybe today for hearing tomorrow, and that is where our priorities are wrong, and that is why the Republican majority is wrong, and they need to look at what the American people are saying, that we need to get our priorities straight here in Washington. We need to realize that we need to listen to our constituents, we need to have more than just 1 day to hear from them, and the people are asking us, ''Don't go to Washington and lose touch.'' Well, this is a prime example of losing touch, by announcing a plan on Thursday, have 1 day of hearings on Friday, and then the whole House has to consider it.

Mr. DOGGETT. Let me ask you about that.

When you say ''announcing a plan'' it is true that the press release this week is thicker than the press release from last week, but you are going to be going, I know, in a few minutes back to a hearing on one of the other Republican ideas of this session, which is to destroy, or abolish, one of the Cabinet offices that has been here for decades in the United States. You do not go to that hearing without having a piece of legislation to consider. In other words, instead of just going there, and scratching your head, and thinking about somebody's good idea, or some think tank that has come up with some theoretical approach to deal with the security of health care for 37 million people, you do not go there without a specific proposal; do you?

Mr. GENE GREEN of Texas. We have had this proposal abolishing the Department of Commerce that I am not in favor of. I agree, in fact, that when we were in the Texas Legislature, you were the father of the sunset legislation, and you were in the State senate, and I was in the House, and I served on the sunset commission. I like the idea of looking at agencies and reforming them, but we reform them over a period of time. We do not all of a sudden wake up on Thursday and say we are going to abolish and we are going to change this agency to deliver services and provide assistance to American businesses. We are going to have vote on that Friday. You do not do that on those agencies, and why should we do it to the most important issue that this Congress may consider? It is like you said the health care for 37 million elderly U.S. citizens.

Mr. DOGGETT. And you know I am reminded by your comment that another of our fellow Texans who does not serve in this body, though I know he aspired to come to Washington, Ross Perot, who recently commented on this plan, though I have some differences with him about this subject among others, but he suggested if we were going to have these big changes in the way Medicare works, that just as you pointed out with business, you do not just jump what you have got and go to something else. You test it before you proceed to apply that to everyone and suggested that new ideas should be tested out before you make 37 million Americans the guinea pigs for this new approach that really amounts to little more than pay-more, get-less.

Mr. GENE GREEN of Texas. Well, we need to ask ourselves then why is the Republican majority rushing the Medicare reform bill to the House floor for a vote before the American people without time to review the consequences. Well, I think the answer is clear. The Republican majority does not want the American people to know what is in their Medicare reform bill because it is incredibly harmful. Frankly, it is no wonder that the plan is shrouded in secrecy. If I had a plan that was going to make seniors pay more for less service and force them to give up their, possibly their, lifelong doctor, and all to pay for ill-advised tax cuts, I think I would be scared, too, and I would want to rush it through on a short notice.

We hear a lot of times about how Medicare is in trouble and we need to reform it. We have reformed it over the last 30 years from the time it was passed, but right now we can deal with fraud, abuse, and waste in Medicare and do some of those reforms that will save us some money and reform Medicare, but not for $270 billion to pay for $245 billion in tax cuts.

Mr. DOGGETT. Let me ask you about that because we do hear examples on the press. Seldom do you go out and visit with seniors, as I know you do in your district, and I do up in Austin, without hearing about an incident where a health care provider perhaps abused the system. That is the kind of subject that we ought to have some bipartisanship about. I have not seen anyone yet come on the floor and defend fraud, maybe someone will, but we ought to be able to come together and work together.

But let me ask you about in that regard in trying to achieve some bipartisanship. I am amazed to hear this. Except for the experience we have had within the last few weeks here, I understand that the chairman of the Committee on Rules, actually the ranking member of the Committee on Rules, the gentleman from Massachusetts, Mr. MOAKLEY's office went over to the chairman of the Republican Conference's office to ask for the 30-page outline that is now available on this plan, that this happened as we have been here debating this afternoon, and was told that is not available to Democrats.

Now, I do not know if you have seen other incidences of that kind of rude and arrogant behavior here before, but those who come and say you need to be more bipartisan, it is a little different to be bipartisan with people that would not allow a hearing and would not even give an outline of their sorry plan to you.

Mr. GENE GREEN of Texas. Well, in an outline that is 30 pages long can you imagine how big the plan must be for us to be able to analyze it before the hearing tomorrow and before the members of the Committee on Ways and Means may have to have it? The numbers on the plans are that we have heard leaked out just do not seem to add up either. We talk about increases in seniors paying their monthly amounts that they pay doubling it over the next 7 years, or maybe more. But there is still an $80 billion hole that they are looking for.

The President has come up with, has a Medicare reform plan, and even the trustees, who our majority, have talked about that they are running around like the world is going to end unless we listen to the trustees' report, these very same trustees said we do not need to cut $270 billion out. We can do $90 billion worth of reform and safeguard Medicare.

Now 10 years from now, 8 years from now, Congress is going to have to revisit that issue because again I wish you and I could stand here today and solve our problems today, but that does not work. We always have to be ready to change in reform whether you are in

government or whether you are in business. There are different ways to do things. But we can solve Medicare's problems by without cutting $270 billion, and again I hope the American people understand we are looking at cutting $270 billion at the same time they are granting $245 billion in tax cuts, $245 billion. Medicare is paying for those tax cuts, and, if they can stand there on the floor and say that, I want to be bipartisan?

Let us solve Medicare's problem, but let us take those $245 billion in tax cuts off the table, and then we will talk about solving Medicare. Do not use Medicare to pay for tax cuts. We need to balance the budget, but we do not need to do it on the backs of Medicare.

I thank my colleague from Texas for the time, and I look forward to continue to being in the trenches.

Mr. DOGGETT. I know you have to be back for a piece of legislative markup, and, as you are departing, I will just continue some observations on this, and I think an appropriate observation in discussing this matter is to reflect on Congressman GREEN's remarks that many of the people who will be most directly affected by this are people who served our country both at home and abroad during World War II, and I do not think anyone served our country in a more distinguished role than a gentleman who figures prominently in this debate and was on national television last night, and that is the distinguished gentleman from Florida [Mr. GIBBONS], the ranking member of the Committee on Ways and Means, who will be considering this measure.

The gentleman from Florida [Mr. GIBBONS], for those of you who do not have personal familiarity with him, is a true American hero. He was a paratrooper on June 6, 1944, D-day, in France. He fought for this country. He fought against fascism and against tyranny, and since returning is now serving his country in another way in this body. He continues to be a true American patriot. It is not unlike the experience I just reflected on, about the inability of Democrats to even receive a copy of this measure, the incredible experience that he had yesterday.

True, sometimes the news media likes to focus on the fight rather than the substance of what produced the fight. But the American people and all of our colleagues who were not there should know that the reason that the gentleman from Florida [Mr. GIBBONS] expressed the anger and the dissatisfaction that he did was because of what occurred in the Committee on Ways and Means which was supposed to get a full outline of this measure yesterday and have a hearing on it as we are debating here this afternoon. But instead the committee met and refused to even permit the ranking member, a distinguished and senior Member of this body who served his country with such valor and distinction, to say word one. They would not let him discuss the proposal at all. Instead he was cut off without being able to say a word, a vote was taken in an autocratic method, and so his remarks were confined to what occurred in the hall outside this Chamber.

Again it is an example of how difficult it is for those of us who want to achieve a bipartisan solution not only to the issue of Medicare and the security of our Nation's health care, but on a widening range of matters in this House that, when you proceed with such arrogance, with such high-handedness, with such determination, to do it your way or no way, that it is very difficult to have a basis for reason and for moderation.

It is not only the State of Florida, of course, who has contributed heroes to this country like the gentleman from Florida [Mr. GIBBONS]. We have done our share in Texas as well. One of his contemporaries, I suppose, and someone who I have admired since earlier days in the public school system of Austin where he served as a distinguished member of the Texas legislature, is the gentleman from San Antonio, TX [Mr. GONZALEZ], my colleague who I know has some observations that bear on Medicare and a number of other things that are occurring here, and I would like at this time to yield for remarks that I know he has.

The dean of our Texas delegation, the Honorable HENRY B. GONZALEZ.

□ 1445

Mr. GONZALEZ. Madam Speaker, I, in turn, want to thank my colleague from Texas, a young gentleman I have admired from the beginning and have watched his political trajectory as he rose in Texas and am so proud of him. I want to thank him for his kind remarks.

Congress is getting ready to pass something called the Budget Reconciliation Act, which is a bill that's required to bring Government spending into line with the budget resolution passed earlier this year. Usually, budget reconciliation is pretty straightforward, but this year the new Republican majority in the House is putting together a bill that does far more than line up spending with the desired targets. This year, the reconciliation bill is being used for all kinds of radical projects that the Republicans hope to force through, without letting anybody have a fair hearing, let alone a fair shake.

The biggest piece of this stealth legislation involves changes the Republicans want to make in Medicare. So far, we've seen only the barest outlines of their proposal, but what we've seen makes clear that senior citizens are about to get less medical care and pay more for it.

But the reconciliation bill is also going to be loaded down with other ideas, like legislation to eliminate all federally required highway speed limits and just about all safety requirements for mid-sized trucks. Legislation that says that mid-sized trucks don't need safety equipment is a crazed notion at best, and has nothing to do with balancing the Government's books.

In my own Banking Committee, the Republicans are using the reconciliation bill to wipe out what's left of the savings and loan industry. They're moving fast and ignoring lessons of the past that time after time have proven you have to be very careful when you change banking laws in such basic ways.

Another project of dubious merit is the Republican plan to gut something called the earned income tax credit, which is a tax benefit that goes to poor, low-wage workers. The tax benefit doesn't go to anybody that earns more than $11,000 a year, but it has the effect of putting $25 billion a year of money where it does the most good—right in the hands of underpaid and hard-working Americans who want to have the pride and dignity of work even at low wages. But the Republicans want to cut this benefit, by perhaps a third.

If we want people to work instead of drawing welfare benefits, we should adopt policies that make it possible to earn a living wage. One way to do that is to adjust the minimum wage upward, which hasn't happened in many years. And another way to help people get off welfare and into work is to be certain that they get child care and medical care. But guess what? The Republicans don't want to do any of those things. It looks as if they're simply aiming to make the poor a whole lot more miserable.

The greatest asset any country has is its own people. Laws that help people get an education; laws that help people to get a decent, affordable house; laws that help people earn a living wage; laws that enable people to get adequate medical care at a reasonable cost—those are the kinds of laws that make this or any other country a better place. Sadly, every one of the laws that are intended to make this a cleaner, better, safer, and more decent country are under attack in Congress. There are some who think that it doesn't matter, but the truth is in the end, all of us will suffer together if poverty grows, if schools aren't improved, if the air we breathe and the water we drink are degraded, and if more and more of us find it impossible to get and keep a decent job or to afford decent housing and medical care.

Many of the actions that are about to unfold in the so-called budget reconciliation bill are downright silly or verge on the irrational—but others are mean spirited and can only result in a country that offers less hope to those who are struggling to rise above poverty and personal tragedy.

I feel certain the President will veto the reconciliation bill, and will also veto many of the worst bills that are working through Congress these days. But no doubt about it, the next couple

of months are going to be as mean as they ever get.

I thank my colleague.

Mr. DOGGETT. Madam Speaker, I thank the gentleman so much for his observations. I think actually, in referring to my colleague, Mr. GIBBONS, and some of his contemporaries, I may have referred to World War I. There actually may be some World War I folks that will benefit or be adversely affected by what we do on Medicare, but the gentlemen from Florida [Mr. GIBBONS] is not quite that senior and served during World War II. I think it is particularly that World War II generation that will be most troubled and has most reason to be concerned about what is happening here on Medicare.

Madam Speaker, I see that my colleague from New York, who has spoken so many times about the importance of not taking the care out of Medicare has arrived, and I would yield to him for such observations as he might have about the troubling developments of the day where the Republicans issue a bigger press release but do not give as much in the way of a detailed plan.

Mr. ENGEL. Madam Speaker, I thank my friend from Texas, who has certainly been one of the shining lights of the new freshman class of this Congress, who has spoken so eloquently on the floor not only today but many, many days, and the gentleman is quite right, the Republicans simply want to take the care out of Medicare.

Madam Speaker, Medicare actually was a program that was put into effect in the 1960's. It is a plan that many Republicans want to kill. And, in fact, that has been the modus operandi, the way the Republicans have operated, during this whole Congress. They take plans, they take bills, they take laws that they have wanted to kill for many, many years and say this law needs fixing. So instead of just fixing it, what do they do? They kill it or gut it.

We have seen it time and time again, not only with Medicare and Medicaid, but we have seen it in assaults against working people in this country. We have OSHA, which protects people; occupational safety and hazard laws, which protect the safety of American workers. Do they want to fix it? No, they want to kill it. They want to gut it. The National Labor Relations Board, which monitors unfair labor practices. They are trying to cut it, cut the funding and kill it. Davis-Bacon, which guarantees construction workers prevailing wage, a decent salary. They want to get rid of that, too.

As my colleague from Texas just mentioned, all the good environmental laws that bipartisan Congresses have put into effect for so many years, what are they trying to do? Not fix those laws, but kill it and gut it. Student loans. The same thing. Kill it and gut it.

The Republicans have been using the fact that they believe certain bills, certain laws like Medicare need fixing. They do not fix it, they kill it. So, Mr. Speaker, this is just the first assault on Medicare as we know it.

If we cut $270 billion from the program, we are, in essence, killing the program. It just starts that way and it goes on and on. One thing really ought to be made very, very clear. Medicare is a program that serves middle-class America. This is not some boondoggle or some program that is being doled out to people who have not worked in their lives, or people who have not made sacrifices in their lives; to people who have not done what they should do. Medicare benefits middle-class America, senior citizens who have worked hard and struggled all their lives, put a few dollars together only to see it dissipate in their later years. They are as scared as can be.

Madam Speaker, I take the case of my mother, who lives in Florida, and all her friends. They do not have money for prescription drugs right now. Many have to choose between eating well and buying medicines. Can any of us imagine what it will mean when $270 billion is cut out of Medicare? To my Republican friends who say, well, it is not a cut, we are actually increasing the funding; and, how could it be a cut if we are increasing the funding? Everybody knows if we do not increase the funding, with the rate of inflation, it is a cut. Everybody knows if we manipulate part A and B, it is a cut.

The bottom line is this, Madam Speaker, what kind of care do seniors get now under Medicare, and what kind of care will they be getting in the year 2002 after there is $270-billion worth of Republican cuts? The answer is very easy. Senior citizens, as my colleague from Texas says, the GOP Medicare plan means seniors will pay more for their health care and get less. That is the bottom line. Pay more in premiums, get less health care, get less choice, be forced into HMO's, be forced to accept strange doctors, because they sure will not be able to choose their doctors.

As we are talking right now, I will bet that senior citizens will suffer from a lack of choosing of their own doctors. It is not right, Madam Speaker. All we are saying on the Democratic side of the aisle is we want to have open hearings on this. The Republicans in this Chamber have the votes. They can outvote us every time. What is so terrible to let the light shine in so that the American people can understand what this means?

In the last Congress President Clinton proposed a health care plan. At the very, very beginning everyone seemed to be in favor of it, but as more and more people found out about it, for whatever reason, they decided they would not support it. And the Republicans, quite frankly, are afraid that if we let the light of day shine on their Medicare sham, or their Medicare proposal, that the American public will say, wait a minute, guys, this is not what we want. Medicare is a sacred covenant with the American people and we do not want to gut it. We do not want to hurt senior citizens.

They are afraid when their plan is exposed that seniors will understand that it hurts them; that it will be terrible for the senior citizens in this country. So how do they get around it? Let us only hold one hearing on this particular bill.

Now, the hearing is tomorrow. I do not know what is in their plan. I have not seen their bill. How can anyone have an intelligent hearing when we do not know what is in the bill? They would like to just blindfold us, gag us, not allow us to ask questions, and not allow us to hold hearings. What is so terrible with an open procedure?

Madam Speaker, the Republicans ranted and raved on the other side of the aisle in previous Congresses about muffling the minority. We are not talking about the minority or the majority. We are talking about the American people. They have the right to understand what this Congress is about to do. The only way we can do that is by holding hearings.

The hearings we are going to hold tomorrow are going to be on the lawn of the Capitol. That is because we could not get a decent hearing room in the Capitol to hold these hearings. What a disgrace. It is absolutely a gag rule. It is being perpetrated not on the Democrats in Congress but on the American people.

So the bottom line here, for me, is what is the quality of health care that senior citizens get under Medicare now, in 1955, and what will be the quality of care that they will get under the Republican plan in 2002? When we couple the 270 billion dollars' worth of cuts in Medicare and, at the same time, give $245-billion worth of tax breaks to the rich, that only adds insult to injury. To my friends on the other side of the aisle who say one has nothing to do with the other, well, $245 billion and $270 billion sounds pretty equal to me. If we eliminated the tax breaks for the rich, and even if we had to cut the Medicare Program, 270 minus 245 is only $25 billion. So we would have to cut it a lot less if we gave up on the tax breaks for the rich than we would under the Republican plan.

Mr. DOGGETT. Let me ask the gentleman one question about these hearings. Beginning about 9:30 or so eastern time tomorrow morning the gentleman has referenced hearings that will occur just outside the House Chambers here on the Capitol Grounds. Do I understand those hearings will continue into next week?

Mr. ENGEL. Yes, those hearings are planned to continue into next week, because if we cannot get 4 weeks of hearings, as we requested, we feel that we could at least have 4 days of hearings where senior citizens and representatives of senior citizen groups and people involved with Medicare can come and testify and tell us their opinions and tell us what Medicare means to

them and tell us what the GOP Medicare plan will be.

Those are the only open hearings, unfortunately, that are going to be held on Capitol Hill.

□ 1500

Mr. DOGGETT. They are open hearings. That is, any American citizen who would want to come forward and present their testimony, if we are not able to hear from all of them orally, can file their written testimony with us and get that to the attention of people, at least within the Democratic Caucus, the 200-plus Members here who would want to hear their observations.

Mr. ENGEL. The gentleman is absolutely right. We welcome testimony, written testimony and people testifying, from seniors in all walks of life, because we think it is very, very important to hear all points of view. Again, if the Republicans absolutely insist on ramming whatever they want to ram through, they have the votes in this Congress, but it ought not to be done under the secrecy of darkness. It ought to be done after we have an open and full hearing and the American people understand what is about to happen to them in Medicare.

Mr. DOGGETT. Indeed, given the ramifications of this particular plan, it might be well advised to have these hearings at a variety of different locations, since the Republicans are not doing that and we are forced to have ours outside the Capitol, for those citizens around the country who will not be able to come personally, perhaps someone who is confined to home and unable to leave and be here. Would there not be a mechanism where they could forward their comments here to the Capitol and advise people of their concerns about this plan or their suggestions improvements in Medicare to strengthen it?

Mr. ENGEL. Constituents can absolutely write to their Member of Congress, be it Democratic or Republican, and let us know what you feel, let us know what you think is happening to Medicare. I would hope that some of our colleagues would, and I know I plan to do it in my district in the Bronx, NY, and Westchester, NY, to have hearings in my district, have open forums in my district, so I can hear from the rank and file, from my constituents, who will be most affected by whatever Congress does on Medicare. I want to hear from them, what Medicare means to them, how important it is, not only not to cut Medicare, but to expand services. I want to see prescription drugs, for instance, expanded. I want seniors to be able to get prescription drugs.

There was one very interesting point. The Republicans have said that they want to balance the budget and they do not intend to touch Social Security. Well, for my senior citizens, if you do not touch Social Security, but you touch Medicare, it is the same darn thing, because senior citizens rely on Medicare as much as they rely on Social Security. So it is an absolute fraud to say we are not going to touch Social Security, when at the same time you are devastating Medicare.

Mr. DOGGETT. I thank you very much for your observations. I see another colleague of ours, Mr. BENTSEN, from Houston, TX has joined us, and may have an observation in response to your comments.

Mr. ENGEL. We have all these good Texans here. It is nice to join with them. We can bring New York and Texas a little closer together.

Mr. DOGGETT. Certainly when the issue is health care security and misrepresentation that is being made to our seniors about their health future, we all need to come together. I wish we could get more of our Republican colleagues coming together. There is nothing in the rules of the House that prevents them from coming to the floor this afternoon and utilizing their hour of time to outline in detail their plan, but apparently they have chosen not to do that.

Mr. ENGEL. It really is unfortunate, because I think the bottom line is, the only way we are really going to get a plan that helps our senior citizens is by doing it in a bipartisan fashion; not in this way, ramming it down everyone's throat without any kind of open hearings. I thank the gentleman.

Mr. BENTSEN. I thank my colleague from Texas for yielding. I thank him for taking the time today to speak about the issue of Medicare.

Let me just start out briefly by talking a little bit about procedure. I am glad to see that the dean of the Texas delegation, Mr. GONZALEZ, is on the floor, because I was with him the other day in the Committee on Banking and Financial Services where we were going through a similar process on legislation affecting the financial laws of this Nation. That appears to be similar to what is going on with Medicare.

We are now engaged in policy by the numbers, as opposed to policy for good government sake. I do not think there is any Member of the House who does not believe that our duty here is to have an efficient Government that works for all the people, but what appears to have happened is we are now driven purely by trying to achieve numbers in a budget and to form and fit the policy into that type of budget. That is what has brought us to his situation of having to cut $270 billion from Medicare and $180 billion from Medicaid.

I would start out by saying simply there is just no good way to cut $270 billion from the Medicare Program, and that is why we continue to hear little about what this Medicare plan will be. Unfortunately, we will have very little to say about it before it is put before the Committee on Ways and Means and put before the Congress.

Mr. DOGGETT. In other words, when our Republican colleagues coming up here, instead of giving us the details of their plan, they turn and say, ''Why do not you Democrats come up with a plan to cut $270 billion out of Medicare,'' they are going to have to cut an awfully long time, because we do not believe $270 billion ought to be cut out of Medicare.

Mr. BENTSEN. I think the gentleman is correct. He will recall that earlier this year many of colleagues from the other side of the aisle would come down and hold up a pamphlet from the trustees of the Medicare system saying ''Medicare is going broke and we need to do something to save it.'' But the facts are, if you read the report, not just the pamphlet, but if you read the report and talk to the trustees and hear what they have to say, No. 1, Medicare has always been projected, part A of Medicare, the hospital insurance program has always been projected to have shortfalls in the out-years, and it has been the Congress, and I would have to say the Democratic Congress, which has always stepped in to ensure that Medicare is a solvent program that runs forward. In fact, that is how the program was originally designed.

It is interesting to note that in the previous years, when both the gentleman from Texas and myself were not Members of this body but innocent bystanders, I guess, back in Texas, watching what was going on, that our Republican colleagues did not see any problem with the Medicare situation or the part A hospital insurance situation.

But, lo and behold, a year later, they are out crying wolf and saying we have this major probable out there.

Mr. DOGGETT. In fact, is it not true that last year, the trustee used the very words, save one or two, that they used this year, to express concern about the future of the trust fund.

Mr. BENTSEN. That is absolutely correct. In fact, if you go back and read the study, as I have done, the actuarial tables, you can see the points in time where the trustees in the past have said that Medicare would have an even shorter life than is projected today. You can also see the points in time where the Democratic Congress came in and made the necessary adjustments to make the cash flows work.

So I do not think that there is much basis of fact to that argument. Furthermore, we have heard from the trustees of the Medicare system that in fact you do not need $270 billion to save the program, and what little we do know of the plan that will be released tomorrow, I guess, the Republican plan on cutting $270 billion from Medicare, is that there is no evidence whatsoever that any of that money is actually going back into part A of Medicare.

The fact you are raising premiums on elderly citizens, something along the lines of $60 or $80 billion, if you look to see where the money goes, as they used to say in the Nixon times, you cannot find it going back into part A, which would lead me to believe that if in fact there is a problem in the fact we are

taking money out of the system and not putting it back in the system, we are only going to exacerbate the situation that exists, and it does appear we are shifting money out of the Medicare system by raising premiums on the elderly into other parts of the budget, presumably a tax cut. That really makes no sense whatsoever.

Mr. DOGGETT. That strikes me as such a critical point. As you say, during the Nixon years they said follow the money. It was a good trail, to follow the money back there during the Watergate era. It still is with this Republican Medicare plan, because the first plank of the Republican Medicare plan is pay more. But from looking at the press release that came out today, the pay more part is over in the part B premiums.

As you were pointing out, I believe I have this correct, they will increase the part B premiums that every senior has to pay, but not one penny of those increased premiums will go into this Medicare trust fund that they said they were so concerned about after they read the trustees report saying the same thing the trustees had been saying for years when they did not care a flip about it.

Mr. BENTSEN. The gentleman is absolutely correct, that in fact money from part B is going elsewhere in the budget, and if there is a problem in part A, it continues to exist. So I think that that is a major flaw in the proposed Medicare plan from the GOP, and it is something that the American people need to know about.

I think that, furthermore, when we look at what has been released so far, we find a gaping hole of something along the lines of $80 billion that is going to be made up in something that is called the look-back. That is sort of a ''trust us'' type approach to governing, that we think we can get there, and if we do not get there in a couple of years, we will just tell the Secretary of Health and Human Services to come up with $80 billion.

Well, where is that $80 billion going to come from? Is it going to come out of somebody's pocket? Higher deductibles, higher premiums, higher copayments? We do not know. But that is a major problem.

When you add to that the global price control which will be set on services provided by hospitals and doctors as a result of this, you in effect will push the price for fee for service, choice of doctor health care, down to a level where I think you will see physicians who will get out of the business because they just cannot lose money and do the business. You will see hospitals who will say that we have no choice but to go into a captive program with a health maintenance organization, and seniors will no longer have the choice as current law provides; they will no longer have the choice to choose between a health maintenance plan like an HMO or a fee for service like they have had. They will be left with only what the market will be able to give them because of the price controls set by the plan.

Mr. DOGGETT. I would like to talk about each of those. You have extensive experience in business and investment banking, are familiar with principles of financial planning, and you referred to this look-back provision. As I understand it, and I do not believe, though there are many pages in this new press release, that there has been any explanation of how it is of this $270 billion, how they are going to cover their $80 billion or so gap. Just from the standpoint of good, sound business, financial planning, what kind of plan is it that says we will cut $270 billion, except we do not really know how we are going to get $80 billion of that $270 billion? We have just kind of guessed if everything we are thinking about but have not put in a bill anywhere happens to come out, maybe like we hope some day under the best of all circumstances it will, we still got another $80 billion out there hanging and we do not know where we are going to get that.

Mr. BENTSEN. The gentleman is correct. I guess you would say it is less than creditworthy in trying to put together a plan. What it will result in, I think, is that at some point they will come back and say well, gee, we are $80 billion short and have to make it up, so we are just going to cut you across the board. Sorry, Medicare recipients, we did not think we were going to hit you as hard as we did, but we came up short and are going to have to take more money out of your pocket.

Mr. DOGGETT. If I understand it, then someone in the bureaucracy here in Washington, acting under the authority of the Secretary of Health and Human Services or the Health Care Financing Agency, when the year is gone by and there is this big old gap there of billions of dollars, will go back and say well, the gap is there, next year we are just going to have to cut how much we pay these health care providers by 50 percent, 30 percent, or 25 percent, or however much it is. Is that the way this so-called look-back provision works?

Mr. BENTSEN. I think in terms of trying to set a budget, that is what you would have to do. It would be equivalent to sequestration, which was provided under the Gramm-Rudman Budget Act.

Mr. DOGGETT. That was a real winner.

Mr. BENTSEN. The problem that exists with that is it does not allow for any strategic planning on the part of health care institutions, hospitals, providers of health care services. So if you are going out several years and you are trying to set your budget based upon prices that you think you were going to receive reimbursement from Medicare, but you know out there, there is a $80 billion footnote that can come into play some time, it is going to be very hard for you to set your plan.

