

DISPOSITION OF INTERSTATE COMMERCE ACT PROVISIONS WITHIN TITLE 49 OF THE UNITED STATES CODE—Continued

Prior section	Part A (Rail)	Part B (Motor, Water)	Part C (Pipeline)	Subject
11106				Identification of vehicles.
11107		14102		Leased vehicles (owner-operators).
11108				Water—unreas. discrimination.
11109		14103		Lumping.
11110		14104		HHG operations.
11111				CB radios on buses.
11121	11121			Car service criteria.
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11123	11123			Emergency situations.
11124	11123			Rerouting.
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11126				Distribution of coal cars.
11127				HHG Frt. Forwarder services.
11128	11124			War Emergencies.
11141	11141	14121	15721	Reports and records.
11142	11142			Uniform accounting system.
11143	11143			Depreciation charges.
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11161				Railroad Accounting Principles Board (RAPB)
11162				Cost accounting principles.
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11164	11162			Certification of carrier's accounting.
11165	11163			Cost info. made available.
11166	11164			Cost reporting.
11167				RAPB report.
11168				RAPB funding authorized.
11301				Securities issuances.
11302				[previously repealed.]
11303	11301			Equipment trusts.
11304		14301		Security interests in motor vehicles.
11321				Ownership of water carriers.
11322	11328			Restrictions on officers & directors.
11323				Ownership of carriers by HHG frt. forwarders.
11341	11321	14302(f), 14303(f)		Scope of authority (antitrust immunity).
11342	11322	14302		Pooling.
11343	11323, 10902	14303(a), (g)		Mergers & consolidations.
11344	11324	14303(b)		Merger procedures—general.
11345	11325			Merger procedures—rail.
11345a		14303(c)–(e)		Merger procedures—motor.
11346				Expedited merger procedure.
11347	11326			Labor protection for mergers.
11348		14303(h)		Authority over noncarriers in control.
11349		14303(i)		Temporary auth'y for mergers.
11350				Mergers—DOT sponsorship.
11351	11327	14303(j)		Mergers—supplemental orders.
11361–11367				Financial Structure.
1501		14501		State preemptions.
1502				Conference & jt. hearings w/states.
1503	11501			Tax discrim.—rail.
1503a		14502		Tax discrim.—motor.
1504	11502	14503		Withholding st. and local income tax.
1505				St. actions to injoin abandonments by rail or HHG frt. forwarders.
1506		14504		Single-State registration.
1507				Prison-made property.
New		14505		Bus sales tax.
11701	11701	14701	15901	General enforcement authority.
11702	11702	14702	15902	ICC enforcement.
11703	11703	14703	15903	Atty. Gen. enforcement.
11704				Private actions to injoin HHG frt. forwarder cessation of service.
11705	11704	14704	15904	Rights and remedies of injured persons.
11706	11705	14705	15905	Statute of limitations.
11707	11706	14706	15906	Liability of common carriers under bills of lading.
11708		14707		Private enforcement of licensing.
11709				Liability for securities issuances.
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11711		14708		HHG Arbitration program.
11712		14709		Tariff reconciliation rules (undercharges).
11901	11901	14901	16101	General civil penalties.
11902		14902		Penalties for rebates.
11902a		14905		Penalties for lumping.
11903		14903		Rate, discrim. and tariff violations.
11904		14904		Additional rate and discrim. violations.
11905				Free transp.
11906		14906		Evasion of regulation.
11907	11902			Interference with car supply.
11908				HHG Frt. Forwarder abandonment of service.
11909	11903	14907	16102	Record keeping and reporting violations.
11910	11904	14908	16103	Unlawful disclosure of info.
11911				Unlawful securities issuances.
11912				Merger—violations by noncarriers.
11913	11905	14909	16104	Disobedience to subpoenas.
11913a				Accounting principles violations.
11914	11906	14910	16105	General criminal penalties.
11915	11907	14911	16106	Corporate liability.
11916		14913		Conclusiveness of rates.
11917		14912		HHG weight-bumping.

From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

- BUD SHUSTER,
- BILL CLINGER,
- TOM PETRI,
- HOWARD COBLE,
- SUSAN MOLINARI,
- NICK RAHALL,

As additional conferees from the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

- HENRY HYDE,

CARLOS J. MOORHEAD,
Managers on the Part of the House.