Mr. DOGGETT. Congressman, representing the city of Houston, I think you represented one of the world's finest health care systems, research hospitals, teaching hospitals, hospitals that provide services all around the world, but particularly provide a wide range of services to people who are seniors and who are people without substantial means to pay for them.

What kind of impact could a look-back provision like this, continually cutting payments, have on a world class hospital system of the type that you have there in Houston?

□ 1515

Mr. BENTSEN. I am afraid that if we continue along this process, that it will start to cut into research. I think that as a result of a lot of work that has been done to try to explain to the Republican majority the impact on medical education, we are starting to hear that, yes, we do understand the importance of medical education, and we are going to start to provide for that. That is good.

However, we still do not know all the details. We still have clinical research which is carried out in these academic hospitals through the Medicare system. As you clamp down on the payments to the hospitals, at the same time that you have health maintenance organizations which are trying to pay as little as they can, because they are in the business of doing that, and that is the way the system works and that is fine, the problem is going to become that you are going to lose the necessary clinical research dollars that better the health care system, make it more cost-effective, and make it more efficient for seniors and for everyone else. You also are going to end up with not only cutting back on that research, but you are going to end up with jobs being lost in large medical centers.

Mr. DOGGETT. Madam Speaker, the gentleman you mentioned another effect of continuing to cut down to too low a level the payments made to health care providers. I just happened to come across a report here on the impact in central Texas of problems we already have with Medicare, the kind of thing that I know you and I want to do to improve Medicare to deal with these problems.

There is the story of Richard Bergin, who is 74 years old, has lived in Austin for 40 years, served as a naval officer, as a professor at the University of Texas at Austin, and he was doing fine and had a relationship of his own with his primary care doctor. However, when his 83-year-old brother moved into town from out of town to live with him, they could not find any doctor there that would take Medicare in all of their initial searching. The American Association of Retired Persons reports that about 80 percent of the doctors in most Texas towns today will not accept new Medicare patients.

If they have this look-back provision and they keep chopping back the

amount that health care providers are getting, will it not make it even more difficult for people like Professor Bergin and the others across Texas, whether it is in Houston, LaGrange, or Lubbock, or anyplace else in this country for that matter, will it not make it more difficult for them to find a physician that will take care of their needs?

Mr. BENTSEN. I think you are absolutely right. I think the fewer doctors who participate in the system, the harder it will be, particularly on rural communities and smaller urban communities, where there will be even fewer doctors who are willing to participate in the system.

I think there is another problem that comes into play here. By moving more people into health maintenance organizations, which again let me say, Medicare Select under current law already provides that choice, but what happens when you move more and more people into that system, basic macroeconomics will tell us that you will start to lose the efficiencies, and you will start to lose the ability to save costs or save money under that system. Therefore, I think that the projected cost savings from moving to an HMO system, where seniors do not have a choice of their doctors, are probably not correct. They are probably inflated. It is very hard to make those projections in the first place.

I think if you move from having 7 percent of the elderly population which are currently in managed care plans going to 90 percent, as is the desire of this legislation, that the cost savings that thus have been achieved will not carry forward at that time.

Mr. DOGGETT. I thank you very much for your observations and very helpful comments and, of course, your service here on behalf of all of the people of the Houston area and of our whole State.

My comments, of course, this afternoon and those of my colleagues have focused on the Republican pay-more-get-less Medicare plan. But I want to take just a moment here in concluding to tell people who are out there, who are thinking ''Well, they really cannot do that. They really cannot intend to make the kind of cuts that they are making to the American people,'' that they have not heard it all yet. Yesterday, about the same time that the great American hero, the gentleman from Florida, SAM GIBBONS, was being denied across the hall even a chance to mutter a few words in defense of Medicare and to raise questions about why these hearings were not occurring, another of our committees here in the House was considering a plan concerning Medicaid.

Most people think of Medicaid as being a program that provides assistance to the poorest of Americans, and it is true that it does; but it also, because of some need for improvement in the Medicare system, is about the only way that seniors and people with disabilities can get nursing home coverage. Most of the people that are in nursing homes today, who do not have substantial means, are there with support from Medicaid.

There is another thing that comes out of that system Of Medicaid. That is that the Federal Government establishes some patient abuse standards, some safety standards in our nursing homes that they have to meet in order to receive Medicaid funds.

Yesterday, at the same time that a slash effort was going on with reference to Medicare, another committee was slashing in Medicaid. Now, if that committee's handiwork becomes law, there will not be one Federal regulation on the books to assure the quality of patient care at nursing homes in this country. I think that by itself is an outrage, that there are people who have become so committed to a rigid ideological agenda that they have forgotten their good sense, they have forgotten our responsibility to protect vulnerable seniors. It seems that the only time people get interested in some nursing homes is when someone is found with abuse, with a death occurring. That is not the way it ought to be.

There are many fine nursing homes out there doing their best to provide quality care, but there are always some that try to skim, and it is only with the support of these Federal safety standards, and some inspections, that we have been able to address some of the worst of these abuses, and now that will be totally eliminated.

As if that were not enough, the same Committee on Ways and Means that did not want to hear about Medicare yesterday has, within the last several days, approved a proposal that will encourage corporations to withdraw as much as $40 billion from their pension plans, $40 billion from their pension plans, something that people who are not only retired now but may hope, like many of us, to retire some day in the future, should be amply concerned about. There are a number of troubling developments that only by Americans speaking out and making their concerns known are we going to be able to change.

As for the Republican pay-more-get-less Medicare plan, lest anyone think that I have a partisan attitude on that plan, let me end by quoting a Republican who was on the radio this week, September 19, Kevin Phillips. He said of his fellow Republicans' Medicare plan: ''Today's Republicans see Federal Medicare outlays to old people as a treasure chest of gold for partial redirection in their favorite directions: toward tax cuts for deserving corporations and individuals. The revolutionary ideology driving the new Republican Medicare proposal is simple: Cut the middle class and give back the money to the high-income taxpayers.'' That is the problem we face, but Americans can turn it around.

## COMMUNICATION FROM THE HONORABLE JOSEPH M. McDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. MYRICK) laid before the House the following communication from the Honorable JOSEPH M. MCDADE, Member of Congress:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
*Washington, DC, September 21, 1995.*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L(50) of the Rules of the House that a member of my staff has been served with a subpoena for testimony and the production of documents by the Court of Common Pleas, Lackawanna County, State of Pennsylvania in connection with a civil case.

After consultation with the office of the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

JOSEPH M. MCDADE,
*Member of Congress.*

## THE IMPORTANCE OF REDISTRICTING DECISIONS IN GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes.

Ms. MCKINNEY. Madam Speaker, I come again this afternoon as a continuing part of my mission. That mission involves the educational process around the issue of redistricting, and why what is happening in Georgia is so important, not just for the people of Georgia, but for all of the people of this country who value democracy, who value the opportunity for all people who call themselves American citizens to be able to sit at the table of public policymaking and feel that they have an investment in the decisions that are being made about this country.

I want to begin by commending the members of the Georgia Legislative Black Caucus, who have endured a tremendous trial during the recently disbanded, recently adjourned special session. The United States Supreme Court ruled that Georgia's 11th Congressional District was unconstitutional, and as a result of that decision, the Governor of the State of Georgia called the Georgia Legislature into special session. The purpose of the special session was to redraw the congressional districts to correct those flaws that the Supreme Court found, particularly in the 11th Congressional District of Georgia, but also, in the call for congressional redistricting, the Governor included legislative redistricting.

There had been no lawsuit against the State legislative districts. There had been no finding of unconstitutionality against those districts, but for some reason, some predetermined reason, those districts were included in the call. So begins the tragic story of

the experiences of the Georgia Legislative Black Caucus that fought valiantly to protect its three democratic incumbents who are now in Congress, and to protect itself against what some have called a hoax.

I am going to begin by just a discussion of these districts that have been much maligned by supposedly powerful and very intelligent people. The 11th Congressional District was called a monstrosity by the lower court, the court in Georgia, a monstrosity. How can you call a district that allows for the first time people to have representation in the Halls of Congress a monstrosity? The district worked, it worked because people understood that the had an opportunity to elect their candidate of choice. They did not have to always be on the losing end. Those people in the 11th Congressional District chose to send me to Congress to represent their interests, to speak out on their behalf. I have tried to do a good job at it.

The 11th Congressional District of Georgia is no monstrosity. In fact, if there is a monstrosity, it rests with those people who would like to deny these people who have never had an opportunity to have someone walk in their neighborhood and then walk these Halls of Congress, to deny to those people, those people whom I call my valiant warriors, the opportunity to be elected by someone of their choice.

I have some maps here. The first map is the Sixth District of Illinois. Some might say that it is a monstrosity. It certainly is not pretty, but it is an effective district, because it allows the people who live inside this district the opportunity to elect their candidate of choice. This district is comprised of a supermajority. The supermajority just happens to be 95 percent white. This district has gone unchallenged in the courts. What is wrong with this district? Nothing is wrong with this district. This district functions according to our democracy.

I have another map here, Texas' Sixth District. It also might be called a monstrosity, but it has not been. It is composed of a supermajority. The supermajority just happens to be 91-percent white. This district, along with the entire map of Texas' congressional districts, was challenged in the courts.

□ 1530

The Texas court came back with a decision that invalidated the historic district represented once by Barbara Jordan. It invalidated the district that is currently represented by EDDIE BERNICE JOHNSON of Dallas, TX, a new district.

But the court said that this district, that goes from here and all the way around just like this and picks up people here, picks up people there, leaves out people there, that district is constitutional. Barbara Jordan's district is unconstitutional. EDDIE BERNICE JOHNSON's district is unconstitutional. But this district, that is 91-percent white, has been declared constitutional by the courts.

What is going on here? Is it that there are only funny-looking black districts? Obviously the answer is no.

Is it that only black districts are declared unconstitutional? Black districts and those districts that are majority Latino so far have been targeted for unconstitutionality.

I have here Georgia's 11th Congressional District, 64-percent black, one of the most integrated districts in the State of Georgia, one of the most integrated districts across the South. This district, that gives rise to voices that have been left out of the political process to finally be heard, this district was declared unconstitutional.

I would have to conclude that when it comes to the issue of redistricting and the shapes of districts, it ain't about shape at all. It is about the color of the representation that is elected from these districts, and the possibility that in the old South we could finally herald in a new era that bypasses, gets us across that bridge of racial divide and allows black people, white people, people of color, women, Latinos to sit down at the table of policymaking and fashion strategies to resolve our communities' problems.

What better America could we want for? The America of promise, the America of the American dream, the America which strives to include everybody? Or do we want to go back to yesterday? To go back to that infamous day when black people, who had been duly elected by the citizens of the various States throughout the South, were expelled for no other reason than the color of their skin?

What we are looking at today is the possibility that I could become the second African-American of the 20th century to be expelled for no other reason than the color of my skin. We cannot afford to allow that to happen.

What happened in Georgia particularly? What happened in Georgia can be summed up by the headline in this newspaper: ''Committee Okays One Black District.'' The bottom line, it appears to me, is that the tolerance level for people from the State of Georgia to have three black people in Congress is not very high, and so there were some people who took an active involvement in trying to make sure that in the elections of 1996, Georgia is no longer represented in Congress by three African-Americans.

Now, I am a Democrat and I am a proud Democrat. I am proud to be a Democrat. But the head of my Democratic Party in the State of Georgia, who is the Governor of the State of Georgia, said he was going to stay out of the redistricting fray. This was not something that was going to occupy very much of his time.

So I wrote a plea to the Democratic leadership of the State of Georgia, ''Ain't I a Democrat, Too?'' When it comes to this issue of redistricting and protecting incumbents, protect me, too. Because when I cast my vote here in Congress, my vote counts the same as my Democratic colleagues, my vote counts the same as my Republican colleagues, and when I come here, I speak out on behalf of the people of the State of Georgia who have a valid voice to be heard.

There were some folks in Georgia who had something else in mind, and so before the special session even began, something happened. What happened was the Georgia General Assembly became hostage. It was held hostage by the plaintiffs, along with the Democratic leadership of the State of Georgia, because 17 State house districts and 5 State senate districts were targeted. These were districts that were majority black in the State legislature, and they were said to be unconstitutional. So the Georgia Legislative Black Caucus was told, ''Now, y'all don't play ball and you're going to end up in the same boat as CYNTHIA, out of office.''

The Georgia Legislative Black Caucus, caught between a rock and hard place, did what it could to protect its members, to protect the three Democratic incumbents of Congress who just happen to be black, and they were fooled. It was a hoax. It was a cruel hoax. They were tricked. In fact, State Senator Donzella James was so outraged—she happens to be with us now, up in the gallery—she was so outraged by what had happened that she felt compelled to put it down on paper.

She concludes:

> In this episode of political gamesmanship, Republicans attempted to play the white Democrats against the black Democrats by promising both sides their support in addressing their redistricting concerns.
>
> Further, the struggle within the Democratic Party between competing political interests was transformed into one involving race. The eagerness on the part of the white Democrats to ''Republican proof'' their districts blinded them to their overall goal. That is, to foster equal and inclusive representation for all of the people of Georgia.
>
> Self-serving individuals on all sides of the debate practiced deceitful game playing and clever trickery and have made a mockery of the reapportionment mandate. The Georgia General Assembly may come to regret this entire ordeal. A number of questions will have been answered concerning our legislative process. For example, was the court order legislative undertaking a hoax? And if so, could this be a needless waste of the taxpayers' money and will the lawyers laugh all the way to the bank?
>
> My fear is that when it is all over and done, will the redistricting issue be remembered as racial rights versus civil wrongs?

The Georgia Legislative Black Caucus, Representative George Brown compiled some information, Representative LaNett Stanley circulated it. After all the dust had settled, the Georgia Legislative Black Caucus, along with the other leadership of the State, voted to dismantle nine majority black districts in the House and two majority black districts in the senate.

All in all, in the senate, out of 56 seats, they changed 46 of them. In the house, from a total of 180 seats, 69 were changed.

There was a redistricting legislative free-for-all on the backs of black people in the State of Georgia.

One of the districts that was diluted was a district that I helped to draw in 1992. I was just the vehicle that the people used.

I served on the house reapportionment committee. We had a hearing down in Savannah, and a gentleman came to the hearing, obviously proud to be able to be counted among those who would come, to travel so far to try and get a little justice. He began his remarks. He said, ''The name of my county is Liberty, but they still treat us like slaves.''

At the end of the 1992 redistricting process, that gentleman had a district from which to elect his candidate of choice. But after this cruel hoax in the special session of 1995 that should go down in infamy, that gentleman lost the opportunity to elect his candidate of choice.

As a result, there is a letter that has been drafted and signed by some of the members of the Georgia Legislative Black Caucus. That letter is to Assistant Attorney General Deval Patrick, asking that the Department of Justice deny preclearance to those two bills that were passed by the legislature—the bill that dismantled the State house districts and the bill that dismantled the State senate districts.

I am going to read this letter, because if I have not been clear, I think this letter is.

It says:

Dear Mr. Patrick, I am submitting this comment urging you to object to the reapportionment plans passed by the Georgia General Assembly in its special session in 1995. These plans were enacted by the State of Georgia with a racially discriminatory purpose and will have a retrogressive effect on black voters throughout the State.

The plans for the State senate and State house also violate section 2 of the Voting Rights Act, because those plans dilute black voting strength. In carrying out these redistrctings, the State legislature specifically aimed their sights at legislative districts with majority black voting populations. The decision by the legislature, therefore, was targeted at black voters with the intent to reduce the black voting strength throughout the State.

The legislature undertook this action even through their had been no court decision invalidating our existing plans, nor had there even been a lawsuit challenging any of the districts.

The context in which these new plans were drawn is also important to understand. The special session in which these new reapportionment plans were enacted was called to address also the reapportionment of the congressional districts pursuant to the decision in Johnson v. Miller.

The white leadership in our legislature forced the assembly to address legislative reapportionment first and then proceed to congressional reapportionment.

In exchange for cooperation in legislative reapportionment, the leadership promised to work with the black Members of the legislature on congressional reapportionment. The leadership, therefore, used legislative reapportionment as a stick and forced legislators to make concessions they would otherwise not have made.

The enclosed statistics show the degree of retrogression and discrimination. For all of these reasons, we urge you to object.

□ 1545

This is sad. It is absolutely sad that the Democratic leadership of the State of Georgia would use black people as spare parts to bolster the political aspirations of their favorite sons. And I do put emphasis on the word ''sons,'' because there is no room for women also in the good old boy network.

Who comprises this good old boy network? Well, as it turns out, we also discovered that there were some rich and powerful people that just did not seem to be able to deal with this new black woman who was representing poor folks, some of the poorest people in the country. They could not deal with this black woman from Georgia.

And so, Madam Speaker, seizing advantage of an opportunity, driven by the racist politics of race, they could also move forward on the agenda of greed.

We learned, in fact, State Senator Donzella James was moved once again during the special session to put out a press release entitled ''Senator Donzella James Implicates Kaolin Interests in Driving Redistricting Agenda.''

State Senator Donzella James expressed concern today that Georgia kaolin companies are exerting undue influence on the State's redistricting process. As legislators slowly hammer out a new congressional map, Senator James is increasingly convinced that kaolin interests in Washington, Jefferson, and Glascock Counties have issued a veto threat over any congressional map which puts them in the 11th District represented by Democrat Congresswoman Cynthia McKinney.

Now, what is it? What is kaolin in the first place? After we came to this floor, we got quite a few telephone calls from folks wanting to know what is kaolin? Well, kaolin has been called Georgia's white gold. I guess Louisiana has oil; Kentucky has coal; Georgia has kaolin.

Georgia's richest mineral resource is kaolin, a white clay used to make chemicals, medicines, and coated paper. Last year, a handful of mining companies, many of them foreign-controlled, dug a billion dollars' worth of kaolin out of Georgia's soil. They pay rural landowners as little as a nickel a ton for it, and after refining it, sell it for $50 to $700 a ton. They pay no mineral taxes to the State, whose wealth they are exporting and they operate in virtual, total secrecy.

Reporter Charles Seabrooks spent 5 months reporting the operations of the kaolin companies and their impact on the lives of thousands of poor Georgians, and in this, it says: What is kaolin used for? Glue, newsprint, magazines, cosmetics, china that we eat from, paint. It has a lot of different uses. Toothpaste. Kaopectate. The ''kao'' is kaolin.

It also chronicles here Grant Smith, who lives in a Milledgeville mental hospital, does not know that he is at the center of a dispute over his family's former farm and its kaolin riches.

Gentleman Gary Chambers: The industry leaves pits and craters and gullies on the surface of Georgia's soil. Ten-mile railway that links the kaolin belt in Georgia to the sea has made some of our richest Georgians. Robert Lee Watkins, a man who was sent to Federal prison, what the Atlanta newspapers may have called a political prisoner, this Grant Smith might have been a millionaire, but his guardians sold the family farm. Gary Chambers turned his land into a rutted ruin. Tar buttons, ten-mile railroad put them on the track to wealth and power.

''Crime and Punishment in Kaolin Country. Businessman who challenged the chalk companies receives a 5-year sentence for another man's lie.'' Nothing happened to the man who lied.

''Companies versus Landowners in White Gold Country.'' This is from USA Today. Another picture that I wish I could have blown up. The scarred landscape of my beautiful State of Georgia. ''Weak Laws Slow Restoration of Ruined Land.''

Shortly after the lawsuit was filed, I had an interesting conversation with one of our State's constitutional officers who told me, ''CYNTHIA, you made some rich and powerful people mighty upset with you.'' And we have been hearing about this impending lawsuit against the 11th District, but somehow it never materialized. And suddenly, a letter appeared in the Sandersville Progress, which is a local newspaper down deep in kaolin country.

The letter was written by the executive vice president of one of kaolin companies. And guess what it said. It said that the 11th District ought to be dismantled. And then, miraculously, folks who do not have much were able to amass the hundreds of thousands of dollars that it takes to take a lawsuit all the way to the United States Supreme Court.

The general assembly came up with some maps, some maps that were pretty darn near the mark. But those maps had one target left out and that was those 7 kaolin counties.

The Atlanta Constitution has done some stories on our plight. ''Bring in the Feds to Probe Kaolin.'' ''McKinney Takes on Kaolin Industry. Her nosing around has infuriated the industry.'' ''King Kaolin's Political Prisoner.'' This is about the story of Robert Watkins.

''This should not be CYNTHIA MCKINNEY's fight, but Georgia's politicians are so afraid of the kaolin companies, they do not dare raise a peep.'' ''Taking On King Kaolin.''

So McKinney is now trying to get the U.S. Justice Department to look into the problems. Politically, that may not be a very smart move on her part, because kaolin money will try to unseat her. But then again, who knows, maybe McKinney will

prove that a woman with a backbone can succeed in a State run by men with weak knees.

And so Georgia's special session, called for the purpose of redistricting, ended. They adjourned sine die. What did they accomplish? Well, they got rid of some minority districts. They even diluted the district of a sitting Member of the Georgia legislature who is black; dropped his district down to 41 percent. The gentleman who represents the district of the man who said, ''I come from a county named Liberty, but they still treat us like slaves.''

We do not know if we can even get Reverend Tillman reelected in that district, but we are darned sure going to try.

But congressional redistricting never happened. It did not happen. So now the issue of Georgia's 11th Congressional District is right back where it started: In the hands of the Court. We are, of course, law-abiding people, and whatever the dictates of the Court, I will be prepared to accept them.

However, I do not think anybody in this country ought to have a good feeling about what happened in the State of Georgia. Nobody who cares about diversity, inclusiveness, real deep-down democracy, should be thrilled or even happy about the picture that we have painted.

Now, after Georgia comes North Carolina and Texas and Florida and Illinois and New York and Mississippi, because all of those States now have challenges to their minority districts.

And what happened in the State of Georgia—the trickery and the tomfoolery and the deceitfulness—can happen to good-hearted, well-meaning people in those legislatures across this country.

So the State representatives and the State senators who now understand that they might be called into special session or special duty to address the issue of redistricting also need to understand that something else might be afoot.

□ 1600

My father serves in the Georgia legislature. My dad has been there for 23 years. He is what I call a warrior, too. So I am really just a chip off the old block.

When he got elected in 1972, the first thing he did was file suit against the State of Georgia for unfair hiring practices. State of Georgia continues to be under a court order regarding that lawsuit that is over 20 years old.

And all I have done is to take advantage of a district that was borne of the pain of people in the State of Georgia and to elevate their pain right here on the floor of the House of the U.S. Representatives, and to remember them as I go about my business of casting my vote, speaking out in my committees, speaking to my colleagues, and speaking to the press, to always let people in this country know that in the State of Georgia we still have people who do not have running water in their homes and it is a crying shame, and that those people need to have representation. And that all of the largesse of the Federal Government ought to be delivered to them, too, that we have people who are suffering from teen pregnancy rates that ought to make us ashamed. And that we need to have an opportunity to help those people, because they are Americans, too. But that is just a little bit too much for some folks. I am just about finished.

I am reminded of a statute on the grounds of the Georgia State capitol, and the name of that statue is Expelled Because of Color. It commemorates the service of 33 African-Americans who, during the period of Reconstruction, were duly elected to serve in Georgia's general assembly.

But something happened. They did not have the right color. And so they were expelled. And this statue is from the slave ship to the ship of state, African-Americans holding up the State of Georgia, holding up the ideals of this country.

In 1901, there was an African-American also who had to exit from these halls. His name was George White from North Carolina. And he said, this is the Negro's temporary farewell from Congress. But Phoenix-like, the Negro shall rise again, and walk the Halls of Congress.

It happened in this country. It happened as a result of the Voting Rights Act of 1965. Black people, white people, died. Our own Representative, JOHN LEWIS, had his head broken open at the Edmund Pettus Bridge. No, I was not there.

But I was there 30 years later. And I am here today as a result. A few people in this country want to turn this country around. The majority of us have got to say no. We are not going to allow a few people to take back all that we have gained.

I am pleased that I have a hero right here on the floor of the U.S. Congress. And in 1992, after I was elected, the first person I came to was a Representative from Texas. And I told him, ''You are my hero,'' because his legacy in this body has been one of complete devotion to his constituents, complete devotion to the people of Texas, complete devotion to the people of this country. His name is Congressman GONZALEZ.

I am very proud to yield to my leader.

Mr. GONZALEZ. I thank the gentlewoman very much.

I cannot find the words with which to adequately express my feelings at hearing your words, especially from you, the gentlewoman from Georgia, Ms. MCKINNEY. I, of course, cannot describe to you the thrill and the happiness when I first was able to greet you here at your swearing in, and to have followed the course in your native State leading to your election.

For in my own experience, one reason I am in the Congress is in a way accidental. I had never intended to be involved in politics. But this was the issue. And that was that because of laws and constitutional provisions in the Texas State constitution, it was just accepted that a good portion of our citizens in Texas would be deprived of even the elementary right to participate in the most basic of all activities. And that is the right to vote.

So I am proud of the fact that very young and even before I ever even considered a politically active career, my thoughts were certainly not that way, I had my eyes opened early. And I have watched, of course, with great elation what has happened since those sad days, and elections such as yours. I cannot tell you in words how they have thrilled me.

I am saddened to hear of this retrogressive activity, not surprised. The forces of retrogression and return to, no matter what efforts they make, days and times that will not be returned, thank goodness, is always going to be confronted. They will never cease. The forces of retrogression are there. And when there is no forward activity on the part of the progressive forces, they can gather strength and they can set back the clock somewhat.

So I want to praise you for, first, your presence here, your willingness to seek a position of representation on this national body; and then, very happily seeing how through your competency and ability you have mixed right in the middle of the fray. You have not held back.

I just cannot tell you with what sadness I feel pervading in my heart as you report on some of the things that are still happening, 30 so many years ago, that we thought we had at least made it difficult to return even in these areas. So all I can say is that some of us are with you, there are more here now than we used to count on, and that is a very happy thing.

But I cannot begin to describe in words my admiration for your courage and your ability, above all, your willingness to serve, and of course to pledge to you my absolute support and loyalty to your cause.

Ms. MCKINNEY. I thank the gentleman very much. I would like to conclude by acknowledging that in Georgia we have come a long way. But we still have a long way to go.

And in reporting the events of the special session and those events that took place just prior to the special session, it is not my intent to indict anyone who is innocent in this whole play. But there are some people who are very guilty. And those people know who they are.

There were some good people in the legislature who spoke out and said, quite frankly, what the problem was. But their voices were too few, too powerless, too muted. But I do want to take this opportunity to extend my appreciation and my thanks to them, because they did not have to say those kind things and they did not have to say those true things, but they did.

They wear a badge of courage, and they are now my additional warriors, who may not be in the 11th congressional district, but they are warriors nonetheless for that which is right. In the gallery, aside from State Senator Donzella James, who participated in the special session and who spoke out so eloquently against what happened, we also have State Senator Connie Stokes, who represents a portion of the 11th congressional district.

And I would like to take this moment to thank my own State Senator for her actions on behalf of preserving the 11th congressional district of Georgia. The members again of the Georgia Legislative Black Caucus worked day in and day out, and they only had one goal in mind. And that goal was to make sure that all of the folks of Georgia at the end of the day had an opportunity to case a vote, a meaningful vote, for the representative of their choice.

And so while the venue has moved to a new place and a new time, the camaraderie, the loyalty, the love, the cohesion of the Georgia Legislative Black Caucus, and the way that I was able to interact with all of the members, I will never forget.

From that, I know, will come a new and stronger, more lasting relationship. And also a better relationship will come from the Democratic leadership of the State, that saw that under no circumstance were they able to break the glue that struck the members of the Georgia Legislative Black Caucus together. And that was their loyalty to the people of the State of Georgia.

In conclusion, I would just say that it is a pleasure for me to serve in the U.S. House of Representatives, and I have come to love, to truly love many of my colleagues with whom I interact daily. I appreciate all of them for their strong shows of support, for their kind words of support, and I want them to know that no matter how this fight ends, they have a friend in me.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## GRANT REFORM

The SPEAKER pro tempore (Mr. EHLERS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, I rise today to engage two freshmen colleagues personal friends and people I have high regard for, in a colloquy concerning grant reform. I want to take this opportunity to publicly thank the gentleman from Washington [Mr. TATE] and the gentleman from Indiana [Mr. MCINTOSH], the chairman of the subcommittee, for their wonderful leadership on this issue.

Let me begin the colloquy by making an observation. It seems as though there are a lot of people paying attention to what we have done in the House so far, with respect to grant reform, Mr. Speaker. Every major newspaper in the country has editorialized with respect to grant reform over the last few weeks, and we certainly hit a nerve with the American people.

Now I direct my first question to the gentleman from Indiana [Mr. MCINTOSH], the chairman of the committee and one of the leaders along with our friend, the gentleman from Oklahoma [Mr. ISTOOK], in our effort, and, of course, the gentleman from Washington [Mr. TATE], being one of the more recent victims of the opposition with regard to this issue.

□ 1615

My question to you, my friend, is a lot of people thought we would never get this far. And here we are. We had a resounding victory on the House floor. We are now in the Senate conference committee.

I see the gentleman from Washington [Mr. TATE] putting up a piece of demonstrative evidence we have used on this floor in the past. I know my chairman of the subcommittee wants to make a few remarks at the beginning here, and I will yield to him.

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for taking the lead in making the American people aware of what, quite frankly, has been a dirty little secret in this town, that Federal taxpayer money has been going to lobbying groups in the form of grants.

The chart that our colleague [Mr. TATE] has shown how this welfare for lobbyists works. The taxpayers paying $39 billion, some people estimate it would be as many as four or five times that amount in grants to many special interests.

Now, some of them are very worthy charities who are doing the right things in their communities, but there are a lot of those groups who are really lobbying and political front groups who are taking taxpayer dollars and using them to engage in political tactics.

Now, let me say I think everyone has a right to speak out in this country, but they do not have a right to speak out with somebody else's money and to be funded by the taxpayer.

One of the things that our committee is committed to doing is holding a series of hearings on this, looking into these groups and finding out some answers to some basic questions. Those groups that are lobbyist groups, we want to know, is it true that you are segregating the grant money you are receiving from political activities? Is it true that you have safeguards in place to make sure that you do not violate the current law that prohibits that direct funding? And then we also want to know what plans that group has been engaged in to encourage lobbying by other groups.

Mr. EHRLICH. Of course, that is the problem. That is really the problem.

Mr. MCINTOSH. Exactly. And it is a continuous cycle that has led to huge deficit spending in this country.

Then there is another group who say, we are not lobbying groups, but we do not like this reform. And what I want to know from those groups is, what do they do to ensure that their donors have accurately been informed of what lobbying they do do?

There are some very highly regarded groups in this country. I am thinking of groups like the United Way, the Red Cross, the Girl Scouts, the Boy Scouts, who also receive Federal grants, and they engage in very worthy and noble activities. Some of them tell us they also want to be lobbyists, not extensively, but part-time. And I think we need to tell their donors, did you know that they also want to lobby with some of the money that you have given them? How much of that money is spent on lobbying? Is there a problem with the Washington groups lobbying, whereas the groups in the States and the communities do not do that but are, in fact, engaged in charitable activities?

We are going to try to develop a record in our committee on those issues.

Mr. EHRLICH. If the gentleman would yield, really is that not the threshold fundamental problem here? It seems as though we have addressed this both here on the floor and at various times we have had to discuss this issue off the floor, and it seems for some reason, and the reason appears to be Federal money, to have developed over the years a distinction between acting as an advocate and fulfilling the mission of the particular organization.

I believe it is fair to characterize our piece of legislation as an attempt to return these groups. And we are not talking about, by the way, many groups out of thousands, tens of thousands of groups, only a few hundred who, in our view, have violated both the letter and the spirit of the law, by trying to get rid of that distinction, trying to limit that distinction to return these groups to their fundamental mission, which is to provide service for the less fortunate in our society.

Mr. MCINTOSH. The gentleman is exactly correct.

We heard testimony in one of our hearings in July from Mrs. Arianna Huffington who told us that there was a serious problem in the charitable community that, rather than doing good works, helping the elderly, helping clean up the environment, helping the young people, and you may remember she talked about Mrs. Hannah Hawkins here in Washington who had used her own money to set up a home for children after school in the inner city neighborhoods. They are moving away from those charitable missions into becoming lobbyists and advocates that

the Federal Government take over those programs, and she thought that was, in fact, corrupting the spirit of charity in this country and that our bill would do a lot in this country to restore the true sense and purpose of charity.

So I think you are exactly correct on that point.

Mr. EHRLICH. Now, I know we have a lot to say about some of the misinformation our opposition has used, but I think probably the best Member to talk about that is our colleague, Mr. TATE, and I yield to Mr. TATE.

You have been a victim. What happened?

Mr. TATE. Well, first of all, I would like to thank the gentleman from Maryland [Mr. EHRLICH] and the gentleman from Indiana [Mr. MCINTOSH]. Mr. Speaker, these gentlemen, along with the gentleman from Oklahoma [Mr. ISTOOK], have done a phenomenal job of bringing this issue to the forefront.

Some of the arguments, and I will get into some of the attacks that are occurring at home by some of those organizations that are receiving public grants, mind you. Some of the opposition, for example, is: Well, you are violating free speech if you are limiting at some capacity what they can do with their private dollars.

The point is, how can it be free? Once again, how can it be free if the taxpayers are subsidizing it? The taxpayers are paying for this so-called free speech.

I am not here to tell an organization what they can do and cannot do with their own money. The point is, they are being subsidized by the taxpayers. So we have an obligation to watch out for what is going on.

The other point is that somehow it is intrusive in some other capacity, that somehow it is Orwellian to tell these organizations what to do.

I can think of nothing more intrusive to me or the people of the Ninth Congressional District of Washington State than to reach into my pocket and take my hard-earned money, to give it to some organization or to the Government that gives it to some organization that turns around and lobbies for things I do not believe in.

I mean, we have some great examples, if I may. The American Bar Association, for example, just this year as we were working on the flag amendment. We can argue whether we should have an amendment to protect the flag or not to protect the flag. That is part of our political system. What I find very offensive is when organizations like the American Bar Association receive millions of dollars in public grants and then turn around and lobby against legislation. That is wrong.

It hit close to home the last couple of weeks, I can tell you, in my particular district; and the Washington Times has done a good job of chronicling what has been going on.

Basically what is going on is taxpayer funding of the big lie. They are attacking me back in my district. The attacks have ranged from anywhere that there would be a greater chance of workers maybe being killed by the legislation being passed to somehow Medicare is being cut. Two lies. Two lies. And they are being subsidized by the taxpayers.

I can give you a couple of examples of the organizations and how much money they have received in public grants. For example, in my particular district, the AFL–CIO, under the guise of Stand Up For America, spent over $80,000. These on are ads back in my district.

Another organization called Save America's Families spent over $85,000 on television and radio ads, not counting the amount of money they spent on Medicare events, spreading the big lie at taxpayer expense.

For example, the AFL–CIO, which is the umbrella group for these organizations, received in grants last year, 1994, $1.2 million; and so far this year that we can document, they have spent $1.4 million in attack ads spreading the big lie across the country.

So, basically, what we are doing is, once again, hard-working people send their money to Washington, DC. They turn around, the Government turns around and gives it out to organizations that spend it attacking people trying to change the status quo.

So those are the kinds of changes that we are trying to make back here. I guess we should be judged by our enemies. Those organizations that are the defenders of the status quo do not like what is going on back here, and it is a sign that we are doing our job. If you are not making some enemies in Washington, DC, you are not doing your job.

I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. You mentioned that this advertising was going on in Washington State in your home area, and that in many cases they were, in fact, misinforming the public about what was happening and doing so from groups who have been receiving a lot of grant money.

I had received some information that there are a list of eight different groups who have received nearly $100 million in grants, who have spent over $6 million in lobbying and political activities, giving people bad information about what is happening.

One of the groups that is not listed there is 60 Plus, and they commended us for our effort to try to end the subsidy for these groups that are engaged in this type of political activity. The 60 Plus Association represents senior citizens in this country. They felt seniors were being mislead by a lot of this.

Was the National Council of Senior Citizens one of the groups that was involved in this type of political advocacy?

Mr. TATE. It is my understanding that they have been involved. In fact, the Save America's Families Coalition, which includes Citizen Action, the National Conference of Senior Citizens, the AFL–CIO, the Service Employees Union, and others, are the ones that are paying for the millions of dollars of ads across this country. And the thing to keep in mind with that organization is that they receive over $70 million every year, which makes up 96 percent of their entire budget, and then they turn around, and they are spending money with advertising.

Mr. MCINTOSH. Do you mean to tell me that they receive over $70 million of taxpayer funding?

Mr. TATE. Absolutely. Taxpayer money, $750 million every year in taxpayer money, 96 percent of their entire budget, and then they are turning around and using money to lobby against reforms that preserve and protect Medicare. Taxpayer funding of the big lie.

Mr. MCINTOSH. So this group has been receiving all of this taxpayer money, and yet they are spending it on commercials that are not even truthful to senior citizens?

Mr. TATE. You are exactly right.

Mr. MCINTOSH. That is incredible.

Mr. EHRLICH. If the gentleman would yield, I think I speak for all three of the sponsors of this rider when I say we have a great deal of confidence that your constituents will see through all of these misrepresentations, because facts are dangerous to demagogues.

Mr. TATE. If the gentleman would yield, we have received, I think as of mid-yesterday, about 660 calls on this particular commercial that is running back in our district, and over 640 of the calls were saying, RANDY, stick to your guns; do not give up; we elected you to go back there and make real change. What they are outraged about is the outrageousness of the lines and the fact that the opposition has no plan and that it is all being paid for, these ads, or at least subsidized, by their own tax dollars.

Mr. EHRLICH. The moral here is that these people are smarter than these organizations give them credit for.

Mr. TATE. Exactly.

Mr. EHRLICH. I see we have been joined by our colleague and friend, Mr. ISTOOK from Oklahoma, and I know he has a lot to say on this subject. And I know I join my colleague, Mr. MCINTOSH from Indiana, in congratulating him on his great leadership on this bill, and I would like to recognize him.

As a lead-in to his comments, I would just like to point out the fact that I sat next to Mr. ISTOOK on the floor when we had our debate here a few weeks back, and we were frustrated. Obviously, we had a time limitation with respect to how we could respond to some of the charges from other side. I believe we were termed as fascists, one of the more interesting adjectives used to describe us on the floor that day.

I know it has been very, very frustrating for all of us involved in this

issue to have to respond to simple representations about what this rider is about. We have heard that it stops all advocacy, that Pell grants are affected, that specific groups are affected, that entitlements are affected, that the courts are affected, that States and local governments are affected, educational grants.

Is there any end to the misrepresentations we have heard on this floor? I direct the question to our colleague from Oklahoma.

Mr. ISTOOK. Well, I thank the gentleman. I appreciate people standing firm on this effort, because you hear outrageous things. You hear people saying, well, if you receive some sort of farm assistance or if you receive a student loan or if you receive welfare benefits. And yet the legislation clearly states that we are not talking about government assistance payments to any sort of individual. We are merely talking about government grants which go to organizations.

The situation is such that we have had what I feel is a perversion of the true reason for the existence of charities in this country, and Chairman MCINTOSH and his subcommittee has had hearings that has helped develop this. People talking about, you know, we were part of a group that was formed to be a nonprofit charity. We raised money trying to help people, trying to do good. Then we found people trying to take it over and saying, the way we can really do good is to spend all of our time and effort, or most of it, anyway, and our resources lobbying government for more government programs, more resources, higher taxes to pay for it, and they call that charity.

□ 1630

That is not charity. We need to help the private charities in this country to fulfill their true mission by helping separate them from those that are masquerading as charities, but are really extensions of the Federal Government and extensions of lobbying groups and political advocacy groups. We need to draw a clear distinction between them.

If someone says we want Federal money, now they are not forced to ask for Federal money, they are not forced to take Federal money, they voluntarily say they want Federal grants to further a purpose, which is different from so many other charitable groups. Yet at the same time, they want the Federal handouts, but they say nevertheless we want to continue to be political advocates rather than true charities.

There is a difference. There is a crucial difference in who we ought to be providing assistance to, and it really scares me that there have been some reports that say that the typical nonprofit group today receives a third of its money from the government. Now, that frightens me. We do not want people to be saying they are charities when actually they are extensions of government agencies. If they are an extension of the government, they should accept the same type of safeguards which would control a Federal agency if it were carrying out a particular program.

They would never be allowed to engage in the type of advocacy that is involved there. So if they are carrying out a private function, that is great. They ought to be satisfied with the private dollars. If they want public dollars, then they ought to accept the types of limitations that accompany public dollars.

It is wrong to ask taxpayers to subsidize political viewpoints through this. Thomas Jefferson had a statement on this, and he said to compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical. I have no desire, and I know you do not either, to try to limit the ability of people to exercise their free speech rights with their own resources and their own money. But if they want to be dependent upon Federal funds instead, then they need to decide they should not be political advocacy groups. That is the key distinction that we are trying to address in the legislation.

I thank the gentleman for the chance to speak to that and want to yield back the floor to him.

Mr. SKAGGS. May I ask the gentleman one question. I do not want to waste a lot of time. If it is the gentleman's intention not to yield at all, I will leave the floor.

Mr. EHRLICH. It is our intention not to yield.

Mr. SKAGGS. Mr. Speaker, the gentleman does not want to defend any of this with anybody with another point of view?

Mr. EHRLICH. Mr. Speaker, since the gentleman trekked over from his office, we will yield.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding time.

I think the point that the gentleman from Oklahoma was just making is very, very revealing of the fundamental distortions that are going on in this debate. Does the gentleman believe that the efforts made, for instance, by the American Red Cross to work with local and State governments on emergency planning is political advocacy that is somehow a problem in this country? Does he believe that the efforts of the American Red Cross to work with all levels of government to ensure that regulations are in place to make the blood supply safe, is that somehow political advocacy that warrants restrictions? That is what the legislation will do.

Mr. MCINTOSH. Mr. Speaker, I think our colleague from Colorado makes a very good point there. There has been a lot of misinformation about the content of the bill.

No, I do not think those activities of helping to plan for emergency preparedness and working with government agencies to implement a safe and effective blood supply in this country are political activities that are a problem. I do not think they should be defined as political activities.

Mr. SKAGGS. Mr. Speaker, but that is what the legislation does.

Mr. MCINTOSH. If the gentleman would let me finish, Mr. Speaker. No, we have carefully, carefully crafted this bill to make it very clear that those activities are not covered. We have worked with the Red Cross and their attorneys in letting them know that it is our understanding that that would be the case.

What we are worried about are groups that would take Federal grants for those activities and then would begin running television advertisements or running media campaigns where they are advocating a particular point of view. So let me assure the gentleman we do not intend to cover those types of activities. We have worked with language that we think does not apply to them and have offered with the Red Cross to specify that very clearly.

Interestingly enough, even when we did that, they said, no, we still could not support this bill because we are concerned about the ability to be advocates. Then my question is, have they let their donors know that that is one of the things they have in their mission statement? Have they done a good job when they have done fundraising for these other activities of protecting the blood supply, working on emergency preparedness, of telling people, well, we also think it might be important that we could preserve the right to be a lobbyist? If they have done that disclosure, then they have acted in good faith with their donors.

Mr. SKAGGS. Mr. Speaker, if the gentleman would yield.

Mr. MCINTOSH. Yes, I will yield for a question.

The SPEAKER pro tempore (Mr. EHLERS). It is the gentleman from Maryland's time. Does the gentleman yield?

Mr. EHRLICH. The gentleman will yield for a short followup.

Mr. SKAGGS. Mr. Speaker, does the gentleman not understand that very facile shift from advocacy to lobbying? Now, advocacy presumably does include the work of an organization like the Red Cross to make sure that we are prepared for an emergency or we have a safe blood supply. But with the nice easy elision to lobbying, we are suddenly into a whole different range of activity.

Why is it that we should restrict the ability of an organization like the Red Cross to advocate, not to lobby the Federal Government with Federal funds, that is against the law already, but to advocate for good emergency preparedness at the State and Federal and local level, what is wrong with that? Is that not absolutely consistent with what their donors expect them to be doing?

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. EHRLICH. Mr. Speaker, I will yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, of course the key is to understand, as we were careful to point out in the legislation, despite many misrepresentations that different people have made, is that we did not put in the legislation an absolute prohibition recognizing that some people may say, well, there is a gray line between things that are giving information back to government, and so forth. Some people may see some gray area between that and being an advocate, not an advocate for safety, not an advocate for emergency preparedness, but a political advocate.

So we specified in the legislation that we were not saying there is an absolute prohibition. We simply said that you should not be expending more than 5 percent of your non-federal funds, which is a threshold that has previously been adopted through courts and through the IRS as a key and reasonable threshold.

So we never said that a group could not engage in any type of political advocacy. We just wanted to make sure they were not engaging to any significant degree in that, and that very well takes in any type of gray area with which anyone may have a concern. So the opponents of this bill unfortunately have grossly misrepresented and overstated it, calling it, for example, a gag rule, which is totally absurd.

We have tried to take a common sense approach to it and understand that reasonable people may differ. Yet, I think that just about every American taxpayer who studies the issue would agree, it is wrong for taxpayers' money to be used for lobbying. It is wrong for taxpayers' money being used to prop up and be the difference between success and failure for an organization.

With that in mind, I would like to refer to an audit report which was part of the audit report, and I understand it was an internal audit report for the National Council of Senior Citizens which receives 95 or 96 percent of its budget from the taxpayers. Their own internal audit said the heavy reliance on governmental grants poses a potential danger to the long-term structure of NCSC. Absent such grants, the council would be unable to continue its current level of operations.

This is a group that is heavily engaged in lobbying in this country, and yet without government grants, they would not be able to sustain themselves. They do not have enough private sector support. They depend upon taxpayers' money, and I think that is wrong.

Mr. EHRLICH. Reclaiming my time, Mr. Speaker, I yield to our friend and colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, one of the clarifying things about this aspect is what type of lobbying, and I understand our colleague from Colorado picking an easily discussed case, the Red Cross. To my knowledge, the Red Cross has never put PAC money for or against any Republican or Democrat in either Chamber on this Hill.

There are groups sustained 95 percent by taxpayers' money that give not only 100 percent money to Democrats, but they have to be of a liberal ideological bent. They are not just lobbying for a cause like Red Cross earthquake assistance. They are lobbying to fatten their own coffers, particularly whiplashing senior citizens. If we cannot reform that in this Congress, then there are going to be people coming up here with torches as though this were Dr. Frankenstein's castle to burn this place down in about 4 to 6 years.

Mr. EHRLICH. I thank the gentleman for his comments.

I have a question for our colleague from the State of Washington. He has earlier described some of the ads being run against him. This has really hit him in a very personal way, and the good news being that of the, I believe, 660 phone calls he received?

Mr. TATE. Mr. Speaker, there were 640 positive saying, stick to yur position.

Mr. EHRLICH. Mr. Speaker, with respect to the negative calls, the 20 or 30, did they actually buy what the commercials were trying to sell them? Was the staff able to articulate what these organizations were about and who was funding these organizations?

Mr. TATE. We are getting that message out as each call comes in. Mr. Speaker, our phones light up each time the commercials run. Like I said, 99 percent of the calls are positive. When we do get someone who is misled by what I call the big lie at taxpayers' expense, we spend the time to talk to them and let them know that they are being subsidized basically by their own tax dollars, and that alone is enough to outrage them. But when they find out that the advertisements are a complete misrepresentation of what the truth is, they are even more outraged.

Mr. EHRLICH. Mr. Speaker, The short follow-up question, the gentleman is one freshman.

Mr. TATE. Right.

Mr. EHRLICH. How much money with regard to the gentleman's best estimate at this time has been spent by all of these organizations just in his district within the last month?

Mr. TATE. Mr. Speaker, within the last month, we estimate about $165,000. That is the estimate that comes out of the newspaper by these particular organizations in their press conferences; $80,000 by Stand Up For American Families, which once again is an umbrella group for the AFL–CIO, which received millions of dollars in ads. The other one was for the Saving America's Families Coalition, another organization made up of the national seniors, the Council on Senior Citizens, the organization that receives over 95 percent of their money from the Federal Government.

So, to answer the gentleman's question, $165,000 that we can identify just from newspaper reports, not counting the countless Medicaravans and other misrepresentation of the truth that are subsidized once again by the taxpayers, $39 billion every year is being spent on lobbying, welfare for lobbyists.

Mr. EHRLICH. Mr. Speaker, I believe the chairman of the subcommittee, the gentleman from Indiana [Mr. MCINTOSH], has a comment as well.

Mr. HOYER. Mr. Speaker, after that I would like my friend from Maryland to yield.

Mr. MCINTOSH. Mr. Speaker, if I could point out one thing that I think is undermining a lot of the public confidence of charitable groups, that is when they see activities like we are describing where groups who are supposed to be engaged in charity in fact turn themselves into political groups and engage in that type of activity.

That comes on the heels of a few years ago tremendous scandals with the United Way and groups where they were misappropriating funds. By the way, they have cleaned up their act. I certainly hope they end up supporting our effort to end welfare for lobbyists to reassure people that they have changed and do not want to see the continued practice where a charity says they are doing one thing and then in fact does something else with the money they have raised. In this case it is engaging in political tactics that are totally unacceptable because they are misleading the public about very key and critical issues.

So there is a question of confidence about what can citizens expect from charitable groups. We heard from a lot of the charities who are very active in a day-to-day basis in helping people, saying they want to see this bill passed because they want to restore that confidence. They want us to go forward in this area and clearly separate lobbying and political activities from charitable activities.

So I think we can do them a tremendous favor in this country by helping to restore that confidence.

I also appreciate the gentleman from Washington being willing to share with us his experience in his State as an example of what has been happening there.

Mr. EHRLICH. Although this is highly unusual, out of an overabundance of friendship for my colleague, the gentleman from Maryland [Mr. HOYER], I will yield to him for a brief question.

Mr. HOYER. Mr. Speaker, I appreciate very much my friend from Maryland yielding. We are pleased to have him as a member of our delegation, even though from time to time we may disagree.

I ask my friend from Maryland, I have a letter here addressed: Dear STENY. It makes some comments, but it concludes with this: ''To unduly restrict our ability to work with governmental representatives and agencies through the additional regulation envisioned by the Istook amendment would

not be in the best interest of millions of people who rely on the Red Cross when help cannot wait. Sincerely, Elizabeth.''

□ 1645

All of us know that Elizabeth Dole, the wife of majority leader of the Senate, is head of the Red Cross. Throughout this letter, as the gentleman may know, she is very concerned about the Istook amendment's proscription on the ability of the Red Cross to advocate positions which it believes to be in the best interest of the people of this country.

Mr. EHRLICH. Mr. Speaker, I thank my colleague from Maryland for asking a very legitimate question and I know my colleague from Oklahoma, who has had very, very recent communications with the Red Cross, as well as my colleague from Indiana, wants to answer my friend's question.

Mr. ISTOOK. Surely.

Mr. Speaker, I think what we have seen is there has been a vast disinformation campaign that has been stimulated by groups receiving Federal funds. They have made contracts, they have made some, frankly, scurrilous statements to all sorts of organizations, trying to use scare tactics, and certainly they have prompted concern to be expressed by those groups. What we have certainly done, in working on this legislation, is to have an open door policy, whether a group is for us or against us or in between, for an explanation.

We have certainly been working with the Red Cross both to explain to them the difference between what was told to them prompting their communications and what is really being pursued, and to make sure, of course, that the final form of the legislation is a form that does not put any undo restrictions on any sort of legitimate charitable organizations. What we have to do is make sure that the legislation has the appropriate filter to separate the good from the bad from the ugly.

Mr. Speaker, just because a group is organized with a so-called nonprofit structure does not mean that it has the reputation of the good deeds that the Red Cross, of course, is noted for. So we are working with the Red Cross and other organizations to address all legitimate concerns that are brought to our attention, and I think that is going to be reflected in the final product.

Mr. HOYER. Would the gentleman yield so I can enter into this colloquy?

Mr. EHRLICH. Yes, I would yield to the gentleman.

Mr. HOYER. Mr. Speaker, I understand what the gentleman has said. Presumably, Mrs. Dole, who has an ability to find out about the substantive legislation, in her letter to me of September 11 understood the legislation as it was then crafted; is that what the gentleman says? And if that is the case, have there been changes made since September 11 to the Istook amendment?

Mr. ISTOOK. What we have said, and the gentleman is aware, of course, from being a conferee with me on the Subcommittee on Treasury, Postal Service, and General Government, what we have said, I have said it to the gentleman from Maryland [Mr. HOYER] and to the gentleman from Colorado [Mr. SKAGGS], I have said it to Members of the Senate and the House, and conveyed it to White House representatives, that anyone who has constructive recommendations to make sure that this legislation is put in its best possible form so that it does not have unintended consequences, we want to listen to and we want to work with.

We do have a problem sometimes with some groups, rather than trying to make constructive recommendations, they make a knee-jerk reaction just opposing it, and, frequently, that comes from organizations that are heavily dependent on Federal funds and there is, as the gentleman knows, a lot of discussion about it and a lot of representations made to people about what is or is not in the bill.

We want to work with all persons that are concerned, and that will be reflected in the final product.

Mr. EHRLICH. Mr. Speaker, in further answer to my colleague from Maryland's inquiry, I recognize my friend, Mr. MCINTOSH.

Mr. MCINTOSH. And let me say, Mr. Speaker, in the effort of being constructive in this, our subcommittee of the Committee on Government Reform and Oversight will be having hearings further into the application of this bill. One of the hearings will be taking place next Thursday. We have invited Mrs. Dole to come and talk with us about areas where she thinks she might be hindered in her legitimate charitable activities so that we can address that problem.

We will also be asking if there are areas where she wants to cross over into the lobbying area, and is that more than 5 percent of their budget or would they be protected with that provision. I think that will allow us to build a record there of exactly how this bill would work, and, hopefully, reassure her of that.

I am looking forward to next Thursday and, hopefully, Mrs. Dole will be able to join us at that hearing.

Mr. TATE. Mr. Speaker, would the gentleman yield.

Mr. EHRLICH. Mr. Speaker, I want to further yield to my colleague from Washington, but I think my colleague from Maryland raises a very legitimate point. I want to enlarge it, however, because one of the prime criticisms of our initiative has been, quote-unquote, defunding the left.

If anything has occurred over the last few weeks, Mr. Speaker, it is a fact that groups from the right, the middle, and the left have problems with this legislation. I was driven by no particular philosophical orientation in becoming a cosponsor, along with these two gentleman, of this bill, other than my philosophical orientation to give the American taxpayers a break.

We have groups, I know, on the right who have opposed this bill; now we have groups on the left and in the center. I believe the ''defunding the left charge'' is now an empty charge. And certainly if we look at the groups actively lobbying against this bill, it just does not make sense.

Mr. Speaker, I yield to my colleagues from the State of Washington.

Mr. TATE. Mr. Speaker, I have two quick questions in response to the comments from across the aisle to the chairman of the committee. What is the threshold, Mr. Chairman?

Mr. MCINTOSH. The key threshold is that for groups who take no Federal money at all, they are not covered by this provision. They can lobby. They can do whatever they would like to with their money.