- LARRY PRESSLER,
- TED STEVENS,
- CONRAD BURNS,
- TRENT LOTT,
- KAY BAILEY HUTCHISON,
- JOHN ASHCROFT,
- FRITZ HOLLINGS,
- DANIEL K. INOUE,
- J.J. EXON,
- JAY ROCKEFELLER,
- JOHN BREAU,

Managers on the Part of the Senate.

JOURNAL

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 5 of rule I, the unfinished business is the question of the Chair's approval of the Journal of December 14, 1995.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-147)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1977, the "Department of the Interior and Related Agencies Appropriations Act, 1996."

This bill is unacceptable because it would unduly restrict our ability to protect America's natural resources and cultural heritage, promote the technology we need for long-term energy conservation and economic growth, and provide adequate health, educational, and other services to Native Americans.

First, the bill makes wrong-headed choices with regard to the management and preservation of some of our most precious assets. In the Tongass National Forest in Alaska, it would allow harmful clear-cutting, require the sale of timber at unsustainable levels, and dictate the use of an outdated forest plan for the next 2 fiscal years.

In the Columbia River basin in the Pacific Northwest, the bill would impede implementation of our comprehensive plan for managing public lands—the Columbia River Basin Ecosystem Management Project. It would do this by prohibiting publication of a final Environmental Impact Statement or Record of Decision and requiring the exclusion of information on fisheries and watersheds. The result: A potential return to legal gridlock on timber harvesting, grazing, mining, and other economically important activities.

And in the California desert, the bill undermines our designation of the Mojave National Preserve by cutting funding for the Preserve and shifting responsibility for its management from the National Park Service to the Bureau of Land Management. The Mojave is our newest national park and part of the 1994 California Desert Protection Act—the largest addition to our park system in the lower 48 States. It deserves our support.

Moreover, the bill would impose a misguided moratorium on future listings and critical habitat designations under the Endangered Species Act. And in the case of one endangered species, the marbled murrelet, it would eliminate the normal flexibility for both the Departments of the Interior and Agriculture to use new scientific information in managing our forests.

Second, the bill slashes funding for the Department of Energy's energy conservation programs. This is shortsighted and unwise. Investment in the technology of energy conservation is important for our Nation's long-term economic strength and environmental health. We should be doing all we can

to maintain and sharpen our competitive edge, not back off.

Third, this bill fails to honor our historic obligations toward Native Americans. It provides inadequate funding for the Indian Health Service and our Indian Education programs. And the cuts targeted at key programs in the Bureau of Indian Affairs' are crippling—including programs that support child welfare; adult vocational training; law enforcement and detention services; community fire protection; and general assistance to low-income Indian individuals and families. Moreover, the bill would unfairly single out certain self-governance tribes in Washington State for punitive treatment. Specifically, it would penalize these tribes financially for using legal remedies in disputes with non-tribal owners of land within reservations.

Finally, the bill represents a dramatic departure from our commitment to support for the arts and the humanities. It cuts funding of the National Endowments for the Arts and Humanities so deeply as to jeopardize their capacity to keep providing the cultural, educational, and artistic programs that enrich America's communities large and small.

For these reasons and others my Administration has conveyed to the Congress in earlier communications, I cannot accept this bill. It does not reflect my priorities or the values of the American people. I urge the Congress to send me a bill that truly serves the interests of our Nation and our citizens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 18, 1995.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

MOTION OFFERED BY MR. REGULA

Mr. REGULA. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. REGULA moves to refer the veto message and bill to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] is recognized for 1 hour.

Mr. REGULA. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. OBEY] for purposes of debate only, and yield back 30 minutes.

□ 1800

Mr. OBEY. Mr. Speaker, I did not understand the motion of the gentleman from Ohio [Mr. REGULA]. Is the gentleman trying to yield back half of the debate time?

Mr. REGULA. Mr. Speaker, that is correct. There will be 15 minutes on our side and 15 on the side of the gentleman from Wisconsin.

Mr. OBEY. So is the gentleman asking unanimous consent to yield back half the time?

Mr. REGULA. Mr. Speaker, I do not think we have to do that. I think I control the entire hour, and therefore, I can yield back 30 minutes and yield 15 to the gentleman from Wisconsin and retain 15 on our side.

The SPEAKER pro tempore. (Mr. HASTINGS of Washington). The gentleman from Ohio is correct; the gentleman from Ohio controls the time.

Mr. OBEY. I understand that, Mr. Speaker, but he will have 15 and we will have 15?

The SPEAKER pro tempore. That is correct.

The gentleman from Ohio [Mr. REGULA] is recognized.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message of the President to the bill, H.R. 1977, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker and my colleagues, I think the President's last sentence is the one that I would quote. President Clinton said: "I urge the Congress to send me a bill that truly serves the interests of our Nation and our citizens."

Well, I want to say, Mr. President, we have already done that. For reasons that I do not quite understand, the President has chosen to not accept this bill.

I think it really boils down to this: That if you listen carefully to the veto message, it clearly says we must spend more money, more for arts, more for various other programs, and I would like to go through the veto message and point out some of the facts that are not quite accurate in this message.

Perhaps the best answer on this is the truth. It says that we need to protect America's natural resources—well, the bill, 1977, does that very well—our cultural heritage, and promote the technology we need for long-term energy conservation and economic growth.

I would point out that this bill provides 80 percent more money than we did in 1988 for energy conservation. A lot of this is corporate welfare, the very thing the President is opposed to, and yet here he is vetoing a bill on the strength of what we are saying to the private sector that many of these programs should be funded.

The President mentions other services to Native Americans. I would point out that in our negotiations with the White House, we put \$27 million more, more than they requested. Here he is vetoing this on the basis that there is not enough for the Native American programs. Then we see about clear-cutting in the Tongass National Forest. I have looked at the bill and I do not find the words "clear-cutting." I do not

know where that idea came from. Apparently we had an imaginative veto message-writer.

Then: Require the sale of timber at an unsustainable level. Again, there is no detail. Dictate the use of an outdated forest plan for the next 2 fiscal years.

Let me point out that our bill reduces the cut as provided in that forest plan from 450 million board-feet to about 420 million board-feet, and actually, we only put in enough money for 320 million board-feet in fiscal year 1996. The Columbia River Basin was designed to move forward so that people in that area would know what was going to happen in terms of land-use planning, and I think it is only fair that they have that opportunity.

The California Desert is mentioned in here. Well, under the present program operated by the Park Service, we had 38 big horn sheep that died as a result of mismanagement. All we said to the Park Service in the bill is, give us a plan. We put the money in for the plan. We say, in the meantime, let BLM operate it. They have been doing it very well; we did not have 38 big horn sheep dying when BLM was in charge.

So Park Service, come out with a plan and we will be glad to look at it and see if we can put it in the right place.

Then we talk about the Endangered Species Act. Let me point out that the Endangered Species Act has not been authorized, and that has been true for the last couple of years. When the present minority was the majority, they did not choose to reauthorize the Endangered Species Act, and under the Rules of the House, we cannot appropriate for bills that are not authorized.

This is the reason. We put the money there subject to an authorization. So I think it is incumbent on the Members of this House to get an authorization bill, and if so, the money is there to manage the endangered species.

I mentioned the energy conservation program, 80 percent more than in 1988, a very large growth over the last several years. We finally took a look because we want to manage these programs better to see what works and what does not and what should be done in the private sector, and we found that, clearly, many of these programs should have a responsibility in the private sector.

Then we talked about historic obligations toward Native Americans with \$27 million over what the negotiators requested. I would point out that Indian health services are ahead, more than last year. In every instance, we have attempted to put in responsible amounts for the various programs.

To veto this bill on the basis of we just do not spend enough money, that is the essence of the message, I think clearly that is not what the American people want as far as more spending.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I am absolutely incredulous that after all of the effort the gentleman from Ohio has undertaken with all of the members of the subcommittee and all of the members of the Committee on Appropriations and all of the Members of this House, to undertake this bill and carefully craft it in conjunction with the Senate, put it through three times in the House of Representatives, because the Senate had trouble, and we had difficulty making sure that there was a compromise between the Western States and the environmentalists and those concerned about Native Americans, that after all of this difficulty, the President sees fit to veto the bill, from what I can understand, for totally specious reasons.

I have heard the veto message, and the President is constitutionally capable of vetoing this bill; and because of this message, we will send it back to committee. But I cannot assure the President that he is going to get a bill that is any better than the one that left this House. In fact, I dare say it could be worse, because as I understand the gentleman's comments, we have given more money than he even asked for for Native Americans, and yet he says it was not enough.