For those groups who do take a Federal grant, are subsidized by the taxpayer in their activities, they can spend up to 5 percent of their own funds, no money from the taxpayer but 5 percent of their own funds, to lobby, and we are allowing that so they can be advocates at the local and Federal level. But when they start becoming predominantly a lobbying group and go over that 5-percent threshold, we are asking them to give up that taxpayer subsidy.

They make a choice, Mr. Speaker, they can be a lobbying group or they can be a charity, but we are not going to let them lobby with taxpayer dollars.

Mr. TATE. One last question, I guess a two-part question. One is, the 5 percent, up to the first $20 million. That would work out to be a million dollars in lobbying, is what we are talking about. Not exactly shutting down lobbying, as we know it. They would still be able to lobby. They should be able to get the job done on a million dollars.

And after that first $20 million, as I understand it, it is 1 percent after that. So we are talking about a significant amount of money. We have not ended it all together. We are not limiting free speech, but we are putting some limits so they cannot abuse the process, if I am not mistaken.

Mr. MCINTOSH. That is correct, and if the gentleman will continue yielding.

Mr. EHRLICH. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. MCINTOSH. Let me also point out another key feature of the legislation. If a group decides to spend up to a million dollars in lobbying, they have to disclose that to their donors, so that we cannot have this secret effort on lobbying on the one hand with a group that is posing as one that is doing good works in charities when they go out to solicit money from the public. I think the donors have a right to know about that activity when they are making contributions as well.

Mr. EHRLICH. Mr. Speaker, reclaiming my time, the gentleman just analyzed the various categories of recipients, and it is true, is it not, that category A, those groups who do not take any Federal grants, account for 9 percent of all the groups we are talking about; is that correct?

Mr. MCINTOSH. That is correct, although, as the gentleman from Oklahoma pointed out earlier, those small percentage who do receive Federal funds receive enormous amounts of Federal funds, and yield a disproportionate influence.

Mr. HOYER. Would the gentleman yield?

Mr. SKAGGS. Would the gentleman yield on that point about who is covered?

Mr. EHRLICH. Mr. Speaker, I yield to my good friend from Maryland.

Mr. HOYER. I thank my good friend from Maryland, Mr. EHRLICH, who makes a point that this legislation was originally perceived as defunding, trying to defund the left. He points out correctly that those in the middle and those on the right have now raised similar concerns to those on the so-called left.

As a matter of fact, I have in my hand another letter from Fred Kammer, Father Kammer, who is president of Catholic Charities of the United States of America. I do not know whether the gentleman from Maryland puts them on the left or on the right or in the middle. I would suggest they probably have a number of views which fall into maybe all of those categories at any given time.

Mr. EHRLICH. Depending on the issue, I guess.

Mr. HOYER. Depending on the issue. That is the point I make. I would suggest this is a very serious issue, and we are discussing it seriously, and I think that is important for the American public.

I have read a number of legal opinions, or CRS reports, including Professor Cole from Georgetown University Law Center, the law center from which I graduated. I have not seen a case that justifies or condones or holds constitutional the proscription of private dollars, nonpublic dollars, on lobbying or contact of government or trying to impact on policy activities of nonpublic groups.

Furthermore, let me suggest not only is that why it is a serious issue, because whether it is left, right or middle, we believe this is violative of the constitutional right to free speech and the right to petition one's government, but, in addition to that, I say to my friends, who I know feel very strongly about this, that the issue here is the reason so many of these groups have public funds is because we have decided as a Congress and as a people that it is better to give to the American Red Cross or the Catholic Charities or some other group funds to solve certain problems.

They are not necessarily doing us a favor. We are not doing them a favor by giving them these resources. In fact, we have judged that Catholic Charities does good work, and we want to give them resources because we believe they will more effectively distribute those funds than will the government.

So I say to my friend, as he can see, it is not just that, yes, they have Federal funds, because we have decided that we believe they can apply those funds effectively. As a matter of fact, I think that is consistent with some of the philosophy that Members on the other side of the aisle have discussed recently.

Mr. EHRLICH. Reclaiming my time, I intend to yield to the gentleman from Oklahoma, who is chomping at the bit over there, but, first, two points.

First of all, the gentleman raises a very legitimate point, again, with respect to the mission of these nonprofits and for-profits we are talking about, because that also has been lost in this dialog, the fact that we also cover under our version of this initiative for-profits.

Mr. SKAGGS. And individuals, too.

Mr. EHRLICH. No, no.

Mr. MCINTOSH. Actually, they are expressly exempt.

Mr. SKAGGS. Wrong.

Mr. EHRLICH. Mr. Speaker, the gentleman is right. Over the years, there has built up a momentum so that certain organizations have not only assumed a responsibility for their original mission but also a dual responsibility to advocate on behalf of their mission.

That is the bottom line philosophical question here when we get down to it, where that line really should be drawn. We believe that line has gone out too far, and I think we have some evidence presented with respect to Members of the freshman class, particularly concerning advocacy efforts around the country today in support of that point.

Also, the gentleman from Maryland, being a learned lawyer of good reputation, I will have delivered to his office tomorrow a memorandum from Professor Harrison, I believe from Virginia concerning the constitutionality of the Istook-McIntosh-Ehrlich initiative, which the bottom line is that it is constitutional. In fact, government does this all the time, attaches specific requirements, and I will yield in a moment to the gentleman from Indiana, but I will be glad to engage my friend from Maryland in a colloquy after he has an opportunity to read that memorandum as well.

I will at this time yield to my friend from Oklahoma, Mr. ISTOOK.

□ 1700

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding.

I would like to address the two points that the gentleman from Maryland mentioned, one regarding court decisions. In 1983 the U.S. Supreme Court, in the case of Regan versus Taxation With Representation, addressed that point when a group wanted to engage in lobbying and wanted to have Federal subsidies for that through the Tax Code.

The Court noted that Congress does not have to subsidize lobbying. In fact, the U.S. Supreme Court specified that ''The Federal Government is not required by the First Amendment to subsidize lobbying. We reject the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State.''

The notion that the government has to buy you a microphone or buy you a newspaper or give you funds with which to carry on your lobbying activities, I think is blatantly absurd. The taxpayers are not required to subsidize lobbying. If a group wants to lobby, that is fine. That is their constitutional prerogative, but it is not free speech if they say, ''We want the taxpayers' money.'' That is a clear delineation and distinction.

The gentleman also mentioned, of course, Mr. Speaker, something from someone at Catholic Charities, U.S.A. He may not be aware, Catholic Charities, U.S.A. annually receives from the taxpayers, from the government, almost $1.3 billion. It is two-thirds of their operating budget. I think there is a bona fide question, anytime an organization has that level of funding, whether they are really an organization separate and apart from the government, or themselves have become an extension of the government.

If we have that kind of money flowing through the Department of Health and Human Services or HUD or the EPA or the Labor Department or Education or anything else, we would insist upon safeguards to limit its use, to assure it is not used for lobbying or political advocacy.

When any group has that level of its funding, $1.3 billion, just a little under that, two-thirds of its budget coming from the U.S. Government, we have a serious question at what point do they cease to be a private group and become an extension of the government.

We are talking about safeguards with taxpayers' money. We are trying to be very reasonable and prudent in the approach. We are open-minded, we are listening to that, but this is a severe problem that does need to be addressed.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. EHRLICH. I yield again, for the third time, to my colleague, the gentleman from Maryland.

Mr. HOYER. I want to thank profusely my colleague from Maryland, because I know this is their special order, but this is an important issue. We need to discuss it back and forth.

I would say to my friend, the gentleman from Oklahoma, for whom I have a great deal of respect, because he is one of the hardest working Members of this House, he has a good intellect and is industrious in applying that intellect, but I would say to my friend in this instance, he does reference language, but that language refers, as the

gentleman knows, specifically and exclusively to taxpayers' money. The gentleman's amendment relates to nontaxpayers money, because it would not be necessary, because under present law, taxpayers' money is already legally precluded from being spent on lobbying activities.

The gentleman seeks to get at non-Federal taxpayers' money. That is the very significant and important distinction that the Court draws. It drew it in Russell versus Sullivan, it drew it in the Regan case that you referred to, and it has drawn it in every case that I have reviewed.

Mr. Speaker, I would say to my friend, I thank him for yielding, and look forward to reading the memorandum that he is going to provide me with, but that is the nub of this issue. We are not talking about taxpayers' funds, we are talking about private funds.

Mr. EHRLICH. There is also a question here with regard to fungibility, and I know my colleague is going to address it.

If you read the Regan case, it was not a question of whether the subsidy would be received in the form of a check. The question was whether the organization would enjoy the tax-exempt status which, as the U.S. Supreme Court said, is a form of subsidy, just as a Federal check, a direct payment, would also be a form of subsidy.

Mr. ISTOOK. Mr. Speaker, if the gentleman will yield further, speaking both in terms of money received from private sources but protected by the Tax Code, private money but therefore, a form of Federal subsidy, or direct payments from the Government and therefore also a Federal subsidy, the Court applied the same standard in the language of the Regan case to both of them when it mentioned and held that taxpayers are not required to subsidize political activity or lobbying activity, whether that subsidy came in the form of a direct payment from the Government or whether it came in the form of favorable treatment through the Tax Code, even though you were talking about the use of privately earned money.

So I would submit to the gentleman that the Court was addressing funds from a private source as well as funds directly from a public source.

Mr. EHRLICH. Mr. Speaker, I would say to the gentleman from Maryland, I am happy to have had his part of the colloquy. This is a very important issue. He has raised some very important questions. I know you disassociate yourself from some of the terms that were used to describe the three of us during the debate on this floor a few weeks ago. That is why I specifically recognized both the gentleman from Colorado [Mr. SKAGGS] and the gentleman from Maryland [Mr. HOYER]. They are both well respected and we appreciate their input.

Mr. MCINTOSH. Mr. Speaker, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Indiana.

Mr. MCINTOSH. I thank the gentleman for yielding.

This is really in response to the question from our colleague, the gentleman from Maryland. One of the things we heard in our subcommittee over the summer when we had hearings on this was that there are groups out there who receive Federal funds and actually violate the provisions of their grants, and end up using those funds to, in the case that came before us, to conduct a symposium on how to lobby local governments. When the agency was notified of this, they did nothing to prevent that and did not ask that the grant be repaid and, in fact, were implicitly condoning that type of activity.

Therefore, I think some of the bill's provisions we have are aimed at, first, forcing disclosure on how both the private and the public sector funds are spent; and second, making it a very, very clear demarcation that if you are receiving a Federal taxpayer subsidy, you should not be lobbying. That, I think, is a very simple formula that underlies all of this effort, and one that I am very convinced the American people want to see.

Some of the editorial boards in my district have been commenting on this. By the way, they do not agree with a lot of the things I have been trying to do as a freshman Republican in reforming this, but in this area they do think we are on the right track, because, quite frankly, they did not know this lobbying was going on and they do not think it is appropriate to be doing it under the subsidy of a Federal taxpayer grant.

Mr. EHRLICH. It is certainly a new issue, and I think, quite frankly, that has been part of the problem. I know the gentleman from Indiana would agree with me, that certainly has been part of the problem. People were not ready to interpret this issue, to hear the terms of the debate. They really did not know what the status quo was. You may have received some opposition from your local editorial boards, but it is nice to know.

Mr. MCINTOSH. If the gentleman will yield, in this case the editorial boards are strongly in favor of it.

Mr. EHRLICH. That is nice to know, as well.

Mr. MCINTOSH. I will submit for the RECORD some of the editorials they have written. In this case, fairly liberal folks are saying, ''You are on the right track, we need to clean up the outfit in Washington and end this government subsidy of lobbying.''

Mr. EHRLICH. In addition to your local editorial boards, it is nice to know that groups, highly respected groups like the National Taxpayers Union, Citizens Against Government Waste, the National Association of Wholesale Distributors, the Eagle Forum, the Competitive Enterprise Institute, the 60-Plus Association—in fact, we have two senior citizens organizations supporting this initiative—the National Association of Manufacturers, and the list goes on and on, a lot of these groups appreciate the importance of this particular initiative. That is why they have come forward to support us.

I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding. I realize our time is running low. I just want to say that I applaud my colleagues for working on this effort, the gentleman from Washington [Mr. TATE], the gentleman from Maryland [Mr. EHRLICH], and the gentleman from Indiana [Mr. MCINTOSH]. I think this is an extremely important issue.

Again, the heart of the matter I think was summed up, I am told, and I did not witness it, but I am told by a colleague that the President was good enough to appear on a local talk show recently while he was visiting another State. The first question asked him was how he felt about groups that are lobbying receiving Federal grants, taxpayers' money being used to subsidize that. His response was to say, ''Well, I am in favor of free speech,'' and then changed the subject.

The essence of this point is it is not free speech. If you have organizations sometimes receiving a half a million dollars, $1 million, $10 million, $76 million, $100 million, over $1 billion, in one case, that is not what we categorize as free speech. We are talking about public money which has to have public protection. If there were a Federal agency engaging in these matters with taxpayers' money, everyone in this body, I would hope, would be outraged. When Federal money is being used to more or less have extensions of Federal agencies or extensions of a political party to do their bidding, that money deserves to have the same safeguards as if it were being spent directly through a Federal agency, and we are trying to honor that principle.

Mr. EHRLICH. What we are really talking about, at a very bottom line, fundamentally, is the Federal taxpayer's dollar being spent on direct service, actually helping the American people. I congratulate the gentleman from Oklahoma [Mr. ISTOOK] for his great leadership on this bill as well.

I yield to the gentleman from Indiana.

Mr. MCINTOSH. The gentleman is exactly right. We are talking about using this Federal money for real services that help people, in contrast to what our colleague, the gentleman from Washington [Mr. TATE] pointed out, where they are funding the big lie and misleading the public about very important issues.

Mr. EHRLICH. What better lead-in to close our colloquy than to yield to our friend, the gentleman from Washington [Mr. TATE].

Mr. TATE. Batting clean-up on this, I just want to thank the gentleman from Maryland [Mr. EHRLICH], the gentleman from Indiana [Mr. MCINTOSH],

and the gentleman from Oklahoma [Mr. ISTOOK] for their leadership on this particular issue, and once again to reiterate $39 billion every single year is spent on lobbying. It comes in many forms, whether it is lobbying against the flag amendment, which we recently had on the floor, or right back in my own district where they are funding $165,000 in radio and television commercials spreading the big lie. And once again, that is taxpayer-funded, if not directly, indirectly, subsidizing the spreading of the big lie.

What we are trying to do, as the chairman, the gentleman from Indiana [Mr. MCINTOSH], has said, is bring trust back in Government. People will know that when money is sent to the Government, it is being spent as it is designed, not for partisan politics. It should be spent to help the people of the United States and spent wisely. What we are trying to do is bring trust and responsibility back to Government, and this really puts faith back in Government. I am excited by what you folks are doing, and I just want to commend your work on this issue.

Mr. EHRLICH. Directed to the gentleman from the State of Washington, you have helped me to regain some of my faith; not that I have lost much, it has been a great 8 months here, but your constituents can still discern the difference between the truth on one hand and a lie on the other, and I think you will be all the better for it. I thank my colleagues very much.

## AMERICAN CITIZENS RECENTLY SENTENCED TO IMPRISONMENT IN COMMUNIST VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 30 minutes.

Mr. DORNAN. Mr. Speaker, we have a tragic situation going on, as this, the most powerful, deliberative body in the free or democratic world, meets. We have American citizens sentenced to 7 and 9 years of imprisonment in Saigon, and some day it will be renamed Saigon again, not named after a Communist killer named Ho Chi Minh. Just as Lenin's name was removed from beautiful St. Petersburg in northern Russia, and as Stalin's name was removed from a strategic battle area in World War II, Stalingrad, and the city has back its less bloody name of Volgograd, some day it will be Saigon again. So as a free man, I will continue to call it Saigon.

In Saigon, and I want to speak slowly for our official recorder of debate here, so we get these names right, and unfortunately, the Americans sentenced to prison in Saigon are naturalized Americans; as was Alexander Hamilton naturalized, as is Henry Kissinger, as are a lot of great Americans who have invented things and fought and died for this country and our liberty.

Unlike Harry Wu, who I had a chance to meet as he was testifying before the Committee on International Relations of the gentleman from New York, BEN GILMAN, they did not affect Christian first names, probably because they are not Christians, they are Buddhists. But if they had taken an anglicized name, it would be easier to imprint in the consciousness of the American people and freedom-loving people in Europe and around the world the name of a victim of Communist tyranny, as we were able to do with Mr. Wu, because he took my father's first name, Harry. ''Harry Wu'' became a battle cry for liberal Democrats like the gentlewoman from California, NANCY PELOSI. It got all mixed up with the trip of the First Lady over to the Beijing Conference, the very controversial U.N. conference.

□ 1715

So much international pressure that the Chinese communists in Beijing knew there would be no trip of Hillary Clinton if they did not release Harry Wu.

But meanwhile, in the other Chamber, and I am going to go slow here so that I do not skirt a line and violate comity with the other Chamber on the north end of this building. But how is it that the Senate could vote yesterday blocking Senator BOB SMITH of New Hampshire's reasonable amendment, endorsed by the chairman of Foreign Affairs, Mr. HELMS, the chairman of Defense, Mr. STROM THURMOND, and the leader of the Senate and leading presidential candidate, BOB DOLE? How is it that a bunch of Republicans over there could dismiss Senator SMITH of New Hampshire's reasonable amendment that no trade negotiations could be furthered with United States taxpayers' money, let alone setting up an embassy in the communist capital of Hanoi, unless these human rights violations are reversed and these two Americans are set free, as Harry Wu was set free in China, and that we get a fullest accounting, that is a very key word. Not ''full'' or ''fully.'' But ''fullest'' means reasonable accounting with the communist giving up the politburo and the Communist Central Committee records on our missing in action.

Unless those two things, and a handful of other reasonable small things, are conformed with by this communist government in Hanoi, as we put tremendous pressure on Castro and the communist government in Havana Cuba today, unless these reasonable requests are taken care of, then no money from the taxpayers of the United States Treasury should be provided to the communist government in Hanoi.

There is a cover story on a national magazine in the last couple of weeks about communism being far from dead. Not as long as it is persecuting 1,260,000,000 people in China. That is the United States plus a billion people. Not as long as Russia is rebuilding its KGB apparatus under a new name, under one of their old leaders, Yevgeniy Primakov. I have met with him in KGB headquarters with HENRY HYDE some years back. He is now helping to build up the intelligence capability of terrorist states like Iran, so designated by the State Department, even under liberal leadership under Clinton's appointed secretaries and under Secretaries.

Not only do we have that emerging problem in the much-reduced empire that is now down to Russia and a few adjoining countries they consider within their hegemony, countries that rely on them for gas and oil and other critical things to keep cities running. There are terror regimes still, depending on how you count the numbers of people that are terrorized, in Cuba, North Korea, we do not get much argument on North Korea, and communist Vietnam.

Very few, if any, Democrats in the other body, and most of the Republicans who voted against Mr. SMITH, all of them as a matter of fact, they dropped the word ''communist'' from any discussion of Vietnam and Hanoi, using it occasionally because ''socialist'' is in their title, as it was with all the communist countries at the height of the cold war when they were killing and jailing people by the tens of thousands, and killed hundreds of thousands, if not millions, in the Vietnam Southeast Asia area and in the Korean War. They always substituted the word ''socialist'' for ''communist.'' Even they knew the dreaded impact of the word ''communist.''

But with Cuba, North Vietnam, now all of tortured Vietnam, North Korea, and communist China still engaging in massive human rights violations, why are two naturalized United States citizens written off, rotting in prison for 2 years this November in Saigon?

Here are their names: Nguyen, N-G-U-Y-E-N which is the Vietnamese cultural equivalent to Jones and Smith combined. It is the most common name in Vietnam society. Nguyen Tan Tri. Not a hard name to remember. Nguyen Tan Tri.

He was given a 7-year sentence. Tran Quang Liem. My ninth grandchild is named Liam, Irish-Gaelic. Liem should not be so hard to remember. Mr. Tran and Mr. Nguyen, 7 and 4 years respectively sentenced, and the U.S. State Department said it was unwelcome; that it was an unwelcomed deed.

Further on in the press release from an Associated Press story on August 16, the day after they were sentenced during our break; no one here to speak up for them on the House floor, myself included, the State Department statement goes on further to say that it was ''disappointing.'' ''Disappointing and unwelcomed.''

Disappointing, because the sentence happened 6 days after the U.S. Secretary of State, in the job that was first held by Thomas Jefferson, whose beautiful marble medallion is up here, Warren Christopher posed in front of a bust of communist killer, Ho Chi-Minh,

and 6 days later American citizens are sentenced to 6 and 4 years. Teddy Roosevelt, where are you when we need you to speak up for these two lost American citizens, Nguyen and Tran?

And by the way, they are both constituents of the Orange County delegation from southern California. Then, another constituent who used to be one of mine when he first fled communism and arrived in Westminster, that city since the reapportionment is now represented by my pal, DANA ROHRABACHER, this gentleman is thrown in prison—a businessman who went over there to promote democracy peacefully. But the communists have found out that if they capture businessmen, just like they are some Mafia thug operation, they can demand from their family in the United States ransom money, like it is King Richard the Lionhearted.

We will spit them out of our communist country if you give us ransom money; $15 thousand is the going price. This businessman from Westminster, a member of the Lien Viet party, his name is Van Thanh Nguyen.

Here is a lady from Corona, just up the road from me, the first city out of my district into L.A. County. She is another businesswoman, one of seven thrown in prison, ransom being demanded on them. Her name is Mrs. Binh Thy Nguyen, and then her married name, Tran. You can call her for short, Mrs. Binh Tran. She is rotting in prison.

She was pregnant when they arrested her, and because she was 2 months pregnant and in great emotional distress and complications set in, they forced her to have an abortion. This is not China I am talking about, killing babies for gender selection and infanticide, on top of an abortion Holocaust even worse than the United States toll of 1,500,000 American babies killed in their mother's womb. This is forced abortion in Saigon by a communist government. It is unbelievable.

How about a monk, a Buddhist monk? Considering how it turned America's newspapers upside down when Buddhist monks immolated themselves in 1963 and 1964. Here is a monk who, without government permission, went to help the flood victims of the constant flooding, seasonally, of the Mekong River, and because he did it as a religious person, a Buddhist monk and a leader, he gets 4 years in prison. I will look up the exact time he is going to have to rot in prison. He goes to prison. They would not even give him the dignity of his religious name. His religious name is Thich Quang Do. They tried him under his former name, before he became a priest, and he is a deputy leader of the Unified Buddhist Church in Vietnam. But that is a church that believes in a Supreme Being, so it is banned in Vietnam.

They said, ''You are undermining national solidarity,'' these are the communists speaking, ''and taking advantage of the right of freedom and democracy to damage the interests of the government and social institutions.''

So, of course, great bipartisan groups like Human Rights Watch/Asia, have attacked this. Again, weak words from our State Department. So the Ho Chi Minh City, that is Saigon, People's Court jailed this monk for 5 years.

This is going on while the U.S. Senate debates, and my colleague, BOB SMITH, pours his heart out. And then another one of my friends gets up and attacks me and another couple of Members of this House.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, I may have to ask for some parliamentary guidance on this. I was described as insignificant, Mr. Speaker, by a U.S. Senator. That is OK. I am a peacetime combat-trained warrior. But our colleague and friend, one of the greatest heroes, including all the heroes who came home from World War II, who serves in this Chamber, was attacked also as insignificant, SAM JOHNSON of Dallas, TX.

SAM spent 7 years in Communist captivity; 3½ years in solitary confinement. Was one of the most tortured men, and one of those so loyal that like other people, would not play basketball or volleyball or decorate fake Christmas trees, because he knew they would be filmed and used in propaganda films. He and 10 other men stood up to the Communist manipulation of them.

He was put in a little camp that they, with great American bravado and spirit, called Alcatraz, and for 11 years, Senator Jeremiah Denton, who served 6 great years in the other body, and Coker and McKnight and another hero who just died recently in a plane crash that his grown son mercifully survived, God's calls are strange indeed, sometimes. Eleven of the best, including a man who got the Medal of Honor that Alcatraz camp, who Ross Perot chose to be his Vice President in 1992, James Bond Stockdale.

They are all on a letter that I will put in the RECORD saying that we should not normalize relations with Vietnam.

My squadron commander, Robby Risner, also tortured months on end, as was SAM JOHNSON and James Bond Stockdale, decorated with the Air Force Cross. They are in agreement with me. Are they also insignificant, as this Senator has called me?

I want to ask a question to the Chair, because I want this to be perfect, what I put in the RECORD according to our rules of the House. Since I am mentioning a Senator, responding to him, trying to be respectful, I am not allowed to mention his name; is that correct, Mr. Speaker? Would you ask the Parliamentarian.

The SPEAKER pro tempore (Mr. HOBSON). For the benefit of the Member, the Chair will read the pertinent language of clause 1 of rule XIV. ''Debate may include references to actions taken by the Senate, or by committees thereof, which are a matter of public record, and factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, but may not include characterizations of Senate action or inaction, or other references to individual Members of the Senate.''

Members will recall that on October 8, 1991, the Chair held as unparliamentary remarks in debate advocating certain Senate action with respect to the pending nomination of Judge Clarence Thomas for appointment to the Supreme Court.

Members should be guided by that recent precedent. The Chair expects the cooperation of all Members in maintaining a level of decorum that dignifies the proceedings of this body and maintains comity with the other body.

Mr. DORNAN. Mr. Speaker, you will certainly get that. Let me ask one clarification problem. Yesterday's CONGRESSIONAL RECORD is public record now. Now, how can I discuss that debate and the words in that debate? Further clarification, if I do not mention a Senator's name, can I read his—well, I have already eliminated the seven or eight women over there—can I read his remarks from the public RECORD, the CONGRESSIONAL RECORD of yesterday? I know I can give the results of the vote.

The SPEAKER pro tempore. It is the Chair's understanding that the reference is improper unless there is a measure under consideration in the House.

Mr. DORNAN. There is.

The SPEAKER pro tempore. Only when under debate, then on the floor of the House, that the gentleman should refrain from referring to the proceedings in the Senate.

Mr. DORNAN. Right There is nothing on the House floor now, except my Special Order. So that is not the business relating to this business of Vietnam.

However, we have in conference a unanimous agreement by voice vote, with the only debate carried by the aforementioned SAM JOHNSON of Dallas, TX, a House item in our International Relations conference that no money shall be expended from the U.S. Public Treasury to send an ambassador to Vietnam, or to increase the size of our delegation there beyond what is was on July 12.

Now, since that has already passed the House and it is in conference, and the conference is pending, and I am meeting with the conferees in 5 minutes, does that make me able to make the case in countervention to the Senate case made yesterday that lost 58 to 39?

□ 1730

The SPEAKER pro tempore (Mr. HOBSON). The short answer is no, you may not speak in characterization of that.

Mr. DORNAN. Right. OK, let me broaden this.

Mr. Speaker, I am not a courtroom attorney, and I do not want to be unfairly clever since I have already mentioned part of this, and do a Jonathan Swift ''Gulliver's Travels'' trick here that I see happen all the time on the other side of the aisle now, and talk about characterizations. But let me broaden it out then to those people out there in America who try to compare Vietnam to Germany where we won the war, hung the war criminals, walked the battlefields, solved most missing in action, captured most of the archives, and sill had young Americans disappear into Stalin's gulag. Because our Soviet ally became our enemy before the ink was dry on the German unconditional signed surrender.

When this debate is couched in these terms on Communist Vietnam, that people hope the debate will go away, that it is over, the inflammatory language coming only from the House of Representatives, so few in number, although there is more than a few of us, that we are insignificant, that Mr. Clinton was right to normalize relations with Vietnam. Actually, that was his fifth deed in a rapid 18 months to try and insert this Communist dictatorship into the civilized nations of the world. And when people say that the Nation breathed a sigh of relief that Vietnam was finally over, it is not over for the families of missing in action Americans.

It is not over for the families of all of these people I have just discussed who are now in filthy, Communist dungeons in Saigon. It is not over for those who were arrested and throw in prison in Hanoi for wanting open elections. This is what is causing Castro to be embargoed into his fourth decade, because he will not have an election. He is dictator for life.

What do we have in North Korea? For the first time in history, the worst of royal bloodline governments combined with Communist tyranny. A vicious dictator, Kim Il Sung, turns the reigns of power over to his pornography-loving and collecting son, Kim Jong Il, and it is ill for the country.

They are busy with Communist China and Iran, developing missiles and nuclear warheads to combine them with those missiles, and we have to spend millions and millions of United States taxpayers dollars to watch them like a hawk, with satellite imagery and slant imagery from outside their borders to make sure that they do not ignite that whole pathetic torn little peninsula into yet another Korean war.

Remember, when Clinton went to the dedication of one of the most stirring, tear-ripping memorials in this city, the Korean War Memorial, different from the Vietnam Memorial which was made sacred the second the first hero's name was chiseled into the wall, but to this date, still does not have an American flag on it. The American flag was pushed into the woods along with the statute of three heroic Americans coming out of the woods looking at the State Department, one African-American, one Hispanic heritage American, and one just generally Anglo-looking American. That statue and a plaque at the base of the flag that says they served under difficult circumstances. Yes, alluding to a war criminal named Robert Strange, and Strange in his mother's maiden name. People ask me if I make that up. Robert Strange McNamara, a war criminal, is on his way to Hanoi and it is being set up for him by the Council on Foreign Relations.

Friends of mine like our speaker and Alexander Haig and Bill Buckley, my pal, and other distinguished Americans who belong to the Council on Foreign Relations, ask me why I have never joined and why my friend, Ronald Reagan, who slam-dunked George Bush in 1980 on February 23, 1980, and I was the only one there for Reagan when he said, ''I do not belong and I never will.''

They wonder why some of us find not a conspiracy, but an elitist group, people who do not care about the average family as kids die in these wars. They are sending a team over to Hanoi next week to grease the path for war criminal Robert Strange McNamara who walked off the battlefield on the bloodiest month of the war, January 30 through February 29. He resigned on leap year day, February 29, 1968, so he would only have to think about it every 4 years, and then he went on vacation for a month at Aspen and skied while our hospitals were filled to capacity, the worst month of the whole 10-year decade, with amputees, double amputees and yes, triple amputees, more blind American soldiers in hospitals, four or five nurses dead, women captured and dying on the Ho Chi Minh Trail, forced marches up to the North, and McNamara is skiing in Aspen for the whole month of March in 1968.

But that wasn't enough. Then he went to the Caribbean for another week to meet with officials that he was going to serve with at the World Bank, and then he went off to the World Bank, thanks to one of our corrupt Presidents, corrupt in all of the history books if you read them, and not even carefully, either, it is right out there blatant. Ask Bill Moyers about corruption, including womanizing.

Then we see McNamara at the Caribbean about to start drawing his World Bank salary that he drew for 13 years at $250,000 a year. I must slow down and say this carefully three times: Tax free, tax free, tax free, and the Library of Congress told me in now dollars that is between $900,000 and $1 million a year. For 13 years McNamara, the architect of Vietnam, who created that immoral, sick vocabulary of gradualism, escalated response, strategic hamlets, body bags, fire fights, body counts, free fire zones, and the worst of all to airmen, Mig sanctuaries and SAM missile sites protected as they are built and only allowed to be targets intermittently after they have killed your wing man. Unbelievable.

And people are saying, in this city, that it is good, that Vietnam is over and the American people overwhelmingly want it over.

Well, I guess I cannot put the CONGRESSIONAL RECORD in the RECORD here. It would be redundant, but I would like it to be a part of my debate, so I would ask people, the million-plus audience of C–SPAN who quite intelligently and historically follows the proceedings of this Chamber, Mr. Speaker, I would tell them that I can read this, something congratulatory, BOB DOLE saying he hopes the House language prevails on the Missing In Act we are trying to enact into law. Here is a letter from 85 former POW's. Lt. Gen. John Peter Flynn, Robinson Risner, Brigadier General, my former squadron commander, SAM JOHNSON, our proud Member of Congress, Eugene ''Red'' McDaniel, the most tortured man in all of those captive men. Anybody tortured beyond him died under torture. And ''Red'' was one of the ones that helped to get this letter. I am looking at those who have written great books and are still inspirational speakers. Charlie Plum. It is a roll call of the bravest and the best. Michael Benge, who was over there 11 years, Col. Ted Guy, who testified before my Military Personnel subcommittee on June 28, Ted Guy, 4 years in solitary confinement. He was Senator JOHN MCCAIN's commander at the Plantation POW camp.

Look at this list. Here is Jack Bomar, one of the four colonels. They had four bird colonels in their hands. Leo Thorsness is my pal, Medal of Honor winner, former Senator in the State of Washington, now president of the Medal of Honor group.

As former POW's in Vietnam, here is what they say led by Red McDaniel, now president of the Defense Policy Association, ''I strongly support the House version of the Missing Persons Act.'' And yet on ''Meet The Press,'' a member of a legislative body around here told me that my figures were wrong when I said most POW's supported the gentleman from New York, Mr. GILMAN, and BOB DOLE'S language on this.

Here is a letter from the National Alliance of Families. I have a letter from Ann Griffith and the League of Families. Here is a letter from the Korean Cold War Family Association of The Missing. These three I am pretty sure, yes, I know I can put them in the record. Vietnam Veterans of America. The Marine Corps League, just came in yesterday. A letter to FLOYD SPENCE, chairman of the Committee on National Security from Ted Guy. Veterans of the Vietnam war from their program director.

Mr. Speaker, I will include all of these following my remarks.

Disabled American Veterans. A letter to my counterpart on the Senate side, chairman of the Senate Armed Services Subcommittee on Military Personnel to DAN COATS, our good friend and

colleague who served with us here. From John Sommer, executive director of the American Legion. I cannot put that in, because it is critical of a member of the other body. The sister of Maj. Robert F. Coady begging that it go in. Pat Plumadore, who has lost a family member. The sister of a marine missing. When I went on ''Meet The Press'' and said that overwhelmingly, veterans groups want this Missing Persons Act, so we will not relive the nightmare of Korea and Vietnam and oppose normalization with Vietnam. When I said most POW's, when I said most Vietnam veterans of that conflict and Vietnam veterans of Korea, when I gave the percentages on most Vietnamese-Americans, and it is about 85 to 95 percent, when I talked about every person of the Democratic Freedom groups in Vietnam and in this country, and there is 1 million Vietnamese-Americans, about 700,000, 800,000 already American citizens, another 200,000 or 300,000, they have great family respect, a better than average birth rate among the Vietnamese community. This year or next, the Vietnamese-American community will tie the valiant anti-Communist Cuban-American community, and the valiant anti-Communist Hungarian-American community. When I gave all of those figures, someone from another legislative body says, ''I do not buy any of Congressman DORNAN's figures or percentages or statistics,'' but offered none on the other side. These are the facts. Get the RECORD from today. I would hope, Mr. Speaker, that any American would get the RECORD from today and read how those of us, who are not insignificant, who are fighting for the honor of the 58,300 men and 8 women's names who are on that wall who should be honored with a plaque at the apex of the wall that simply says, ''These good Americans died fighting Communism.'' Because Vietnam and Korea melted down the cold war, as its two biggest bloodletting subsets in what John F. Kennedy called that long twilight struggle against communism that is not over yet. And for the Vietnamese-American community, as I told them up in New York on August 19, you must study the success of the anti-Communist Cuban-American community and get into the political process, get your LINCOLN DIAZ-BALART's and ILEANA ROS-LEHTINEN's and BOB MARTINEZ's on the other side of the aisle, get people of your heritage elected to this body so that they can speak up to those who would dismiss all of this history in this long struggle, bloody struggle against communism that still goes on against China, Vietnam, North Korea, at least we kept half of that peninsula free, and yes, Cuba, 90 miles from Key West.

Mr. Speaker, I will keep returning, as I told several U.S. Senators in conference, I will return to this issue until the day I die. The motto is, ''faithful until death,'' for me. I am not going to forget the missing or what communism did to Southeast Asia, what it did to Cambodia, the killing fields, Laos, Vietnam with over 100,000 executed, 68,000 people who befriended us, thought we were a superpower and a reliable ally, and they were executed under death orders, under the same Communist killers that shake hands with Members of Congress or are toasted to by Members of Congress and by General Giap who is called a war hero. General Giap is a war criminal who ordered children to be killed. I shall be back on this issue.

Mr. Speaker, I include for the RECORD the material previously referred to.

AMERICAN DEFENSE INSTITUTE,
ALEXANDRIA, VA,
*September 18, 1995.*

Hon. ROBERT K. DORNAN,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN DORNAN: As a former POW in Vietnam and now president of a defense policy organization, I strongly support the 1995 House version of the Missing Persons Act (H.R. 945). I am dismayed to learn of the efforts of some to ''water down'' this important legislation and decrease its impact.

I can think of nothing more critical to the morale of our fighting men than to know that, if they should go missing while fighting America's battles, their country will do everything humanly possible to determine their fate. Especially in view of the tragic manner in which information about our MIAs and POWs in Southeast Asia has been handled by our government, active duty personnel and their families need reassurance of their nation's commitment to them—and in the strongest language possible!

It is hard for me to imagine any high-ranking military officer implying that limited time and resources during conflict preclude accounting for missing soldiers. How can such an officer possibly lead men into battle? Accounting for missing personnel is a matter of military honor—and a matter of national honor.

Sincerely,
EUGENE ''RED'' MCDANIEL,
CAPT, USN (RET),
*President.*

Attachment:
John Peter Flynn, Lt. Gen, USAF (ret).
Robinson Risner, Brig. Gen, USAF (ret).
Sam Johnson, Member of Congress.
Eugene ''Red'' McDaniel, CAPT, USN (ret).
John A. Alpers, Lt. Col, USAF (ret).
William J. Baugh, Col, USAF (ret).
Adkins, C. Speed, MAJ, USA (ret).
F.C. Baldock, CDR, USN (ret).
Carroll Beeler, CAPT, USN (ret).
Terry L. Boyer, Lt. Col, USAF (ret).
Cole Black, CAPT, USN (ret).
Paul G. Brown, LtCol, USMC (ret).
David J. Carey, CAPT, USN (ret).
John D. Burns, CAPT, USN (ret).
James V. DiBernado, LtCol, USMC (ret).
F.A.W. Franke, CAPT, USN (ret).
Wayne Goodermote, CAPT, USN (ret).
Jay R. Jensen, Lt. Col, USAF (ret).
James M. Hickerson, CAPT, USN (ret).
James F. Young, Col, USAF (ret).
J. Charles Plumb, CAPT, USN (ret).
Larry Friese, CDR, USN (ret).
Julius Jayroe, Col, USAF (ret).
Bruce Seeber, Col, USAF (ret).
Konrad Trautman, Col, USAF (ret).
Lawrence Barbay, Lt. Col, USAF (ret).
Ron Bliss, Capt, USAF (ret).
Arthur Burer, Col, USAF (ret).
James O. Hivner, Col, USAF (ret).
Gordon A. Larson, Col, USAF (ret).
Robert Lewis, MSgt, USA (ret).
James L. Lamar, Col, USAF (ret).
Armand J. Myers, Col, USAF (ret).
Terry Uyeyama, Col, USAF (ret).
Richard D. Vogel, Col, USAF (ret).
Ted Guy, Col, USAF (ret).
Paul E. Galanti, CDR, USN (ret).
Laird Guttersen, Col, USAF (ret).
Lawrence J. Stark, Civ.
Michael D. Benge, Civ.
Marion A. Marshall, Lt. Col, USAF (ret).
Richard D. Mullen, CAPT, USN (ret).
Philip E. Smith, Lt. Col, USAF (ret).
William Stark, CAPT, USN (ret).
David F. Allwine, MSgt, USA (ret).
Bob Barrett, Col, USAF (ret).
Jack W. Bomar, Col, USAF (ret).
Larry J. Chesley, Lt. Col, USAF (ret).
C.D. Rice, CDR, USN (ret).
Robert L. Stirm, Col, USAF (ret).
Bernard Talley, Col, USAF (ret).
Paul Montague, Civ.
Leo Thorsness, Col, USAF (ret).
Robert Lerseth, CAPT, USN (ret).
Ray A. Vodhen, CAPT, USN (ret).
Richard G. Tangeman, CAPT, USN (ret).
John Pitchford, Col, USAF (ret).
Steven Long, Col, USAF (ret).
Brian Woods, CAPT, USN (ret).
Dale Osborne, CAPT, USN (ret).
Ralph Galati, Maj, USAF (ret).
Ronald M. Lebert, Lt. Col, USAF (ret).
Harry T. Jenkins, CAPT, USN (ret).
John C. Ensch, CAPT, USN (ret).
Render Crayton, CAPT, USN (ret).
Henry James Bedinger, CDR, USN (ret).
Brian D. Woods, CAPT, USN (ret).
Read B. Mecleary, CAPT, USN (ret).
Ted Stier, CDR, USN (ret).
James L. Hutton, CAPT, USN (ret).
John H. Wendell, Lt. Col, USAF (ret).
John W. Clark, Col, USAF (ret).
Carl B. Crumpler, Col, USAF (ret).
Verlyne W. Daniels, CAPT, USN (ret).
Roger D. Ingvalson, Col, USAF (ret).

SEPTEMBER 20, 1995.

Hon. FLOYD SPENCE,
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN SPENCE: Strong legislation that will ensure the accountability of past and future missing in action (MIA) and prisoners of war (POW) is an absolute necessity. The revelation in the September 18, 1995, U.S. News and World Report concerning former President Bush and the Vietnam POW/MIA issue confirms this necessity.

Many former POWs, family members, activists and I have long suspected and have knowledge of Hanoi continually lying about the accountability of POWs and MIAs. I, and I suspect many others, have felt that U.S. government officials aided and abetted in these lies in an effort to save face. Thus the necessity of a strong and enforceable ''Missing Persons Act.''

As you may or may not know, I was the Senior Ranking Officer (SRO) of all prisoners captured in South Vietnam and Laos and separately interned in North Vietnam. During and after ''Operation Homecoming'' it was disclosed that some of us had been declared 'Killed in Action. Body not Recovered' (KBNR). In at least one case, one of my enlisted men's ''remains'' had been returned to the United States and buried! Needless to say, he was still very much alive.

The term missing in action (MIA) should be banished and all persons who disappear during a conflict should be carried as alive unless there is overwhelming evidence that survival was impossible. This alive status should continue until board action can determine status after the cessation of hostilities. No one expects all to be accounted for, but the lessons of Vietnam strongly suggest that premature actions were taken. The cost of pay and allowances to the family is insignificant when compared to other daily expenditures of the U.S. government.

I assure you that Senator John McCain does not speak for the families of the non returned nor for the majority of the returned

POWs. As I recall, Senator McCain was the leading advocate of normalization with Vietnam, a move strongly opposed by many former POWs and many veterans' groups. To let McCain solely influence decisions concerning the ''Missing Persons Act'' is a discredit to the suffering families and concerned POWs.

Sincerely,

THEODORE W. GUY,
Col. (Ret) USAF,
*Former POW 68–73.*

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SYRACUSE, NY,
*September 11, 1995.*

Hon. DAN COATS,
*U.S. Senate, Washington, DC.*

DEAR SENATOR COATS: As the sister of a Marine missing from the Vietnam war, I implore you to support the House version of The Missing Service Personnel Act of 1995. Any change from the language of the House version of this Bill would be yet another obstacle on the path to truth and/or closure for the families of our nations missing heroes and abandonment of our loved ones by this government once again.

Sir, no one, not the President, DOD, the Service Casualty Offices, nor the people supposedly responsible for accounting for our missing, ever seem to listen to the voices that have been screaming for help in unraveling the mystery of this travesty for so many long, long years. What has happened to my brother and subsequently, to his family, is a horror story that at times seems unbelievable even to me. I have lost faith in so many things that I held sacred and dear, my President, my party, my confidence in the honor and honesty of my elected officials. It appears that one of the first Orders of THE NEW WORLD is to wipe the slates clean without any real accounting, and to never, never use the words POW/MIA again.

Please, I beg you, don't let yourself be influenced by those who have their own agenda and who believe that money and the love of money are more important than my brother. My brother Kenny was left behind in 1967, please don't allow them to leave him behind again. We, the families of the missing, need this legislation as it is written by the House. If you could walk in our shoes for even one day, maybe you would understand why it is so important. My last attempt at getting answers from our government resulted in their telling me it would cost me $3,147.00 to process my FOIA request. Our government lost my brother, yet they want me to pay to find out how and why!

Please do not let the language of this bill be changed in any way?

Sincerely,

PAT PLUMADORE.

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THE NEW YORK TIMES,
*July 12, 1995.*

It may be that many Republican primary voters, a more conservative subset of the more conservative party, are more opposed to Mr. Clinton's action than are Americans as a whole. Mr. Dole's stance may play well with them.

But the steps along this road that Mr. Bush and Mr. Clinton took earlier, including the lifting last year of a 19-year embargo on trade with Vietnam, failed to produce the groundswell of protest that the die-hards predicted. And Vietnam is now clearly a land of opportunities, which will inevitably draw much more American investment and many more visits by American tourists.

As a web of everyday political and economic links grows between the United States and Vietnam, as more and more Americans come to know Vietnam at peace, the old passions, already nearly spent for most Americans, will seem increasingly irrelevant. Normality is the enemy of grudges and hatreds.

At any rate, the deed is done. Congressional threats to withhold money for an American embassy in Hanoi are likely to come to nothing. Mr. Clinton acted just as the question of full diplomatic ties was beginning to be sucked into the vortex of the 1996 campaign. He could not have waited much longer, and by moving now, he may benefit from looking resolute on a tough issue.

Reminiscing this morning with a reporter he has known since the days of air raids over Hanoi and ground combat in the Central Highlands, Senator McCain commented that he was determined that his generation not leave a legacy of anger and vindictiveness.

''I got over the war about 45 minutes after the plane bringing me home took off from Hanoi,'' he said. ''But not everyone feels that way. Some people hate me for backing this, call me the Manchurian Candidate, say I'm a collaborator, the most awful stuff. There will always be people like that, but fewer and fewer. Not many people talk about the dirty Japs anymore.''

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MARINE CORPS LEAGUE,
*September 18, 1995.*

Hon. ROBERT DOLE,
*U.S. Senate, Washington, DC.*

DEAR SENATOR DOLE: Why haven't you used your powerful position as Senate Majority Leader to push the House of Representatives language of the Missing Service Personnel Act of 1995?

We support the House language of the Missing Service Personnel Act of 1995.

Semper Fidelis,

WAYNE R. SILL,
*Nat'l Chairman, POW/MIA Committee.*

VIETNAM VETERANS OF AMERICA, INC.,
*Washington, DC, Sept. 14, 1995.*

Hon. BOB DORNAN,
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE DORNAN: Vietnam Veterans of America (VVA) urges you to preserve the House-passed provisions derived from the Missing Service Personnel Act (Section 563) as the conference committee deliberates the Defense Authorization Bill (HR 1530). The House-passed provisions are preferable, as they provide enhanced protection for families of service personnel listed as Missing-In-Action (MIA).

The Missing Service Personnel Act is a critical piece of legislation for MIA families because it would spell out in law a procedure for handling the very delicate question of how and when a member of the Armed Forces considered missing-in-action can be declared legally dead. VVA believes this legislation will correct mistakes realized in past wars. Most importantly, families would know what to expect and would be spared years of turmoil and pain.

VVA greatly appreciates your strong support for this legislation in the past, and urges you to maintain the House-passed language in the Defense Authorization conference report.

Sincerely,

JAMES L. BRAZEE, Jr.,
*President.*

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KOREAN/COLD WAR FAMILY
ASSOCIATION OF THE MISSING,
*Coppell, TX, Sept. 18, 1995.*

Representative ROBERT DORNAN.

DEAR SIR: The families of the POW/MIA's from the Korean War (8,177) and the Cold War (139) sincerely request your assistance in passing the SB 256 in its original language which was very similar to that of the HR 945. It has come to our attention that Senator McCain and possibly others on the review committee are attempting to ''water down'' this bill. It is the view of the Families that this bill has already been ''watered down'' in excess.

We, the Families of the Missing, have been battling the bureaucracy for over 40 years, just trying to get the truth as to what happened to our loved ones. We have been shunned, hung-up on, ignored, called crazy and generally demeaned for requesting information to which we are entitled.

Most importantly, the Prisoners of War and the Missing in Action are denied their civil rights under the old Missing Service Personnel Law. This law was intended to financially assist the Families of the Missing. We did not know that this law would be used to ''write off'' the Missing. Even though the HR 945 is not nearly strong enough, it does give the Families some recourse when the government FAILS to do its duty by these Missing Service Personnel.

There have been letters written by Generals and Department of Defense personnel saying this new bill would put undue burden on them to account for their troops. If this is their attitude, God help the men and women they send into battle because their leaders certainly will not.

We would like to hear your response to our request.

Most sincerely,

PAT WILSON DUNTON,
*President/Founding Director.*

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NATIONAL ALLIANCE OF FAMILIES,
*Bellevue, WA, Sept. 19, 1995.*

Re U.S. House of Representatives' Version of the ''Missing Service Personnel Act of 1995''

(Attention: Mr. Duke Short.)

Hon. STROM THURMOND,
*Chairman, Armed Services Committee,*
*Washington, DC*

DEAR SENATOR THURMOND: The more than 10,000 members of the National Alliance of Families categorically support the above ''House version'' of this legislation which will make great strides in correcting the errors of the past and prevent a repeat of those errors during future conflicts.

Specifically, we endorse the provisions which call for board review at three year intervals, access to information for ''immediate'' family members, judicial review and retroactivity.

Many, including ranking military officers, are attempting to water down this relevant legislation claiming ''reopening and mandatory review of cases from the past . . . will only cause great emotional and financial strain on the families involved.'' NAF membership glaringly resents the condescending and patronizing attitude of the Pentagon. Our family members wish the right to choose for themselves; if they will or will not avail themselves of those provisions cited in the ''House version'' of the ''MSPA 1995''. For too many years, the U.S. Defense Department has been allowed to ''act'' on behalf of the families, choosing what information was or was not submitted to the families for review. Due to research in the National Archives and the Library of Congress, many of our family members are only now, after twenty to forty years after the fact, able to view records and documents relating to their loved ones' cases which were not and have not been provided to them via the military casualty offices.

The families are quite capable of acting and speaking in their own behalf. We resent any attempt by those in the military to portray the families as emotionally fragile, in need of their protection. Our Family members do not need protection. They need the truth.

In the opinion of our membership, the ''House version'' of the ''Missing Service Personnel Act of 1995'' is the single most important POW/MIA Legislation to come before the U.S. Senate in years. The POW/MIA Families are tired of being lied to, chided, and patronized by an uncaring Executive and Legislative Branch of the U.S. Government. It is time that a truly meaningful piece of legislation is passed to protect America's fighting men and women. The old unwritten attitude of ''just don't get captured'' is not acceptable! Our service personnel and their families deserve protection under the law. That protection will come with the passage of this law as is.

Sincerely,

DOLORES APODACA ALFOND,
*National Chairperson.*

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VETERANS OF THE VIETNAM WAR, INC.,
*Dallastown, PA, Sept. 19, 1995.*

Congressman STEVE BUYER,
Attention: Myrna Dugan

DEAR MYRNA DUGAN: As National POW/MIA Program Director for the Veterans of the Vietnam War, Inc., we need the Congressman to back Congressman Gilman's language of the House version of H.R. 945 so that we have the strongest language possible to protect our American servicemen and women. We strongly urge the Congressman to pass H.R. 945 ''The Missing Service Personnel Act of 1995''. We need this bill passed so that the families of our POW/MIA's won't ever have to endure the suffering that the Vietnam families have had to and continue to endure.

We as Veterans of the Vietnam War, Inc. want to guarantee that our present and our future American servicemen and women have the best chance of being returned home to their loved ones. That's why we strongly urger Congressman Buyer to pass this very important bill. Thank you for your help and time on this urgent matter. I would greatly appreciate a response to this letter on the Congressman's feelings on this matter.

MICHAEL T. BREIGHNER,
*National POW/MIA Program Director.*

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DISABLED AMERICAN VETERANS,
*Washington, DC, September 20, 1995.*

Hon. STROM THURMOND,
*Chairman, Senate Committee on Armed Services, Russell Senate Office Building, Washington, DC.*

DEAR CHAIRMAN THURMOND: As National Commander of the more than one million members of the Disabled American Veterans (DAV) and its Auxiliary, I am writing you to express our concern regarding attempts to erode the effectiveness of the provisions of the Missing Service Personnel Act, section 563 of H.R. 1530, the Fiscal Year 1996 Defense Authorization Act.

The DAV supports the House language in the Missing Service Personnel Act because of the additional safeguards contained in the House version. The key provisions include: legal counsel for the missing person, access to information by immediate family members of the missing person, the availability of judicial review, and the retroactive provision of this legislation. We believe that these are important provisions; however, these provisions are missing from the Senate version.

As this measure is being considered in conference, I would urge you, in your leadership position, to encourage your colleagues to support the inclusion of these key provisions in the final version of the Defense Authorization Act. Otherwise, it is DAV's position that this legislation would be seriously flawed.

Thank you for your continued support.

Sincerely,

THOMAS A. MCMASTERS III,
*National Commander.*

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THE AMERICAN LEGION,
*Washington, DC, September 11, 1995.*

Hon. DANIEL R. COATS,
*Chairman, Senate Armed Services Subcommittee on Personnel, Russell Building, Washington, DC.*

DEAR SENATOR COATS: The American Legion urges you in the strongest possible terms to support Section 563, H.R. 1530, the House version of the Missing Persons Act of 1995. In particular, there are four features of the bill we are interested in: board review at three year intervals; access to information for immediate family members; judicial review; and retroactivity. Senator Robert Dole has expressed his support of the House version of the Missing Persons Act in a written statement for the Congressional Record on September 5. We have worked very closely with Senator Dole on this issue for some time.

The House version of the Missing Persons Act will provide family members the ability to review records on which the Pentagon has kept close hold but that family members have the right to see.

The American Legion takes this issue very seriously and regards its passage as extremely important. This measure directly and substantially supports ongoing efforts to obtain information about missing American servicemen. Section 563, H.R. 1530 will provide an equitable basis for making status determinations on missing personnel not only from past wars, but also future conflicts.

Sincerely,

JOHN F. SOMMER, JR.,
*Executive Director.*

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*September 12, 1995.*

Senator TRENT LOTT,
*U.S. Senate, Washington, DC.*

DEAR SENATOR LOTT: As the sister of Maj. Robert F. Coady, USAF, lost in Laos whose family believed the Air Force when they told us that we would be the first to know if there was information on Maj. Coady. Our first knowledge of information came 22 years after my brother's shoot down, when I requested to see my brother's file. I was amazed to find declassified documents that were 19 and 22 years old. I worked with Senators Shelby, Heflin, Mack and Johnson who wrote letters on my behalf. The Air Force told the Senators that I had all the information. I was given an opportunity to view my brother's file (after being told there was no more information) only to find new information.

We all remember what the Cold War families were told and the family from TN whose son was killed in the Gulf War by friendly fire. Along with what has happened in my family's case are disgraceful examples that explain the importance of the House version (H.R. 945) of the Missing Service Personnel Act.