We have tackled the Tongass forest timber cut, and answered many of his problems, as pointed out by the gentleman from New York [Mr. BOEHLETT], the last time the bill came through.

In the energy conservation effort, there is more money in it than there was in 1988, as the gentleman pointed out. That is corporate welfare. I happen to believe that that is wasted money, it is corporate pork, but it is the President's priorities. We put the money in for the President.

Now, he has vetoed this bill, for Lord knows what reason, and we are going to have to send it back; and evidently, the President is content to tell the 133,000 people who work for the Interior Department or work under the jurisdiction of this bill, have a good Christmas, but do not worry about going to work, because I don't care. I live in the White House, and I am going to a very nice Christmas with my family.

I just have to say that I am indeed incredulous. I think that this is a miserable way to govern, and I hope that the American people understand. We put a good, decent, well-organized, welcome, promised bill on the table, on the desk of the President of the United States, and he chose to veto it for specious reasons and put all of these people out of work.

I thank the gentleman for yielding to me.

Mr. REGULA. Mr. Speaker, I thank the gentleman for his contribution. He is absolutely right. As we see visitors being turned away from national parks, from the Smithsonian, from the National Gallery, what in fact the President is doing is holding the Amer-

ican people hostage for his own political purposes. The people who pay for these facilities, the people who enjoy these national treasures are being denied access simply because the President hopes to gain some political advantage.

It is clear that if you look at the numbers, we have responded to these programs as effectively as possible, given the budget and numbers, and this message is, loud and clear, just spend more money, do not worry about whether it is managed well. The answer to all of the problems is simply to pile on the debt for future generations, spend it today, let them pay for it tomorrow.

We vote here with a voting card; as I have said to people, it is the world's greatest credit card because we vote now and we send the bill to future generations. This is a classic example of doing that.

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

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I think we ought to make very clear what is happening here tonight. Last week the Congress adjourned without passing the continuing resolution that would have kept the Government open, and if you took a look at what happened around this town over the weekend, you saw that both the Republicans and the Democrats in the Senate stayed in town and talked with each other about the budget. You saw the House Democrats stay in town and in fact we were in meetings for some 11 hours over the weekend, trying to find ways that we can help resolve the problem.

However, my understanding is that our good friends on the Republican side of the aisle in the House were told they could leave town: There would be no votes until late Monday. That is fact No. 1.

Fact No. 2 is that because there is no continuing resolution now in effect, you do have significant portions of the Government shut down. Now, what is going on is that evidently the Republican message team in their caucus has decided that there ought to be 15 minutes or half an hour debate on this bill on the next bill so that people can play pin the tail on the President in terms of having another cat-and-dog fight about who is to blame for the shutdown of Government. That is what is going on. So we have an artificial debate here that we do not even need to have.

Under normal processes, this bill would simply be referred to the committee with no debate and no vote, unless the majority party decided they wanted to try to override the veto. So what is going on here is another one of those little debates that further, I think, discredits the Congress in the eyes of the American people; and I think that is regrettable, but since we are here, I have no choice but to try to expose what is going on.

Now, what is happening, and what you will hear for the next 20 minutes

is, our Republican friends will be trying to tell the country, through the TV cameras focused here on this floor, that somehow the President is to blame for the shutdown of Government, even though the reason the Government is shut down is because they would not allow a continuing resolution to come to the floor to keep it open. So they are trying to shift attention from their lack of performance on the CR to this bill.

The President had every right to veto this bill. He told the Congress ahead of time if they sent it to him in this form, he would veto the bill. He gave them forewarning of that. In his veto message he points out that, among other things, his reason for doing so is because what this bill does for clear-cutting in the Tongass. That is an important policy issue.

We do not just serve as accountants in the Congress, believe it or not. We and the President also have to make an occasional decision, believe it or not, on policy; and the President chose to stand on principle and veto this bill for, among other reasons, because of what it does to clear-cutting in the Tongass.

I am not going to debate that here tonight because there is no reason for us to debate that. What we should be doing tonight, rather than having a meaningless half-hour debate on this vote, is simply passing a continuing resolution so that people who work for the Government for a living can do their jobs.

That is what we should be doing. But instead, we will get this sham debate which substitutes a motion for movement. It is not going to do anybody any good.