Our country was founded on checks and balances. The House version (H.R. 945) of the Missing Service Personnel Act is our check and balance for family members that should not be taken away from us.

As a United States Senator, please protect our right to reopen and have a mandatory review as this is the only check and balance we have left.

Sincerely,

JUDITH COADY RAINEY.

## CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–259)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) ''making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 24, 26, 40, 54, 57, 67, 77, 83, 85, 94, 99, 100, 105, 107, 111, 117, 118, 123, 136, 138, 147, 148, 155, 163, 166, 171, 172, and 173, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 32, 34, 36, 38, 45, 46, 48, 50, 51, 52, 56, 59, 61, 62, 66, 71, 72, 73, 74, 75, 76, 78, 80, 81, 82, 86, 87, 88, 93, 96, 97, 102, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 158, 159, 160, 161, and 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: , *and assessment of mineral potential of public lands pursuant to P.L. 96–487 (16 U.S.C. 3150 (a)), $568,062,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

After the first comma in said amendment insert: *of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of P.L. 96–487 (16 U.S.C. 3150), and*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$568,062,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,115,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$101,500,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,800,000*; and the Senate agree to the same.

Amendment number 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$93,379,000;* and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$497,943,000, to remain available for obligation until September 30, 1997,* ; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,655,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,900,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center* ; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

Following ''Public Law 88-567,'' insert: *if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995,* ; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,083,151,000* ; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,649,000* ; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,212,000* ; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,225,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$4,500,000 of the funds provided herein*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,100,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.*

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.*

*This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.*

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $730,503,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *:Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds are available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30,*

*1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,994,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

*For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function become effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to ''function'' includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$173,887,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,359,434,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,209,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$71,854,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

Before '': *Provided further*'' in said amendment, insert: *, to become effective on July 1, 1997*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,833,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,645,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the first sum named in said amendment insert: *$4,500,000*

In lieu of the second sum named in said amendment insert: *$35,914,000*

In lieu of the third sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of ''October 1, 1995'' named in said amendment insert: *March 1, 1996;* and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the number stricken by said amendment, amended to read as follows:

*SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.*

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Marina Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.*

*''(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:*

*''(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) Public Law 99–239;*

*''(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and*

*''(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.*

*''(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist to the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.''.*

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$178,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$136,794,000, to remain available until expended, as authorized by law*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,256,253,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,500,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,200,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

Following ''Forest Service,'' in said amendment insert: *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California.*

And the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*Notwithstanding any other provision of law, for the duration of fiscal year 1996 none of the funds provided in this or any other appropriations Act may be used in the Tongass National Forest except to implement the Preferred Alternative P in the Tongass Land and Resource Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93 (hereinafter referred to as ''Alternative P'') which shall be deemed sufficient to satisfy all requirements of applicable law: Provided, That the Forest Service may amend the plan during fiscal year 1996 only to the extent necessary to accommodate commercial tourism if an agreement is signed between the Forest Service and the Alaska Visitors' Association: Provided further, That the Secretary shall continue the current Tongass land management planning process, and may replace or modify Alternative P with the selected alternative of a revised Tongass Land Management Plan (''TLMP'') which shall, to the maximum extent practical, contain at least the number of acres of suitable, available timber lands and suitable, scheduled timber lands identified in Alternative P: Provided further, That if the Forest Service fails to complete work on a revised TLMP during fiscal year 1996, Alternative P shall remain in effect until such time as a revised plan is completed in accordance with this section and is in effect: Provided further, That hereinafter, notwithstanding any other provision of law, any timber sale or offering that was prepared for acceptance, or was awarded to a purchaser after December 31, 1988, which has been the subject of an Environmental Impact Statement under the National Environmental Policy Act (''NEPA'') and a review under section 810 of the Alaska National Interest Lands Conservation Act (''ANILCA''), and was subsequently offered or awarded to a different purchaser or offeree shall not be subject to additional analysis under NEPA or ANILCA through any action of the Federal government or by order of any court of law if the Forest Service determines in a Supplemental Evaluation that no such analysis is necessary: Provided further, That section 502 of P.L. 104–19 shall be deemed permanent law.*

And the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert: *and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,169,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$149,028,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$553,293,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$140,696,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,196,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,266,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,722,842,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,958,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$308,188,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,442,000*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,840,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of matter proposed by said amendment insert:

*PUBLIC DEVELOPMENT*

*Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.*

And the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of Subsection (g) insert the following:

*(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 8726) is amended as follows:*

*''(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.''.*

And the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

*SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter ''Project'').*

*(b)(1) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Committees on Agriculture, Nutrition and Forestry, Appropriations, and Energy and Natural Resources of the Senate and Committees on Agriculture, Appropriations, and Resources of the House of Representatives, by April 30, 1996, an assessment on the National Forest System lands and lands administered by the Bureau of Land Management (hereinafter ''Federal lands'') within the area encompassed by the Project. The assessment shall be accompanied by draft Environmental Impact Statements that are not decisional and not subject to judicial review, contain a range of alternatives, without the identification of a preferred alternative or management recommendation, and provide a methodology for conducting any cumulative effects analysis required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)) in the preparation of each amendment to a resource management plan pursuant to subsection (c)(2). The Executive Steering Committee shall release the required draft Environmental Impact Statements for a ninety day public comment period. A summary of the public comments received must accompany these documents upon its submission to Congress.*

*(2) The assessment required by paragraph (1) shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest and rangeland health conditions and the implications of such dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density and related social and economic effects.*

*(3) The assessment and draft Environmental Impact Statements required by paragraph (1) shall not: contain any material other than that required in paragraphs (1) and (2); be the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); or be accompanied by any record of decision or documentation pursuant to section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).*

*(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, each Forest Supervisor of the Forest Service and District Manager of the Bureau of Land Management with responsibility for a national forest or unit of land administered by the Bureau of Land Management (hereinafter ''forest'') within the area encompassed by the Project shall—*

*(A) review the resource management plan (hereinafter ''plan'') for such forest, the scientific information and analysis in the report prepared pursuant to subsection (b) which are applicable to such plan, and any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any which is, or is intended to be, of limited duration, and which the Project addresses; and*

*(B) based on such review, develop a modification of such policy, or an alternative policy which serves the basic purpose of such policy, to meet the specific conditions of such forest.*

*(2) For each plan reviewed pursuant to paragraph (1), the Forest Supervisor or District Manager concerned shall prepare and adopt an amendment which: contains the modified or alternative policy developed pursuant to paragraph (1)(B); is directed solely to and affects only such plan; and addresses the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions. The Forest Supervisor or District Manager concerned shall consult at a minimum, with the Governor of the State, and the Commissioners of the county or counties, and affected tribal governments in which the forest to which the plan applies is situated during the review of the plan required by paragraph (1) and the preparation of an amendment to the plan required by this paragraph.*

*(3) To the maximum extent practicable, each amendment prepared pursuant to paragraph (2) shall establish site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any major change in land use allocations within the plan or would reduce the likelihood of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant change, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), requiring a significant plan amendment or equivalent.*

*(4) Each amendment prepared pursuant to paragraph (2) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b)(1) shall be deemed to meet any requirement of such Act for such analysis and the scoping conducted by the Project prior to the date of enactment of this section shall substitute for any scoping otherwise required by such Act for such amendment, unless at the sole discretion of the Forest Supervisor or District Manager additional scoping is deemed necessary.*

*(5) The review of each plan required by paragraph (1) shall be conducted, and the preparation and decision to approve an amendment to each plan pursuant to paragraph (2) shall be made, by the Forest Supervisor or District Manager, as the case may be, solely on: the basis of the review conducted pursuant to paragraph (1)(A), any consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 required by paragraph (6), any documentation required by section 102(2) of the National Environmental Policy Act, and any applicable guidance or other policy issued prior to the date of enactment of this Act.*

*(6)(A) Any policy adopted in an amendment prepared pursuant to paragraph (2) which is a modification of or alternative to a policy referred to in paragraph (1)(A) and upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973, shall not again be subject to the consultation or conferencing provisions of such section 7.*

*(B) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2).*

*(C) No further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on the amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any plan related to such policy or the species to which such policy applies.*

*(7) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before July*

*31, 1996: Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before December 31, 1996.*

*(8) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after December 31, 1996, or after an amendment to the plan which applies to such forest is adopted pursuant to the provisions of this subsection, whichever occurs first.*

*(9) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2) the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Cleanwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.*

*(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands.*

And the Senate agree to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

***SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.***

*(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.*

*(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law:*

*(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;*

*(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;*

*(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services or volunteers to collect fees charged pursuant to paragraph (1);*

*(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and*

*(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.*

*(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:*

*(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).*

*(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).*

*(C) For agencies other than the fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation, in accordance with paragraph (2)(C).*

*(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to sub-paragraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.*

*(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.*

*(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.*

*(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.*

*(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.*

*(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.*

*(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460), and any other provision of law relating to revenue allocation.*

*(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.*

*(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.*

*(f) The authority to collect fees under this section shall commence on october 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.*

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

*Sec. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike ''September 30, 1997'' and insert in lieu thereof ''December 31, 1996''.*

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

***Sec. 319. GREAT BASIN NATIONAL PARK.***

*Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—*

*(1) in the first sentence of subsection (e) by striking ''shall'' and inserting ''may''; and*

*(2) in subsection (f)—*

*(A) by striking ''At the request'' and inserting the following:*

*''(1) EXCHANGES.—At the request'';*

*(B) by striking ''grazing permits'' and inserting ''grazing permits and grazing leases''; and*

*(C) by adding after ''Federal lands.'' the following:*

*''(2) ACQUISITION BY DONATION.—*

*(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.*

*(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.''.*

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *328*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *329*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: *330*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

*SEC. 331. Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, sponsor or produce materials or performances which denigrate the objects or beliefs of the adherents of a particular religion.*

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *332*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

*SEC. 333. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

RALPH REGULA
(except amendment 35),
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
NORMAN D. DICKS,
*Managers on the part of the House.*

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
MARK HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
ROBERT BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY
(except amendment 136, 138, 168, 169)
*Managers on the part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 1977 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 104–173 or Senate Report 104–125 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not earmarked by individual projects. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the FY 1996 budget, including but not limited to, projects for which capability statements have been prepared.

## TITLE I—DEPARTMENT OF THE INTERIOR

### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened and endangered species, $1,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for ALMRS, $500,000 for administrative support, and $834,000 for bureau-wide fixed costs; and increases of $4,981,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines.

Amendment No. 2: Restores House provision stricken by the Senate which provides $599,999 for the management of the East Mojave National Scenic Area. The Senate had no similar provision. The amendment also adds language earmarking $2,000,000 for mineral assessments in Alaska.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

#### WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates $235,924,000 for wildland fire management as proposed by the House instead of $240,159,000 as proposed by the Senate.

#### CONSTRUCTION AND ACCESS

Amendment No. 5: Appropriates $3,115,000 for construction and access instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

| | |
|---|---|
| Sourdough Campground, AK | $584,000 |
| Byington Campground, ID | 290,000 |
| West Aravaipa Ranger Station, AZ | 200,000 |
| Railroad Flat Campground, CA | 218,000 |
| Penitentie Canyon, CO | 220,000 |
| James Kipp Campground, MT | 345,000 |
| Datil Well Rec Site reconstruction, NM | 41,000 |
| Encampment River Rec Area, WY | 60,000 |
| Indian Creek Accessibility Rehab, NV | 57,000 |
| El Camino Real Int'l Heritage Ctr., NM–A&E | 500,000 |
| Flagstaff Hill, OR | 600,000 |
| Total | 3,115,000 |

The managers urge BLM and the non-Federal partners to consider during the A&E phase of the El Camino Real International Heritage Center project the fact that future construction funds are likely to be severely constrained

#### PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $101,500,000 for payments in lieu of taxes instead of $111,409,000 as proposed by the House and $100,000,000 as proposed by the Senate.

#### LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,500,000 as proposed by the House and $10,550,000 as proposed by the Senate. The $12,800,000 includes $3,250,000 for acquisition management, $1,000,0000 for emergency and inholding purchases, and $8,550,000 for land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

#### OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 8: Appropriates $93,379,000 for Oregon and California grant lands instead of $91,387,000 as proposed by the House and $95,364,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for Jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan for the unemployed timber worker programs.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of employment in the various jobs. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

### UNITED STATES FISH AND WILDLIFE SERVICE

#### RESOURCE MANAGEMENT

Amendment No. 9: Appropriates $497,943,000 for resource management instead of $497,150,000 as proposed by the House and $501,478,000 as proposed by the Senate.

The net increase above the House consists of increases of $3,800,000 for cooperative conservation agreements, $750,000 for listing, $2,237,000 for habitat conservation, $1,502,000 for migratory bird management, $600,000 for hatchery operations and maintenance, $800,000 for fish and wildlife management, $478,000 for the National Education and Training Center, and $885,000 for vehicle and aircraft purchase; and reductions of $500,000 for recovery, $230,000 for environmental contaminants, $6,542,000 for refuge operations and maintenance, and $2,987,000 for servicewide administrative support.

The conference agreement includes $3,800,000 for cooperative conservation agreements with private landowners to institute effective management measures that make listing unnecessary. The managers intend that these funds also be used to implement the 4(d) rule which is intended to ease endangered species land use restrictions on small landowners. The managers agree that none of the funding for cooperative conservation agreements or listing be used in any way to conduct activities which would directly support listing of species or designating critical habitat.

The managers have included $750,000 under the listing program to be used only for

delisting and downlisting of threatened and endangered species in order to ease land use restrictions on private and public lands.

The conference agreement includes a reduction of $200,000 from the gray wolf reintroduction program. The managers expect the Service to continue the cooperative agreement with the Animal and Plant Health Inspection Service to provide assistance to ranchers experiencing livestock losses to wolves.

The managers agree with the Senate position regarding the continued operation of Federal fish hatcheries. However, the funding provided for hatcheries in total is below last year's level, so reductions will be necessary. The managers encourage those non-Federal parties that have expressed an interest in participating in hatchery transfers to continue to pursue this option, and the Service should provide the transitional assistance for such efforts as was contemplated in the budget. Within the funds restored for hatchery operations and maintenance, $500,000 is provided only for maintenance of those hatcheries transferred during fiscal year 1996.

The managers reiterate, however, the need for the working group proposed by the Senate to identify, by March 1, 1996, savings from the fisheries program that equal or surpass the savings associated with the hatchery transfers or closures proposed in the budget. Outyear funding for fisheries and other programs cannot be assured at a time of declining budgets, and future transfer proposals might not involve transitional assistance. The managers expect that there will be significantly fewer Federal fish hatcheries by the end of fiscal year 1997.

The National Fish and Wildlife Foundation is funded at a level of $4,000,000. The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for the Foundation.

The managers direct the Department to reinstate its 1992 policy, modified to reflect public comments received, regarding permit terms and conditions for hunting and fishing guides in Alaska providing permit terms of 5 years with one renewal period of 5 years, transferability under prescribed conditions, and a right of survivorship. At such time as the new policy is implemented, existing permit should be reissued consistent with this policy. The managers note that the existing policy limiting terms to one year makes it impossible to obtain financing for guiding operations while the limit on transferability and survivorship prevent long-term family businesses from continuing upon the death or illness of the permit holder.

The managers recognize the Fish and Wildlife Service's fisheries mitigation responsibilities pursuant to existing law and expect the working group to take into account such responsibilities.

Amendment No. 10: Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: Includes language proposed by the Senate which prohibits listing additional species as threatened or endangered and prohibits designating critical habitat during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION

Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

| | |
|---|---|
| Bear River Migratory Bird Refuge, UT, flood repair | $1,000,000 |
| Bosque del Apache NWR, NM, repair | 1,820,000 |
| Hawaii captive propagation facility, HI | 1,000,000 |
| Mississippi refuges, bridge repair and equipment | 1,120,000 |
| National Education Training Center, WV, construction | 24,000,000 |
| Quivira NWR, KS, water management | 760,000 |
| Russian River, AK, rehab | 400,000 |
| Southeast Louisiana refuges, rehab | 1,000,000 |
| Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair | 700,000 |
| Dam safety, servicewide inspections | 460,000 |
| Bridge safety, servicewide inspections | 395,000 |
| Emergency projects—servicewide | 1,000,000 |
| Construction management—servicewide | 4,000,000 |
| Total | 37,655,000 |

The managers expect the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT

Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reductions below the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION

Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $14,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The $36,900,000 includes $8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increase above the House includes $2,230,000 for habitat management and $20,000 for administration.

The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for this program.

WILDLIFE CONSERVATION AND APPRECIATION FUND

Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $998,000 as proposed by the House.

Amendment No. 17: Deletes matching requirements proposed by the House and stricken by the Senate. The matching requirements of the Partnerships for Wildlife Act will continue to apply, and do not need to be stated in the appropriations act.

ADMINISTRATIVE PROVISIONS

Amendment No. 18: Provides authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House prohibition on purchasing police vehicles. The Senate had no similar provision.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX. The Senate had no similar provision.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to charge reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be sued to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modified Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipates approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Allowing the pesticide use proposal process to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 24: Deletes Senate language providing $145,965,000 for a natural resources science agency and providings guidance on the operation of that agency. This agency would have replaced the National Biological Service. The House had no similar provision. The managers have agreed to eliminate the National Biological Service and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is discussed in more detail under amendment Nos. 42 and 43.

NATIONAL PART SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 25: Appropriates $1,083,151,000 for operation of the National park system instead of $1,088,249,000 as proposed by the House and $1,092,265,000 as proposed by the Senate. The reduction from the Senate level reflects the transfer of the equipment replacement account back to the construction account.

In keeping with the demands placed on other Interior bureaus, the managers have not funded uncontrolled costs and expect these costs to be absorbed through reductions to levels of reviews and management. Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities or field locations with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization effort and strongly urge the NPS to limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying

NPS preliminary allocations for fiscal year 1996. This report will serve as the baseline for any reprogrammings in fiscal year 1996.

In considering these allocations, the managers expect that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative such as those related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers expect that the principle goal of the reorganization plan, which is to relocate staff from central and regional offices to the parks, will greatly alleviate the pressures placed on parks by increase visitation.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment Number 151 in Title III.

Amendment No. 26: Restore House language stricken by the Senate regarding the availability of funds at the Mojave National Preserve.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriate $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $38,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine Acadian Cultural Preservation Commission and a reduction of $422,000 for the Native Hawaiian Culture and Arts program.

Amendment No. 28: Earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are provided for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

HISTORIC PRESERVATION

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

The managers have provided $32,712,000 for State grants and $3,500,000 for the National Trust for Historic Preservation.

The managers agree to a three year period of transition for the National Trust for Historic Preservation to replace Federal funds with private funding.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $114,868,000 as proposed by the House and $116,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

| | |
|---|---|
| Andersonville National Historic Site, GA (prisoner of war museum) | $2,800,000 |
| Assateague National Seashore, MD (erosion control) | 300,000 |
| Blackstone River Valley National Heritage Corridor MA/RI (interpretive project) | 300,000 |
| Blue Ridge Parkway, Hemphill Knob, NC (administration building) | 1,030,000 |
| Cane River Creole National Historic Park, LA (preservation and stabilization) | 4,000,000 |
| Chickasaw National Recreation Area, OK (campground rehabilitation) | 1,624,000 |
| Chamizal National Monument, TX (rehabilitation) | 300,000 |
| Crater Lake National Park, OR (dormitories construction) | 10,000,000 |
| Cuyahoga National Recreation Area, OH (site and structure rehabilitation) | 2,500,000 |
| Delaware Water Gap National Recreation Area, PA (trails rehabilitation) | 1,050,000 |
| Everglades National Park, FL (water delivery system modification) | 4,500,000 |
| Fort Necessity National Battlefield, PA (rehabilitation) | 265,000 |
| Fort Smith National Historic Site, AR (rehabilitation) | 500,000 |
| Gateway National Recreation Area, NY (Jacob Riis Park rehabilitation) | 1,595,000 |
| General Grant National Memorial, NY (rehabilitation) | 1,000,000 |
| Gettysburg National Military Park, PA (water and sewer lines) | 2,550,000 |
| Glacier National Park, MT (rehabilitate chalets) | 328,000 |
| Grand Canyon National Park, AZ: Transportation | 1,000,000 |
| Gulf Islands National Seashore, MS (erosion control) | 600,000 |
| Harpers Ferry National Historical Park, WV (utilities and phone lines) | 455,000 |
| Hot Springs NP, AR (stabilization/Lead Point) | 500,000 |
| James A. Garfield National Historic Site, OH (rehabilitation/development) | 3,600,000 |
| Jean Lafitte National Park and Preserve, LA (complete repairs) | 2,100,000 |
| Klondike Gold Rush National Historical Park, AK (restore Skagway historic district) | 850,000 |
| Lackawanna Valley, PA (technical assistance) | 400,000 |
| Lake Chelan National Recreation Area, WA (planning and design for repair of Company Creek Road) | 280,000 |
| Little River Canyon National Park, AL (health and safety) | 460,000 |
| Mount Rainier National Park, WA (replace employee dormitory) | 6,050,000 |
| Natchez Trace Parkway, MS | 3,000,000 |
| National Capital Parks—Central, DC (Lincoln/Jefferson memorials rehabilitation) | 4,000,000 |
| New River Gorge National River, WV (trails, visitor access and hazardous materials) | 625,000 |
| President's Park, DC: Replace White House electrical system | 1,100,000 |
| Sagamore Hill National Historic Site, NY (water and sewer lines) | 800,000 |
| Salem Maritime National Historic Site, MA (vessel exhibit) | 2,200,000 |
| Saratoga National Historical Park, NY (monument rehabilitation) | 2,000,000 |
| Sequoia National Park, CA (replace Giant Sequoia facilities) | 3,700,000 |
| Southwestern Pennsylvania Commission (various projects) | 2,000,000 |
| Stones River National Battlefield, TN (stablization) | 200,000 |
| Thomas Stone Historic Site, MD (rehabilitation) | 250,000 |
| Western Trails Center, IA | 3,000,000 |
| Wrangell-St. Elias National Park and Preserve, AK (Kennicott Mine site safety and rehabilitation) | 1,500,000 |
| Yosemite National Park, CA (El Portal maintenance facilities) | 9,650,000 |
| Zion National Park, UT (transportation system facilities) | 5,200,000 |
| Subtotal, line item construction | 90,162,000 |
| Emergency, unscheduled, housing | 13,973,000 |
| Planning | 17,000,000 |
| Equipment replacement | 14,365,000 |
| General management plans | 6,600,000 |
| Special resource studies | 825,000 |
| Strategic planning office | 300,000 |
| Total | 143,225,000 |

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park has identified as high priority. Therefore, it is the intent of the managers that these moneys be used for any transportation related expenditure, including the design of new transportation facilities and the purchase of new buses.

The managers encourage the National Park Service to proceed expeditiously with the necessary work at Cane River Creole NHP, LA.

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 32: Retains the Senate provision indicating Historic Preservation funds may be available until expended to stabilize buildings associated with the Kennicott, Alaska copper mine. The House had no similar provision.

LAND ACQUISITION

Amendment No. 33: Appropriates $49,100,000 for land acquisition instead of $14,300,000 as proposed by the House and $45,187,000 as proposed by the Senate. The $49,100,000 includes $7,200,000 for acquisition management, $3,000,000 for emergency and hardship purchases, $3,000,000 for inholding purchases, $1,500,000 for State grant administration, and $34,400,000 for other land purchases.

Amendment No. 34: Deletes the earmark inserted by the House and stricken by the Senate for Federal assistance to the State of Florida. Authority exists for the Department to use land acquisition funds for a grant to the State of Florida if approved pursuant to the procedures identified for land acquisition in fiscal year 1996.

Amendment No. 35: Modifies language proposed by the Senate which requires that

funds which may be made available for the acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress. The House had no similar provision. Consistent with the direction for the land acquisition accounts, no specific earmark is provided for this project. Under the procedures identified for land acquisition, however, funds could be made available for the Elwha and Glines dams.

The Elwha Act, P.L. 102–495, authorizes the purchase of the Elwha and Glines dams by the Secretary of the Interior at a total purchase price of $29,500,000. Recognizing the serious funding constraints under which the Committees are operating, bill language has been included which authorizes funding to be provided over a period of years, as necessary, in order to acquire the dams. The bill language specifies that the appropriated funds may only be used for acquisition. Appropriated funds cannot be expended until the total purchase price of $29,500,000 is appropriated.

Under the Elwha Act, the Secretary is authorized to study the benefits of the removal of both dams, and to assess the costs of such a removal to restore fish runs in the Elwha River. The managers continue to be disturbed greatly by the early projections from the Administration of costs that range from $80–$300 million for dam removal. Due to the lack of available funds, the managers strongly discourage the Administration and those parties supporting dam removal from continuing to support such a policy. Instead, the managers encourage interested parties to pursue other, less costly alternatives to achieve fish restoration. The managers urge parties interested in the Elwha Act to work to find, within the next year, a more fiscally responsible and achievable solution to fishery restoration in lieu of dam removal. If no conclusion can be reached on this issue, the appropriations committees, working with the authorizing committees, will be forced to work to find a legislative solution to the problem.

The managers have included $1,500,000 for administration of the state grant program. These funds are provided only to close down ongoing projects. No funds are provided for new grants and the managers intend that no funds will be provided in the future.

ADMINISTRATIVE PROVISIONS

Amendment No. 36: Retains Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language has been included in previous Interior appropriations bills.

Amendment No. 37: Modifies language proposed by the Senate to clarify that funds may not be used by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention. The House had no similar provision.

Amendment No. 38: Retains language proposed by the Senate allowing the American Battlefield Protection Program to enter into cooperative agreements of various types with other entities. The House had no similar provision.

Amendment No. 39: Modifies Senate language regarding a feasibility study for a northern access route into Denali National Park and Preserve in Alaska. The modification is to require that the study also be submitted to the House and Senate Committees on Appropriations.

Amendment No. 40: Deletes Senate language regarding the Stampede Creek Mine at Denali National Park in Alaska. The House had no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek Mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of damages resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to replace the facilities, the Park Service should consider working with the Army to assist in any compensation to which the University of Alaska at Fairbanks may be eligible since the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 41: Appropriates $730,503,000 for surveys, investigations and research instead of $686,944,000 as proposed by the House and $577,503,000 as proposed by the Senate. The amendment also provides authority for minerals information activities formerly conducted in the Bureau of Mines.

Changes to the amount proposed by the House include increases of $24,112,000 for natural resources research, $16,000,000 for minerals information activities transferred from the Bureau of Mines and $4,000,000 for university earthquake research grants, and decreases in Federal water resources investigations of $176,000 for data collection and analysis and $100,000 for hydrology of critical aquifers and a decrease of $277,000 in the National mapping program for cartographic and geographic research.

The managers have provided $4,000,000 for university research in the earthquakes program. If there is a compelling need for additional funds in this program in fiscal year 1996 and an acceptable funding offset can be justified, the USGS should notify the Committees following the existing reprogramming guidelines. The Committees will consider any such request on its merits.

The managers understand that the USGS is constrained from releasing certain information under interagency agreement No. AGP00473.94 with the Bureau of Indian Affairs absent the approval of the BIA. This issue is discussed in more detail in the BIA section of this statement.