I would simply make one additional point. The reason we are stuck here tonight is because the policy arguments that are going to be worked out after the President's veto should have been worked out 4 months ago. However, because the majority party felt that they had to first pass their contract items, and then because they chose to load up the Interior bill and the HUD bill with a bunch of extraneous measures that had no business in an appropriation bill, we spent the last 4 months in a debate between Republicans in the House and Republicans in the Senate on a lot of these policy matters.

□ 1815

The Interior bill was brought down a number of times because people on both sides of the aisle said that it was not the right bill to present to the President.

All I will say tonight, and I would prefer that we not be saying anything at all, because as I said, this is a meaningless debate on a bill that is going nowhere except to committee.

What ought to happen tonight is that instead of having this meaningless "who shot John" debate, we should simply have a motion on this floor to pass a continuing resolution to keep

the Government open while these differences between the President and the Congress are resolved. That is the rational thing to do. It is the nonpolitical thing to do. But evidently we are not going to do it.

About the only other thing I can see that would make any sense in the Christmas season is at this point to take up a collection in the House so that we could buy a toy train for the folks who are running the House these days, because they certainly cannot run a real one.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee.

Mr. NETHERCUTT. Mr. Speaker, I was interested to listen to the previous speaker's comments about not wanting to have this debate or not needing to have this discussion tonight. But to the contrary, as a freshman member of this subcommittee I can certainly attest to the hard work that was engaged in to try to reach a reasonable compromise on this massive Interior bill that has to deal with the Nation's public lands. What has to be said here is that after a great deal of debate and discussion and grave consideration given to the good and the bad of this bill, we came to the President with a darn good bill.

And talk about pinning the tail on the donkey, I think precisely where the tail needs to be pinned is downtown. The President vetoed a very good bill for some specious reasons, in my judgement, not the least of which was one affecting my area of the country, the eastern side of the State of Washington in the Pacific Northwest.

The East Side Ecosystem Management Study was a reason that the President identified as part of the veto message. This astounds me, simply because this is a study that the taxpayers have paid \$24 million on and really have not seen any reports of its results or any scientific findings that are to be presented.

What we did, in the analysis of the subcommittee and the full committee, in the House as well as the Senate, was to say to the Bureau of Land Management and the Forest Service, give us your science, let us see what we spent \$24 million on in this Congress. We have even given them another \$4 million to give more time for public input and more publication of the scientific findings.

So for the President to stoop as low as he did in using a study as the reason for a veto is astounding. I think it emphasizes the fact that this bill should not have been vetoed, it should not have been vetoed for this reason, and it was an improper act on the part of the President.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Speaker, why are we here talking about this December 18? We finally

sent a conference report to the President on this bill 2½ months late. Why was it 2½ months late? Because the folks on this side of the aisle insisted in jamming all manner of ill-considered and ill-conceived policy matters into this bill.

That is one reason we need a continuing resolution, because of the delay and the delay and the delay in getting the work of this place done on time, because they could not reach agreement between the right wing and the extreme right wing within the Republican conference on many of these policy issues. That is why a bunch of the appropriations bills are not done.

We need a continuing resolution. Why do we not have a continuing resolution? Because of the illogic over here in saying to the President of the United States, even though our homework is late, we want extra credit. We are insisting on concessions on other things even though it is our fault for not having gotten our work done on time.

How in the world does that make any sense to the American people? It makes none.

The responsibility for being in the fix that we are now in, with this bill being vetoed and with no continuing resolution, relates entirely to the misguided policies of trying to jam extraneous policy matters into these appropriation bills, not getting them done on time and then saying, "Not our fault, and besides, we would like some additional concessions, Mr. President, if you please."

Let us get back to what really needs to be done here, which is getting this Government open, acknowledging responsibility, being accountable for not having run the House of Representatives responsibly as the majority party is supposed to be doing.

Mr. REGULA. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I appreciate my colleague yielding me the time.

Mr. Speaker, I wanted to mention that in the statement by my colleague from Ohio, he mentioned the East Mojave as one of the reasons the President outlined for vetoing this bill. The work done on the East Mojave was a reflection of many of the major efforts made by my colleague from Ohio. He went out of his way to try to find compromise wherever possible to see if we could not put this bill in a form that would make sense. Obviously the President's people have not given him solid information regarding what is going on in that area. Instead of harming the environment, my chairman's compromise is attempting to solve the problems that have been created by the Park Service mismanagement of the area.