The managers have agreed to fund a competitive program for the water resources research institutes with at least a 2 to 1 funding match from non-Federal sources. The managers expect that this approach likely will lead to the closure of some of the institutes. The managers recommend that in fiscal year 1996 a modest base grant of $20,000 per participating institute be provided with the balance of the funding for the program to be competitively awarded based on National program priorities established by the USGS. The need for continuing a small base grant beyond fiscal year 1996 should be carefully examined by the USGS in the context of its fiscal year 1997 budget priorities. The managers do not object to competitions being regionally-based if that approach is determined by the USGS to be the most productive, from the standpoint of meeting the most compelling information needs, and the most cost effective. If a regional approach is selected, the managers suggest that the USGS regions be consolidated so that there are no more than 4 or 5 large regional areas. The competition should not be structured to ensure that every participating institute in a region gets a competitive award. The USGS should report to the Committees in the fiscal year 1997 budget submission on how the competition is to be structured and should report in subsequent budget submissions on the distribution of competitively awarded grants by institute.

Amendment No. 42: Earmarks $137,000,000 for natural resources research and cooperative research units instead of $112,888,000 as proposed by the House. The Senate recommended funding this research under a separate account and at a level of $145,965,000 as discussed in amendment No. 24. The amendment also earmarks $16,000,000 for minerals information activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers agree that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The managers intend the merger of these research activities into the USGS to be permanent. The USGS is directed to plan and manage the restructuring and downsizing of the former National Biological Service. Retrenchments required to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, managerial and other headquarters support functions of that organization so as to maintain, to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the Department's land managers on the ground. The managers are concerned that natural resource research be linked closely to management issues. In addition, attention should be provided to information related to wildlife resources entrusted to the stewardship of the Department; fisheries, including restoration of depleted stocks; fish propagation and riverine studies; aquatic resources; nonindigenous nuisances that affect aquatic ecosystems; impacts and epidemiology of disease on fish and wildlife populations; chemical drug registration for aquatic species; and effective transfer of information to natural resources managers.

During fiscal year 1996, funds appropriated for the functions of the former NBS shall remain a separate entity, titled ''natural resources research'', within the USGS. Upon completion of the necessary downsizing, and no later than nine months after enactment of this legislation, the managers direct the USGS to provide the Committees with a final plan for the permanent consolidation and integration of natural resources research functions into the USGS. As of October 1, 1996, employees of the former NBS shall be subject to the same administrative guidelines and practices followed by the USGS including peer review of research and investigations, maintenance of objectivity and impartiality, and ethics requirements regarding financial disclosure and divestiture. The managers expect that the USGS budget request for fiscal year 1997 will require amendment subsequent to its submission to reflect appropriately this consolidation. To reiterate, this merger is intended to be permanent and should be implemented fully by October 1, 1996.

During fiscal year 1996 the Department and the USGS are prohibited from reprogramming funds from other USGS programs and activities for any program or activity within the Department for natural resources research activities.

The managers also have agreed to provide $16,000,000 for minerals information activities, transferred from the Bureau of Mines. The funding represents a reduction from the fiscal year 1995 level and may require significant downsizing and restructuring of the program. The USGS should oversee the refocusing of the program. Until such downsizing is completed, the program should remain a separate and distinct budget and organizational entity within the USGS. To

the extent job vacancies occur in the transferred program in fiscal year 1996, they should be filled with Bureau of Mines employees subject to termination or reduction-in-force. The managers understand that the existing USGS mineral resources survey activity is undergoing a restructuring and downsizing and expect that effort and the required downsizing of the minerals information program to proceed independently. When both downsizing efforts are completed, a single, refocused minerals program should be created which combines the minerals information activities transferred from the Bureau of Mines with other USGS mineral resources work.

Amendment No. 43: Modifies language inserted by the House and stricken by the Senate providing guidance on the conduct of natural resources research. The change to the House position expands the prohibition on the use of funds for new surveys on private property to include new aerial surveys for the designation of habitat under the Endangered Species Act unless authorized in writing by the property owner. With respect to natural resources research activities, the managers agree that funds may not be used for new surveys on private property without the written consent of the land owner, that volunteers are to be properly trained and that volunteer-collected data are to be verified carefully. The amendment also transfers authority from the Bureau of Mines to the Director of the USGS to conduct mineral surveys, consistent with the funding for that purpose earmarked under amendment No. 42.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 44: Appropriates $182,994,000 for royalty and offshore minerals management instead of $186,556,000 as proposed by the House and $182,169,000 as proposed by the Senate. Changes to the amount proposed by the House include decreases in information management of $151,000 for the absorption of fixed cost increases and $3,000,000 which is offset by the authority to use additional receipts as provided in amendment Nos. 45 and 46; and decreases in general administration of $306,000 for administrative operations and $105,000 for general support services.

The managers agree that the independent review of the royalty management program which was recommended by the House should not be conducted until the disposition of the hardrock minerals program is legislatively resolved: Accordingly, no funds are earmarked for this effort in fiscal year 1996.

Amendment No. 45: Provides for the use of $15,400,000 in increased receipts for the technical information management system as proposed by the Senate instead of $12,400,000 as proposed by the House.

Amendment No. 46: Permits the use of additional receipts for Outer Continental Shelf program activities in addition to the technical information management system as proposed by the Senate. The House had no similar provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 47: Appropriates $64,000,000 for mines and minerals instead of $87,000,000 as proposed by the House and $128,007,000 as proposed by the Senate. The conference agreement provides for the transfer of health and safety research to the Department of Energy (see amendment No. 110). The $64,000,000 provided for mines and minerals is to be used for the orderly closure of the Bureau of Mines.

The managers expect that the health and safety functions in Pittsburgh, PA and Spokane, WA will be continued under the Department of Energy as will the materials partnerships program in Albany, OR. The U.S. Geological Survey will assume responsibility for the minerals information program in Denver, CO and Washington, DC. The Bureau of Land Management will assume responsibility for mineral assessments in Alaska. The managers do not object to a limited number of administrative support personnel being maintained in these locations. All other functions of the Bureau of Mines will be terminated and all other Bureau locations will be closed. The funds provided under this head should be sufficient to provide termination costs and to provide for environmental cleanup costs and for the required oversight and closeout of contracts. The managers understand that some contracts will require oversight through a logical completion point to ensure that the Federal investment is not lost. One example is the construction associated with the Casa Grande in situ copper leaching program. The managers expect that there will be few such cases and expect the Secretary to notify the Committees of the rationale for continuing specific contracts, not transferred to DOE, BLM or USGS, beyond the closure of the Bureau. The managers expect the Secretary to proceed apace with the termination of the Bureau using the funds provided herein.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 48: Appropriates $95,970,000 for regulation and technology as proposed by the Senate instead of $93,251,000 as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 49: Appropriates $173,887,000 for the abandoned mine reclamation fund instead of $176,327,000 as proposed by the House and $170,441,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $500,000 for donations, $2,000,000 for reclamation program operations, and $93,000 for administrative support; and increases of $13,000 for executive direction and $140,000 for general services.

Amendment No. 50: Deletes House earmark of $5,000,000 for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 51: Deletes House provision that allowed the use of donations for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 52: Includes Senate provision which allows States to use part of their reclamation grants as a funding match to treat and abate acid mine drainage, consistent with the Surface Mining Control and Reclamation Act (SMCRA). The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 53: Appropriates $1,359,434,000 for the Operation of Indian Programs instead of $1,509,628,000 as proposed by the House and $1,261,340,000 as proposed by the Senate. Changes to the amount proposed by the House from Tribal Priority Allocations include decreases of $1,500,000 for contract support, $4,000,000 for small and needy tribes, and a general reduction of $117,136,000.

Changes from Other Recurring Programs include: increases of $1,109,000 for ISEP formula funds, $1,000,000 for student transportation, and $73,000 for Lake Roosevelt; and decreases of $1,109,000 for ISEP adjustments, $1,000,000 for early childhood development, and $1,186,000 for community development—facilities O&M; and a transfer of $3,047,000 from trust services to the Office of Special Trustee for American Indians.

Changes from Nonrecurring Programs include: increases of $400,000 for Self Determination grants, $1,500,000 for community economic development grants, $250,000 for technical assistance, and $1,500,000 for water rights negotiations; and decreases of $442,000 for attorney fees and $125,000 for resources management for absorption of pay costs.

Changes from Central Office Operations include: a decrease of $126,000 for the substance abuse coordination office, a decrease of $2,000,000 for education program management, a $12,477,000 transfer from trust services to the Office of Special Trustee for American Indians, a transfer of $447,000 from general administration to the Office of Special Trustee for American Indians, and a general reduction of $14,400,000.

Changes from Area Office Operations include a transfer of $2,367,000 from trust services to the Office of Special Trustee for American Indians and a general reduction of $14,447,000.

Changes from Special Programs and Pooled Overhead include: increases of $1,337,000 for special higher education scholarships, $962,000 for the Indian Arts and Crafts Board, $1,780,000 for intra-governmental billings, and $57,000 for direct rentals; and decreases of $866,000 for the Indian Child Welfare Act, $1,500,000 for employee displacement costs, $141,000 for personnel consolidation, $664,000 for GSA rentals, $1,666,000 for human resources development, and a $23,000 general reduction.

Amendment No. 54: Deletes Senate earmark of $962,000 for the Indian Arts and Crafts Board. The House had no similar provision. The managers agree that within Special Programs/Pooled Overhead, $962,000 is earmarked for the Indian Arts and Crafts Board. In light of declining budgets, future funding for this program should be provided through non-Federal sources.

Amendment No. 55: Earmarks $104,626,000 for contract support costs as proposed by the Senate instead of $106,126,000 as proposed by the House and adds language earmarking $100,255,000 for welfare assistance.

Amendment No. 56: Earmarks up to $5,000,000 for the Indian Self-Determination fund as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 57: Earmarks $330,711,000 for school operations costs as proposed by the House instead of $330,991,000 as proposed by the Senate.

Amendment No. 58: Earmarks $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools instead of $67,138,000 as proposed by the House and $69,477,000 as proposed by the Senate.

Amendment No. 59: Retains a statutory reference to the Johnson O'Malley Act as proposed by the Senate. The House had no similar provision.

Amendment No. 60: Earmarks $71,854,000 for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House and $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 62: Deletes reference to the statute of limitations language, as proposed by the Senate. This language is included in the Office of Special Trustee for American Indians (amendment No. 80).

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new

language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

The managers agree that:

1. Under Other Recurring Programs $409,000 is earmarked for Alaska legal services and salmon studies.

2. Not more than $297,000 shall be available for a grant to the Close Up Foundation.

3. Amounts specifically earmarked within the bill for Tribal Priority Allocations are subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. In addition, the general reduction should not be applied to the $750,000 allocated for the Financial Management Improvement Team and for small and needy tribes. BIA should ensure that compacting and non-compacting tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes.

4. BIA should provide consistent treatment in allocating funds for small and needy tribes and new tribes. Allocations should be based on recommendations of the Joint Reorganization Task Force.

5. No funds are provided for the school statistics initiative. If the BIA wishes to pursue to initiative, the Committees will consider a reprogramming request.

6. Several steps must be completed before schools can adjust salary schedules. For this reason, bill language is included that will provide this authority beginning with the 1997–98 school year. The managers expect that within 30 days after enactment of this Act BIA should provide the Committees with a plan and time schedule advising how BIA will adjust salary schedules by the 1997–98 school year. The managers expect BIA to ensure that all necessary steps are taken to facilitate changes in salary rates for any schools desiring to use non-DOD pay rates.

7. $16,338,000 from the Operation of Indian Programs should be transferred to the Office of Special Trustee for American Indians (see Amendment No. 80).

The managers have agreed to a reduction of $2,000,000 for education program management in the Central Office Operations program. No reduction has been included for area and agency technical support in Other Recurring Programs. The managers expect the Bureau to review education program management at all levels to ensure that resources are properly allocated within the funding provided. If the Bureau wishes to reallocate the funds for these accounts, a reprogramming request should be submitted to the Committees.

The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreement number AGP00473.94 and all related amendments immediately upon completion of the water studies. Within 15 days of enactment of this Act the BIA shall report to the Committees its decision as to whether or not it will direct the USGS to provide for the public release of the information. If the BIA does not allow for the public release of the information, the BIA should immediately cancel the interagency agreement with the USGS.

The managers have not agreed to the Senate amendment regarding a prohibition of the use of funds for travel and training expenses for the BIA. However, the BIA is expected to follow the guidance detailed in the discussion of Amendment No. 163.

CONSTRUCTION

Amendment No. 64: Appropriates $100,833,000 for construction instead of $98,033,000 as proposed by the House and $107,333,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Chief Leschi School, and $2,500,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision.

The managers agree that the Chief Leschi School project will be phased in over a two-year period.

The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for contract support.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 65: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.

Amendment No. 66: Earmarks $78,600,000 for land and water claim settlements as proposed by the Senate instead of $73,100,000 as proposed by the House. Changes to the amount proposed by the House include an increase of $5,500,000 for the Ute Indian settlement.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the Senate and no funds as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

The managers agree that $4,500,000 is for the cost of guaranteed loans and $500,000 is for administrative expenses.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The changes to the amount proposed by the House include an increase of $13,827,000 for territorial assistance and a decrease of $1,044,000 for American Samoa operations grants. The amount provided for territorial assistance includes increases over the House of $5,650,000 for technical assistance, $2,400,000 for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 71: Earmarks $3,527,000 for the Office of Insular Affairs as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Territorial and International Affairs is abolished along with the Office of Assistant Secretary for Territorial and International Affairs. The funding provided is for staff to carry out the Secretary's mandated responsibilities and is to be located under the Assistant Secretary for Policy, Management and Budget. This action is consistent with the reorganization already approved by the Appropriations Committees.

Amendment No. 72: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

The managers agree that Guam should be compensated for the impact caused by immigration from the freely associated states as authorized under the Compact of Free Association. Funding for compact impact shall be provided by a re-allocation of existing mandatory grant funds as discussed under amendment No. 89.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment Nos. 74 and 75: The managers agree to the Senate language which changes the account name from Office of the Secretary to Departmental Management.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $296,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that coordination of the Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department's programs. However, the managers feel that it is important to restrain these offices at the 1995 level considering that most of the Department's programs have sustained reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Departmental Offices to manage within reduced funding levels and with the displacements and uncertainties caused by reductions-in-force. Therefore, the managers agree that the Department may reprogram funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages each agency to reduce levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 77: Deletes Senate language which prohibits the use of official reception funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House.

The managers agree to retain the core policy function from the Office of Construction Management in the Office of Policy, Management and Budget. The balance of the programs are transferred to BIA construction.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 79: Modifies language inserted by the Senate requiring a report detailing information on Indian tribes or tribal organizations with gaming operations. The modification changes the date the report is due to March 1, 1996. The House had no similar provision.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Amendment No. 80: Appropriates $16,338,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agreed to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 from Other Recurring Programs for financial trust services; $2,367,000 from Area Office Operations for financial trust services; and $10,924,000 from Central Office Operations; including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lacking such authority, the Trustee cannot be held accountable and the likely result will be simply one more office pointing out the shortcomings of the Bureau of Indian Affairs.

Furthermore, under the current financial constraints facing the Committees and the various downsizing activities taking place in the Department, it is essential that the Committees have a clear understanding of the organizational structure supporting trust programs and an assurance that the significant general reductions proposed to be taken against the Bureau of Indian Affairs do not impair the Secretary's ability to manage trust assets. The managers are aware that there may be additional activities that could be transferred to the Office and encourage the Special Trustee, the Department, the Bureau of Indian Affairs, the tribes, and the Office of Management and Budget to work closely with the appropriations and authorizing committees to identify the activities and related resources to be transferred.

Any increase in funding or staffing for the Office of Special Trustee should be considered within the context of the fiscal year 1997 budget request and with consideration for funding constraints and the downsizing occurring throughout the Department, particularly within the Bureau of Indian Affairs.

The managers have recommended funding in a simplified budget structure to allow the Special Trustee some flexibility in establishing the office and the budget structure. Prior to submission of the fiscal year 1997 budget request, the managers expect the Special Trustee to work with the Committees to establish an appropriate budget structure for the Office.

The managers expect the Special Trustee to provide by December 1, 1996 a detailed operating plan for financial trust services for fiscal year 1996. The plan should detail what specific activities relating to the reconciliation effort will be undertaken, both directly by the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the tribes and the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions are expected to be filled.

Within the funds provided, support should be provided to the Intertribal Monitoring Association (ITMA). The managers expect ITMA to provide the Special Trustee with any information that is provided to the Appropriations or authorizing committees. If the Office of Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

To the extent possible, the managers expect that administrative support services will continue to be provided by the Bureau of Indian Affairs during fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative services, these activities should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers have not included any funds for overhead costs, such as GSA rent, postage, FTS–2000, PAY/PERS, or workers' compensation. These costs should be paid from the Operation of Indian Programs account during fiscal year 1996. The fiscal year 1997 budget should include appropriate overhead amounts in the Office of the Special Trustee.

ADMINISTRATIVE PROVISIONS

Amendment No. 81: Retains language inserted by the Senate changing the name of ''Office of the Secretary'' to ''Departmental Management''.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language stricken by the Senate granting the Secretary of the Interior authority to transfer land acquisition funds between the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the future management of the Presidio in California and have provided a funding limitation in order for the Congress to consider legislation this fall. In light of declining budgets, the managers recognize the need for an alternative approach for the Presidio that does not require additional appropriations from the Interior bill. Because the authorizing legislation may be enacted early in fiscal year 1996, the managers have included language which restricts how much funding can be obligated on a monthly basis for the first quarter of the fiscal year. However, if legislation is not enacted, the managers also recognize the need for the National Park Service to be able to fulfill its management and resource protection responsibilities at the Presidio. Thus, the obligation limitation would be lifted on December 31, 1995.

Because of concerns about sufficient resources remaining available to address the requirements of any authorization regarding the Presidio Trust, the managers expect the National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the establishment of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate repealing provisions of the Oil Pollution Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 86: Retains language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts rights of nontribal owners of land within the tribe's reservation. The House had no similar provision.

Amendment No. 87: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 88: Retains Senate language authorizing the National Park Service to expend funds for maintenance and repair of the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 89: Revises language proposed by the Senate to reallocate mandatory grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This funding level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects identified in a master plan. The managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high priority needs. The Secretary of the Interior and the American Samoa Government are reminded that Congress required the creation of a hospital authority as a condition to Federal funding of health care facilities. The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, including funding provided in this bill, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate on several matters including minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual ''State of the Islands'' report. This

report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forestry research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as required to meet funding reductions. The managers agree that no forest and range experiment station, research program, or research project should be held harmless from deceases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities—including forestry research—that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is not conducted elsewhere, and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization research continue given the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of information directed at forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington, $479,000 for Cook County Ecosystem project, and $200,000 for research at the Olympic Natural Resources Center in Forks, WA.

STATE AND PRIVATE FORESTRY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate but deletes Senate earmarks for cooperative lands fire management and the stewardship incentives program. The House provided $129,551,000 for State and private forestry.

The net increase above the House includes increases of $4,500,000 for the stewardship incentives program, $3,000,000 for forest legacy program, and $5,500,000 for economic action programs; and reductions of $2,000,000 from forest health management, $621,000 from cooperative lands fire management, $1,636,000 for forest stewardship and $1,500,000 for urban and community forestry.

The managers agree to the following distribution of funds within economic action programs:

| | |
|---|---|
| Forest products conservation and recovery ..... | $1,000,000 |
| Economic recovery ..... | 5,000,000 |
| Rural development ..... | 4,800,000 |
| Wood in transportation ..... | 1,200,000 |
| Columbia River Gorge, economic grants to counties | 2,500,000 |

The managers agree that $2,880,000 within rural development be allocated to the Northeast and Midwest, and that no funds are provided for economic diversification studies.

INTERNATIONAL FORESTRY

The managers agree that up to $4,000,000 of Forest Service funds may be utilized for purposes previously funded through the International Forestry Appropriation. Domestic activities requiring international contacts will continue to be funded, as in the past, by appropriate domestic benefiting program. The managers reiterate their expectations that the Service curtail foreign travel expenditures in light of budget constraints.

Operations formerly funded by International Forestry or other appropriations, other than research activities, of the International Institute of Tropical Forestry, Puerto Rico and the Institute of Pacific Islands Forestry, Hawaii may continue to be funded as appropriate. As with other programs, it may be necessary to reduce funding for these institutes due to budget constraints. Research activities will be funded from the Forest Research Appropriation.

The managers also expect the Forest Service to examine the best means to provide leadership in international forestry activities and meet essential representation and liaison responsibilities with foreign governments and international organizations, and agree that the Forest Service should not maintain a separate deputy chief for international forestry.

NATIONAL FOREST SYSTEM

Amendment No. 92: Appropriates $1,256,253,000 for the national forest system instead of $1,266,688,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for wilderness management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management, $1,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the land agencies to begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104–19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will produce an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service sale accomplishment level of 5.6 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell products other than sawtimber should continue to report accomplishments in the same manner as used in the forest plans. The reports are also to provide information on both green and salvage sales.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104–19. The managers believe that funding such a review can be appropriately undertaken through the timber salvage sale fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103–551 specifically allows Forest Service managers to use scaling when selling salvage sales or thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103–551 for rapidly deteriorating timber, and to use sample weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to undertake a study to identify: (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and whether tree measurement discourages timber theft; (3) which measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency's ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service Handbook cruise standards, including identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contract with an established independent contractor skilled in both cruising and scaling and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish the Midewin National Tallgrass Prairie and urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation when enacted. The managers also urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years for the unemployed timber worker programs in the President's Forest Plan.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs allowed for under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of each job. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the reprogramming guidelines, and not reallocate funds until the Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible.

WILDLAND FIRE MANAGEMENT

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate, instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House instead of $381,485,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $186,888,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $15,000,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for research.

The managers agree to the following earmarks within recreation construction:

| | |
|---|---|
| Allegheny NF, rehabilitation | $150,000 |
| Bead Lake, WA, boating access | 60,000 |
| Bead Lake, WA, roads | 176,000 |
| Columbia River Gorge Discovery Center, OR, completion | 2,500,000 |
| Cradle of Forestry, NC, utilities | 500,000 |
| Daniel Boone NF, KY, rehabilitation | 660,000 |
| Gum Springs Recreation Area, LA, rehabilitation phase II | 400,000 |
| Johnston Ridge Observatory, WA | 500,000 |
| Johnston Ridge Observatory, WA, roads | 550,000 |
| Lewis and Clark Interpretive Center, MT, completion | 2,700,000 |
| Multonmah Falls, OR, sewer system | 190,000 |
| Northern Great Lakes Visitor Center, WI | 1,965,000 |
| Seneca Rocks, WV visitor center, completion | 1,400,000 |
| Timberline Lodge, OR, water system improvements and new reservoir | 750,000 |
| Winding Stair Mountain National Recreation and Wilderness Area, OK, improvements | 682,000 |

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for recreation roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and are concerned about the cost of the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional partnerships that can help cost-share required restoration work. The Forest Service should work with the Committees to provide a better understanding of the needs of Grey Towers and explore ways to reduce the cost to the Federal government.

The managers concur in the reprogramming request currently pending for Johnston Ridge Observatory and Timberline Lodge sewer system.

Amendment No. 96: Earmarks $2,500,000 and unobligated project balances for a grant to the ''Non-Profit Citizens for the Columbia Gorge Discovery Center,'' and authorizes the conveyance of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

LAND ACQUISITION

Amendment No. 98: Appropriates $41,200,000 instead of $14,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and inholding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $28,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes earmark for Kane Experimental Forest.

The managers expect that any movement of acquisition funds from one project to another regardless of circumstances must follow normal reprogramming guidelines. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges either nearing completion, or where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $40 million has been spent on land acquisitions in the Gorge, and the Forest Service estimates that nearly $20–$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges in the area, and while several exchanges have been completed, a substantial number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripartite land-for-timber exchanges.

The managers encourage the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees and adds a provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers agree that any relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by deleting the prohibition on changes to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office to Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance costs associated with the relocation of the Region 5 regional office to excess military property at Mare Island Naval Shipyard at Vallejo, CA, from any Forest Service account. However, the managers expect a reprogramming request which justifies the relocation and identifies the source of funds to be used before funds are reallocated for this purpose. The allocation of other regions are not to be reduced in order to finance the move.

Amendment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the ''Jobs in the Woods'' program for National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes House provision relating to songbirds on the Shawnee NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment No. 108: Modifies Senate provision requiring implementation of the Tongass Land Management Plan, Alternative P, during fiscal year 1996, and allows continuation of the current Tongass National Forest land management planning process which may replace or modify Alternative P. Language is also included relating to offering certain timber sales in Alaska, and making permanent section 502 of Public Law 104–19 relating to habitat conservation areas in the Tongass National Forest. The House had no similar provision.

The managers appreciate the critical need to resolve land and resource management issues relating to the Tongass National Forest in Southeast Alaska and further recognize that, to date, the Congress has provided sufficient guidance and funding for the Forest Service to develop a workable land management plan. Therefore, the Forest Service is directed to implement the preferred alternative identified in the Final Environmental Impact Statement dated October 1992 and its companion Record of Decision draft dated February 1993. The Forest Service may

amend that plan to include a signed agreement between the Forest Service and the Alaska Visitors' Association, and is directed otherwise to proceed with timber sales and other plan features in accordance with this plan. The current plan revision process may continue, provided that any proposed revisions shall, to the maximum extent possible, contain no fewer acres to suitable timber lands than in the plan selected by this bill and any revision shall not take effect during fiscal year 1996.

Amendment No. 109: Includes Senate provision which prohibits applying paint to rocks or rock colorization. The House includes no similar provision.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 110: Appropriates $417,169,000 for fossil energy research and development instead of $379,524,000 as proposed by the House and $376,181,000 as proposed by the Senate. The amendment also provides for the transfer of authority for health and safety research in mines and the mineral industry from the Bureau of Mines (see amendment No. 47). Changes to the amount proposed by the House for coal research include an increase of $2,000,000 for Kalina cycle testing and decreases of $1,500,000 in coal preparation research, $1,650,000 for HRI proof of concept testing and $1,000,000 for bench scale research in the direct liquefaction program, $1,000,000 for in house research in the high efficiency integrated gasification combined cycle program, $500,000 for filters testing and evaluation in the high efficiency pressurized fluidized bed program, and $300,000 for international program support and $1,000,000 for university coal research in advanced research and technology development. Changes to the amount proposed by the House for oil technology research include increases of $1,500,000 for a data repository, $250,000 for the gypsy field project and $250,000 for the northern midcontinent digital petroleum atlas in exploration and supporting research, and decreases of $1,000,000 for the National laboratory/industry partnership and $1,000,000 for extraction in exploration and supporting research, $2,000,000 for the heavy oil/unconsolidated gulf coast project in the recovery field demonstrations program, and $1,000,000 as a general reduction to the processing research and downstream operations program. Changes to the amount proposed by the House for natural gas research include decreases of $440,000 for conversion of natural gases to liquid fuels, $130,000 for the international gas technology information center and $30,000 for low quality gas upgrading in the utilization program and $1,000,000 for the advanced concepts/tubular solid oxide fuel cell program. Other changes to the House recommended level include increases of $40,000,000 for health and safety research ($35 million) and materials partnerships ($5 million) which are being transferred from the Bureau of Mines, $6,295,000 for cooperative research and development and $5,000,000 for program direction at the energy technology centers and a decrease of $4,000,000 for environmental restoration.

The funds provided for cooperative research and development include $295,000 for technical and program management support and $3,000,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center. Within the funds provided for WRI and UNDEERC, the managers agree that a percentage comparable to the fiscal year 1995 rate may be used for the base research program, and the balance is to be used for the jointly sponsored research program.

The managers have included an increase of $5,000,000 for program direction, which is $1,000,000 less than recommended in the Senate bill. The managers expect the Department to allocate these funds commensurate with the program distributors in this bill. The various program and support functions of the field locators should continue to be funded out of the same line-items as in fiscal year 1995.

The managers are aware of proposals regarding the future field office structure of the fossil energy program. The managers take no position on the specifics of the various aspects of the strategic realignment initiative at this time as many of the details are not yet available. The managers expect the Department to comply fully with the reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the basis for estimated savings, personnel impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek competitively a non-Federal entity to acquire NIPER and to make such investments and changes as may be necessary to enable the private entity to perform high-value research and development services and compete with other organizations for private and public sector work. In the interim, to the extent the program level for oil technology allows, the Department is encouraged to maintain as much of the program at NIPER as possible.

With respect to the functions of the Bureau of Mines which have been transferred to the Department of Energy, the managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Secretary should maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding level provided for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research function should be filled with Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, and particularly the Office of Management and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health.

The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that a clean coal project was recently changed without addressing Congressional concerns that were raised before and during the application review period. The managers expect the Secretary, to the extent possible, to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operation when the elemental sulfur is available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with a private entity. The House had no similar provision. The managers expect the Department to make every effort to increase the percentage of non-Federal cost-sharing in its research and development projects.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 112: Appropriates $149,028,000 for the Naval petroleum and oil shale reserves instead of $151,028,000 as proposed by the House and $136,028,000 as proposed by the Senate.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

ENERGY CONSERVATION

Amendment No. 114: Appropriates $553,293,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate. Changes to the amount proposed by the House for the buildings program include increases of $150,000 for the foam insulation project in the building envelope program, $100,000 for lighting and appliance collaboratives in commercial buildings in the building equipment program and $1,140,000 for energy efficiency standards for Federal buildings in the codes and standards program, and decreases of $400,000 for residential buildings/building America, $3,000 for residential efficiency/climate change action plan, and $1,500,000 for partnership America/climate change action plan in building systems; $150,000 as a general reduction to materials and structures in building envelope; $450,000 as a general reduction to lighting and $100,000 for appliance technology introduction partnerships/climate change action plan in building equipment; and $3,060,000 as a general reduction to the codes and standards program, consistent with the moratorium on issuing new standards (see amendment No. 157).

Changes to the amount proposed by the House for the industry program include an increase of $3,000,000 in industrial wastes to maintain the NICE3 program at the fiscal year 1995 level and decreases of $300,000 for combustion in the municipal solid waste program, $1,000,000 as a general reduction to the metals initiative in the materials and metals processing program with the expectation that none of the reduction is to be applied to the electrochemical dezincing project, $200,000 as a general reduction for alternative feedstocks and $700,000 as a general reduction for process development in the other process efficiency program, and $2,000,000 for environmental technology partnerships in implementation and deployment.

Changes to the amount proposed by the House for the transportation program include increases of $990,000 for metal matrix composites in vehicle systems materials; $200,000 for turbine engine technologies, $200,000 for the ceramic turbine engine demonstration project, $4,500,000 for automotive piston technologies, and $612,000 for combustion and emissions research and development in heat engine technologies; and $16,228,000 for on-board hydrogen proton exchange membrane fuel cells and $2,900,000 for fuel cell research and development in electric and hybrid propulsion development. Decreases from the House include $1,200,000 for fuel cells/battery materials and $500,000 as a general reduction in materials technology; $1,000,000 as a general reduction in vehicle systems materials; $6,462,000 as a general reduction to light duty engine technologies in

the heat engine technologies program; and $500,000 for battery development, $1,000,000 to terminate the phosphoric acid fuel cell bus program and $15,528,000 as a general reduction for fuel cell development in the electric and hybrid propulsion development program.

Changes to the amount proposed by the House for the technical and financial assistance program include an increase of $3,250,000 for the weatherization assistance program and a decrease of $295,000 for the inventions and innovations program.

The managers have agreed to the Senate bill language restricting the issuance of new or amended standards in the codes and standards program (see amendment Nos. 156 and 157).

The managers agree that:

1. The Department should aggressively pursue increased sharing;

2. Projects that prove to be uneconomical or fail to produce results should be terminated;

3. The fiscal year 1997 budget should continue the trend of program downsizing with the focus on completing existing commitments;

4. Ongoing programs should not be grouped under the umbrella of large initiatives and described as new programs in the budget;

5. There should be no new program starts without compelling justification and identified funding offsets;

6. The home energy rating system pilot program should be continued with the existing pilot States; within the funds available for HERS, the managers expect the Department to work with Mississippi and other non-pilot program States on the States' home energy rating systems;

7. There is no objection to continuing the student vehicle competition in the transportation program at the current year funding level;

8. The Department should work with the States to determine what other programs should be included in a block grant type program along with the consolidated State energy conservation program/institutional conservation program;

9. There is no objection to continuing the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income initiatives to the extent that HUD reimburses the Department for this work;

10. The Office of Industrial Technologies may procure capital equipment using operating funds, subject to the existing reprogramming guidelines;

11. The Department should work with the Office of Management and Budget and the General Services Administration to ensure that agencies fund energy efficiency improvements in Federal buildings;

12. The Department should increase private sector investment through energy savings performance contracts in the Federal energy management program and should develop mechanisms to be reimbursed for these efforts;

13. The Department should submit a new five year program plan for the transportation program in light of current funding constraints; and

14. There are no specific restrictions on the number of contracts to be let for the long term battery development effort or activities within the electric and hybrid vehicle program. Given the level of funding provided, the Department should examine carefully its options in these areas in close coordination with its industry cooperators.

Amendment No. 115: Earmarks $140,696,000 for State energy grant programs instead of $148,946,000 as proposed by the House and $168,946,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $137,446,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program as proposed by the House instead of $31,500,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation as proposed by the House instead of $8,038,000 as proposed by the Senate.

The managers agree that the Office of Hearings and Appeals should receive reimbursement for work other than petroleum overcharge cases and related activities as recommended by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 119: Appropriates $72,266,000 for the Energy Information Administration instead of $79,766,000 as proposed by the House and $64,766,000 as proposed by the Senate. The managers expect the reduction to be applied largely to EIA's forecasting efforts.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 120: Appropriates $1,722,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,815,373,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $1,500,000 for collections and billings, $750,000 for epidemiology centers, $200,000 for the Indians into Psychology program, and decreases of $2,000,000 for Indian health professionals, $3,000,000 for tribal managment, and a $400,000 transfer from hospitals and clinics to facilities and environmental health support.

Amendment No. 121: Earmarks $350,564,000 for contract medical care as proposed by the Senate instead of $351,258,000 as proposed by the House.

The managers agree that the Indian Self Determination Fund is to be used only for new and expanded contracts and that this fund may be used for self-governance compacts only to the extent that a compact assumes new or additional responsibilities that had been performed by the IHS.

The managers agree that the fetal alcohol syndrome project at the University of Washington should be funded at the fiscal year 1995 level.

The managers are concerned about the adequacy of health care services available to the Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendment No. 122: Appropriates $238,958,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 of the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS health facilities priority list for inpatient facilities. The Choctaw Nation has developed a financing plan for a replacement facility. The Choctaw Nation proposes various funding sources to support its project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, equip, and operate the newly constructed facility. The managers will consider these operational needs in the context of current budget constraints.

The managers have not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV–AIDS prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

## DEPARTMENT OF EDUCATION

### OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

## OTHER RELATED AGENCIES

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

## SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $309,471,000 as proposed by the House and $307,988,000 as proposed by the Senate.

The $200,000 increase is provided for the Center for folklife programs specifically for the 1996 Festival of American Folklife featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 127: Appropriates $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation and is not to be used for new exhibits of expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for Construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center; $8,700,000 is included to complete the construction and equipping of the

Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a proposed master plan and initiate detailed planning and design to allow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan shall specify, in detail, the phasing of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of planning and design, will be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,140,100 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees' concerns are satisfactorily addressed, no funds may be used for this purpose.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 136: Appropriates $82,259,000 for grants and administration as proposed by the House instead of $88,765,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 138: Appropriates $17,235,000 for matching grants as proposed by the House instead of $21,235,000 as proposed by the Senate.

Amendment No. 139: Deletes House language making funding for NEA contingent upon passage of a House reauthorization bill.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $82,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,180,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.

While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for designating historic properties, providing financial assistance, overriding other Federal agencies, decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in covering these costs. The managers are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

PUBLIC DEVELOPMENT

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct that the orderly shutdown of the Corporation be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996. The managers agree that Pennsylvania Avenue Development Corporation staff associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 147: Appropriates $28,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 148: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103–413.

Amendment No. 150: Includes Senate provision that any funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA–HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from granting the NWSA a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of the agencies' missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language stricken by the Senate transferring certain responsibilities from the Pennsylvania Avenue Development Corporation to the General Services Administration, National Capital Planning Commission, and the National Park Service. The modification transfers all unobligated and unexpended balances to the General Services Administration. The Senate has no similar provision.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior

Columbia River Basin ecoregion management project (the Project). The House and Senate contained different language on the subject, but both versions were clear in their position that the Project has grown too large, and too costly to sustain in a time of shrinking budgets. In addition, the massive nature of the undertaking, and the broad geographic scope of the decisions to be made as part of a single project has raised concerns about potential vulnerability to litigation and court injunctions with a regionwide impact. The language included in the conference report reflects a compromise between the two versions.

Subsection (b) appropriates $4,000,000 for the completion of an assessment on the National forest system lands and lands administered by the BLM within the area encompassed by the Project, and to publish two draft Environmental Impact Statements on the Project. The Forest Service and BLM should rely heavily on the eastside forest ecosystem health assessment in the development of the assessment and DEIS's, in particular, volume II and IV provide a significant amount of the direction necessary for the development of an ecosystem management plan. This document has already been peer reviewed and widely distributed to the public. Therefore, the collaborative efforts by many scientists can be recognized.

The two separate DEIS's would cover the project region of eastern Washington and Oregon, and the project region of Montana and Idaho, and other affected States. The language also directs project officials to submit the assessment and two DEIS's to the appropriate House and Senate committees for their review. The DEIS's are not decisional and not subject to judicial review. The managers have included this language based upon concern that the publication of DEIS's of this magnitude would present the opportunity for an injunction that would shut down all multiple use activities in the region.

The assessment shall contain a range of alternatives without the identification of a preferred alternative or management recommendation. The assessment will also provide a methodology for conducting any cumulative effects analysis required by section 102(2) of NEPA, in the preparation of each amendment to a resource management plan.

The assessment shall also include the scientific information and analysis conducted by the Project on forest and rangeland health conditions, among other considerations, and the implications of the management of these conditions. Further, the assessment and DEIS's shall not be subject to consultation or conferencing under section 7 of the Endangered Species Act, nor be accompanied by any record of decision required under NEPA.

Subsection (c) states the objective of the managers that the district manager of the Bureau of Land Management or the forest supervisor of the Forest Service use the DEIS's as an information base for the development of individual plan amendments to their respective forest plan. The managers believe that the local officials will do the best job in preparing plan amendments that will achieve the greatest degree of balance between multiple use activities and environmental protection.

Upon the date of enactment, the land managers are required to review their resource management plan for their forest, together with a review of the assessment and DEIS's, and based on that review, develop or modify the policies laid out in the DEIS or assessment to meet the specific conditions of their forest.

Based upon this review, subsection (c)(2) directs the forest supervisor or district manager to prepare and adopt an amendment to meet the conditions of the individual forest. In an effort to increase the local participation in the plan amendment process, the district manager or forest supervisor is directed to consult with the governor, and affected county commissioners and tribal governments in the affected area.

Plan amendments should be site specific, in lieu of imposing general standards applicable to multiple sites. If an amendment would result in a major change in land use allocations within the forest plan, such an amendment shall be deemed a significant change, and therefore requiring a significant plan amendment or equivalent.

Subsection (c)(5) strictly limits the basis for individual plan amendments in a fashion that the managers intend to be exclusive.

Language has been included to stop duplication of environmental requirements. Subsection (c)(6)(A) states that any policy adopted in an amendment that modifies, or is an alternative policy, to the general policies laid out in the DEIS's and assessment document that has already undergone consultation or conferencing under section 7 of the ESA, shall not again be subject to such provisions. If a policy has not undergone consultation or conferencing under section 7 of the ESA, or if an amendment addresses other matters, however, then that amendment shall be subject to section 7.

Amendments which modify or are an alternative policy are required to be adopted before July 31, 1996. An amendment that is deemed significant, shall be adopted on or before December 31, 1996. The policies of the Project shall no longer be in effect on a forest on or after December 31, 1996, or after an amendment to the plan that applies to that forest is adopted, whichever comes first.

The managers have included language specific to the Clearwater National Forest, as it relates to the provisions of this section. The managers have also included language to clarify that the documents prepared under this section shall not apply to, or be used to regulate non-Federal lands.

Amendment No. 153: Includes a modified version of provisions included by both the House and Senate relating to a recreational fee demonstration program. This pilot program provides for testing a variety of fee collection methods designed to improve our public lands by allowing 80 per cent of fees generated to stay with the parks, forests, refuges and public lands where the fees are collected. There is a tremendous backlog of operational and maintenance needs that have gone unmet, while at the same time visits by the American public continue to rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which provides for the following:

(1) The maximum number of demonstration sites per agency is extended from 30 to 50.

(2) The time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period ends.

(3) Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.

(4) The more simplified accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.

(5) In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of the collection site or on an agency-wide basis. The other fees collected will be treated like they are at non-demonstration sites, except funds withheld to cover fee collection costs for agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.

(6) For those Fish and Wildlife Service demonstrations where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.

(7) The agencies have been provided more latitude in selecting demonstration sites, areas or projects. These demonstrations may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collections would adversely affect visitor use patterns.

(8) The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities on Federal lands, including facility, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.

(9) Vendors may charge a reasonable markup or commission to cover their costs and provide a profit.

(10) Each Secretary shall provide the Congress a brief report describing the selected sites and fee recovery methods to be used by March 31, 1996, and a report which evaluates the pilot demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected and how they represent the geographical and programmatic spectrum of recreational sites and habitats managed by the agencies. The diversity of fee collection methods and fair market valuation methods should also be explained.

(11) In order to maximize funding for start-up costs, agencies are encouraged to use existing authority in developing innovative implementation strategies, including cooperative efforts between agencies and local governments.

(12) Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreational fees should reflect the circumstances and conditions of the various States and regions of the country. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing additional data on tourism, recreational use, or rates which may be required by Congress in addressing the fee issue.

(13) The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Pacific Northwest, and substitutes language which makes a technical correction to the emergency salvage timber program, Sec. 2001(a)(2) of Public law 104–19 that changes the ending date of the emergency period to December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 2001(j). The Senate included no similar provision.

Amendment No. 155: Retains House language stricken by the Senate prohibiting the

use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended standards and reducing the codes and standards program in the Department of Energy by $12,799,000 and inserts language regarding grazing at Great Basin National Park. The codes and standards issue to discussed under the energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains Senate alternative language providing for a one-year moratorium on new or amended standards by the Department of Energy. This issue is discussed under the energy conservation portion of this statement.

Amendment No. 158: Strikes House language on mining patent moratorium and retains Senate language providing for fair market value for mineral patents exclusive of, and without regard to, the mineral deposits in the land or the use of the land instead of the House language which placed a moratorium on accepting or processing mine patent applications. The language also includes right of reentry by the United States if the patent is used for any purpose other than mining, requires the Department of the Interior to expedite processing of the backlog of pending patent applications, and requires the use of a third-party mineral examiner upon the request of a patent applicant.

Amendment No. 159: Includes the Senate provision which prohibits funding for the Office of Forestry and Economic Development after December 31, 1995. The House had no similar provision.

Amendment No. 160: Retains language inserted by the Senate prohibiting redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets. The House had no similar provision.

Amendment No. 161: Retains language inserted by the Senate authorizing the Secretary of the Interior to exchange land in Washington State with the Boise Cascade Corporation. The House had no similar provision.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation of timber sales from the revenues generated from the section 318 timber sales that are released under section 2001(k) of Public Law 104–19. The House included no similar provision.

Amendment No. 163: Deletes language proposed by the Senate which would prohibit use of funds for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

The managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the cost of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funding constraints faced by the Bureau, the managers expect that priority will be given to funding those activities which directly support accreditation of Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 164: Retains language inserted by the Senate prohibiting the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House had no similar provision.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Administration's rangeland reform program until November 21, 1995. The House had no similar provision.

Amendment No. 166: Strikes Senate section 331 pertaining to submission of land acquisition projects by priority ranking. Priorities should continue to be identified in the budget request and justifications.

Amendment No. 167: Includes Senate provision that makes three changes to existing law relating to tree spiking. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree spiking, real or threatened, may be included as ''avoidance costs'' in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House had no similar provision.

Amendment No. 168: Modifies Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA. The House had no similar provision.

Amendment No. 169: Retains Senate language restricting NEA grants for sexually explicit material. The House had no similar provision.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996.

Amendment No. 171: Deletes language inserted by the Senate mandating energy savings at Federal facilities. The House had no similar provision.

Amendment No. 172: Deletes Senate amendment requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision.

Amendment No. 173: Deletes Senate amendment requiring the Indian Health Service to prepare a report on HIV–AIDS prevention needs among Indian tribes. The House had no similar provision.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99–177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term ''program, project, and activity'' for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

| | |
|---|---|
| New budget (obligational) authority, fiscal year 1995 | $13,519,230,000 |
| Budget estimates of new (obligational) authority, fiscal year 1996 | 13,817,404,000 |
| House bill, fiscal year 1996 | 11,984,603,000 |
| Senate bill, fiscal year 1996 | 12,053,099,000 |
| Conference agreement, fiscal year 1996 | 12,114,878,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1995 | −1,404,352,000 |
| Budget estimates of new (obligational) authority, fiscal year 1996 | −1,702,526,000 |
| House bill, fiscal year 1996 | +130,275,000 |
| Senate bill, fiscal year 1996 | +61,779,000 |

RALPH REGULA
(except amendment 35),
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
NORMAN D. DICKS,
*Managers on the Part of the House.*

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
MARK HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
ROBERT BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY
(except amendment 136, 138, 168, and 169),
*Managers on the Part of the Senate.*

## 1994 CALENDAR YEAR REPORTS FROM THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, together with the accompanying papers, referred to the Committee on Transportation and Infrastructure and the Committee on Commerce:

*To the Congress of the United States:*

I transmit herewith the 1994 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1995.*

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. BARR, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. SLAUGHTER, 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 Mr. DOGGETT) and to include extraneous matter:)

Mr. BONIOR.

Mr. KENNEDY of Rhode Island.

Mrs. MEEK of Florida.

Mr. STOKES.

Mr. COYNE.

Ms. ROYBAL-ALLARD.

Mr. STOKES in two instances.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. EHLERS.

Mr. ROTH.

Mr. BURR in two instances.

Mr. GALLEGLY.

Ms. DUNN of Washington.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. BROWN of Ohio.

Mr. BONIOR in three instances.

Mr. BARCIA.

Ms. DELAURO.

Mrs. CUBIN.

Mr. PACKARD.

Mr. WILLIAMS.

Mr. CONYERS.

Mr. GEPHARDT.

Mr. DICKS.

Mr. CAMP.

Mrs. MORELLA.

Mr. GANSKE.

Mr. PASTOR.

Mr. GILMAN.

Mr. BALLENGER.

Mr. COOLEY.

## SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; to the Committee on the Judiciary.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An act to clarify the rules governing venue, and for other purposes.

## ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 1995, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1452. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1453. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, sections 810(2) and 810(h)(3)(B), USC; to the Committee on Veterans' Affairs.

1454. A letter from the Secretary, Department of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1455. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the annual report entitled ''Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access,'' pursuant to Public Law 101–239; jointly, to the Committees on Ways and Means and Commerce.

## 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. GEKAS: Committee on the Judiciary. H.R. 2277. A bill to abolish the Legal Services Corporation and provide the States with money to fund qualified legal services; with an amendment (Rept. 104–255). Referred to the Committee of the Whole House on the State of the Union.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 226. Resolution providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes (Rept. 104–256). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 227. Resolution providing for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court (Rept. 104–257). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 228. Resolution providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station (Rept. 104–258). Referred to the House Calendar.

Mr. REGULA: Committee of Conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–259). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1756. A bill to abolish the Department of Commerce; with an amendment (Rept. 104–260 Pt. 1). Ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1815. Referral to the Committee on Resources extended for a period ending not later than September 29, 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. BUYER (for himself, Ms. WATERS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 2370. A bill to amend title 38, United States Code, to extend the veterans' adjustable rate mortgage demonstration project through the first 3 months of fiscal year 1996; to the Committee on Veterans' Affairs.

By Mr. ARCHER (for himself, Mr. CRANE, and Mr. DREIER):

H.R. 2371. A bill to provide trade agreements authority to the President; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. CUBIN (for herself, Mr. CREMEANS, Mr. NEY, Mr. MOLLOHAN,

Mr. HANSEN, Mr. HAYWORTH, Mr. THORNBERRY, Mr. ALLARD, Mr. CALVERT, Mr. DOOLITTLE, Mr. POMBO, and Mr. COOLEY):

H.R. 2372. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that act with respect to surface coal mining and reclamation operations, and for other purposes; to the Committee on Resources.

By Mr. BONILLA (for himself, Mr. DURBIN, Mr. THORNBERRY, Mr. KIM, and Mr. MILLER of Florida):

H.R. 2373. A bill to provide that neither the President, the Vice President, nor any Member of Congress shall be paid during Federal Government shutdowns; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mrs. MORELLA, Mr. SHAYS, Mr. BOEHLERT, Mr. CASTLE, Mr. GREENWOOD, and Mr. WELDON of Pennsylvania):

H.R. 2374. A bill to amend the Endangered Species Act of 1973 to encourage the continued conservation of America's natural legacy for future generations; provide incentives for States, local governments, and private landowners to conserve species; and otherwise improve the act through increased flexibility and broader cooperation; to the Committee on Resources.

By Mr. LANTOS:

H.R. 2375. A bill to amend title 5, United States Code, to modify the early-retirement reduction provisions with respect to certain Federal employees who are separated from service due to a base closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. MCHALE:

H.R. 2376. A bill to develop a program regarding career opportunities by making such information available on publicly accessible networks and other electronic media; to the Committee on Economic and Educational Opportunities.

H.R. 2377. bill to provide authority to executive departments and agencies to issue rulings respecting application of laws under their jurisdiction; to the Committee on Government Reform and Oversight,

H.R. 2378. A bill to amend the White House Conference on Small Business Authorization Act to require the final report of the national conference to be published in the Federal Register and distributed through the regional offices of the Small Business Administration; to the Committee on Small Business.

H.R. 2379. A bill to amend the Small Business Act to modify requirements relating to the personal net worth of individuals who may be considered economically disadvantaged for the purpose of receiving contract awards under section 8(a) of that act; to the Committee on Small Business.

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

H.R. 2381. A bill to amend the Internal Revenue Code of 1986 to disregard up to $15 million of capital expenditures in applying the provisions permitting a $10 million limit on qualified small issue bonds; to the Committee on Ways and Means.

H.R. 2382. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for 20 percent of the employee training expenses paid or incurred by the employer; to the Committee on Ways and Means.

H.R. 2383. A bill to amend the Internal Revenue Code of 1986 to modify certain rules relating to subchapter S corporations; to the Committee on Ways and Means.

H.R. 2384. A bill to amend the Internal Revenue Code of 1986 to restore the 10 percent regular investment tax credit; to the Committee on Ways and Means.

H.R. 2385. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for gain from certain small business stock to 100 percent for stock held for more than 10 years; to the Committee on Ways and Means.

By Mr. SCHUMER (by request):

H.R. 2386. A bill to save the lives of police officers; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mrs. MORELLA):

H.R. 2387. A bill to amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. BARTON of Texas):

H.R. 2389. A bill to combat fraud and abuse in the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. BARTON of Texas):

H.R. 2390. A bill to revise the restrictions under the Medicare Program against payment for services furnished by a facility in which the referring physician has an ownership interest, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. BALLENGER:

H.R. 2391. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees; to the Committee on Economic and Educational Opportunities.

By Mr. COOLEY:

H.R. 2392. A bill to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H. Con. Res. 103. Concurrent resolution expressing support for equal and fair access to higher education in the Albanian language in the former Yugoslav Republic of Macedonia; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIVINGSTON introduced a bill (H.R. 2388) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Shaka Maru*; which was referred to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

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

H.R. 28: Mr. HASTERT.

H.R. 65: Mr. TATE.

H.R. 104: Mr. KIM and Mr. PAYNE of Virginia.

H.R. 109: Mr. DOOLITTLE.

H.R. 303: Mr. TATE.

H.R. 326: Mr. GOSS.

H.R. 436: Mr. HOEKSTRA.

H.R. 468: Mr. GILMAN.

H.R. 789: Mr. ENSIGN.

H.R. 803: Mr. WHITE.

H.R. 892: Mr. LIPINSKI.

H.R. 941: Mr. KLECZKA.

H.R. 945: Mr. PARKER, Mr. COSTELLO, Mr. JEFFERSON, Mr. LIPINSKI, Mr. CHAMBLISS, Mr. DEFAZIO, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. WATTS of Oklahoma, Mr. HASTERT, Mr. ALLARD, Mr. CHRYSLER, Mr. BROWNBACK, Mr. CLEMENT, Mr. GILLMOR, Mr. EHRLICH, Mr. KINGSTON, and Mr. KLUG.

H.R. 957: Mr. COBLE and Mr. MCKEON.

H.R. 1003: Mr. HALL of Texas and Mr. MINGE.

H.R. 1061: Mr. HOLDEN and Mr. LAUGHLIN.

H.R. 1078: Ms. LOFGREN and Mr. ACKERMAN.

H.R. 1161: Mr. CLEMENT and Mr. SOUDER.

H.R. 1595: Mr. LONGLEY, Mr. CAMP, Mr. MARTINI, Mr. DURBIN, Mrs. MEYERS of Kansas, Mr. SCHIFF, and Mr. KENNEDY of Rhode Island.

H.R. 1619: Mr. FAWELL.

H.R. 1711: Mr. BAKER of Louisiana.

H.R. 1713: Mr. SMITH of Texas.

H.R. 1747: Mr. GREENWOOD and Ms. PELOSI.

H.R. 1776: Mr. SABO, Mr. DINGELL, and Mr. QUINN.

H.R. 1920: Mr. WELDON of Pennsylvania and Mr. HOLDEN.

H.R. 2146: Mr. COYNE, Mr. CAMP, and Mr. KLUG.

H.R. 2195: Mrs. SEASTRAND.

H.R. 2244: Mr. WELLER.

H.R. 2265: Mr. ZELIFF, Mr. HEFNER, Mr. SCARBOROUGH, and Mr. WARD.

H.R. 2271: Ms. LOFGREN.

H.R. 2326: Mr. BEREUTER, Mr. FROST, Mr. GEJDENSON, Mr. ENGLISH of Pennsylvania, Ms. MOLINARI, Mr. BARRETT of Wisconsin, and Mr. ACKERMAN.

H.R. 2338: Mr. ACKERMAN.

H.R. 2353: Mr. FLANAGAN, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. WELLER, Mr. CLEMENT, and Mr. BARR.

H.R. 2363: Mr. HOEKSTRA.

H. Res. 30: Mr. FRANKS of New Jersey and Mr. FIELDS of Louisiana.

H. Res. 134: Mr. FORBES, Mr. ENGLISH of Pennsylvania, Mr. BEILENSON, Mr. ENSIGN, Mr. GANSKE, Mr. GRAHAM, Mr. LUTHER, Mr. FOX, Mr. HAYWORTH, Mr. FOLEY, and Mr. CHRYSLER.

H. Res. 214: Mr. INGLIS of South Carolina, Mr. FORBES, Mr. LEACH, and Mr. LOBIONDO.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. Res. 94: Mr. PETERSON of Minnesota.