Let me make that point very clear. The House had created a scenic area, not a park. The House in turn had directed the Park Service to live with long-standing multiple use of the area.

Instead, they began putting up no trespass signs. Instead, they began excluding families from the area. In the process, their mismanagement led to the death of 38 bighorn sheep. They died as a result of mismanagement and a lack of a plan.

The gentleman created the opportunity for a plan by providing money for that planning process. The gentleman responded to the President's people in developing that plan. And the President was led to believe that something else was the case.

The chairman has done a very fine job, deserves support and recognition from the President, not a slap in the face by way of a veto pen.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the ranking member for yielding me the time, and agree with him that obviously our friends on the right are trying to play pin the tail and they are hopeful that it hits the occupant of the White House.

We have heard about Corrections Day. This is nonsense day. I have not heard much, during the numerous times of debate on this legislation, about a new effort in America called AmeriCorps. I want to spend my remaining time addressing the House on AmeriCorps.

AmeriCorps, as many Members know, is patterned after the old wildly successful CCC camps. There are 1,200 AmeriCorps camps in the United States with thousands of young people. They are involved in helping the Red Cross and Boys' Club, and this bill kills it.

There are thousands of young people in the United States working on AmeriCorps, building homes for the homeless under Habitat for Humanity, and this bill kills it. There are thousands of young people working in our parks and our playgrounds and our forests and our streets and our nursing homes, and this bill kills it.

What did Speaker GINGRICH say about the participants, the young Americans who participate in AmeriCorps? He said, "They become not only useless, they become dangerous."

And he is not the only one on the far right, among our friends on the far right, who do not know what is right about AmeriCorps.

Some say the cost of AmeriCorps is \$30,000 per client, per corpsman. That is not right. They are paid a minimum wage, and then they are given a \$4,700 scholarship. That does not come to anywhere near \$30,000.

So this bill and/or the other bill that is going to be before us tonight kill AmeriCorps, and I encourage my colleagues to vote against this and the other, for that and other reasons.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, why did this bill arrive on the President's desk 75 days late? It arrived there because it

became the playground of special interest groups while it was still on Capitol Hill.

The longest-running taxpayer ripoff in the history of the United States is the Mining Act of 1872. It allows companies, in many cases foreign companies, to mine taxpayer-owned land in the United States and not to pay the taxpayers adequately for that. So we have been engaged in a battle for a long time with those special interest groups.

Unfortunately for my colleagues on the Republican side of the aisle, many of them, most of them, supported the mining interests, wanted to keep this ancient law on the books, this law that gave a windfall to so many companies. So this bill was dragged down time after time after time when these special interest groups kept running into resistance on Capitol Hill.

The next thing you know, the committee failed to meet its deadline of October 1, then they failed to meet a November 1 deadline, then they failed to meet a December 1 deadline. And finally, finally, finally in the middle of December, they submitted their bill to the President.

Part of it was right. They finally got part of this Mining Act of 1872 provision correctly, but there are other parts that were not right. Unfortunately, this bill turned out to be an environmental disaster when it was sent to President Clinton.

I am sorry to say that, too, because the gentleman from Ohio, who is a friend of mine, is a moderate person on his record on the environment. In fact, he has been very good on many of his votes, in fact occasionally very, very good in his votes.

But he is an endangered species, just like those addressed in the bill, a moderate Republican committed to the environment. He has labored long and hard to fight off the worst of the environmental provisions in this bill, but unfortunately for my colleague from Ohio, he just could not keep all of the bad provisions out, and forced a veto by President Clinton for good reason.

The American people want change in this Government but they want us to protect our natural resources. We only get one crack at it when it comes to national parks, when it comes to species and plant life in this country. It is something the American people expect us to do right. When the special interests railroad through a bill and put in these awful provisions, the President was right to veto it.

Having said that, though, this veto has nothing to do with shutting down the Government. The Republicans understand, we all understand, a simple temporary spending bill called a continuing resolution could keep this department, every department that is touched by this bill and all the other departments that have been closed in business.

But my friends on the Republican side of the aisle do not want that to

happen. This Christmas gift to 200,000 Federal employees is no temporary spending bill, send them home without pay, with the promise that maybe they will get paid at some future date.

Well, tonight they are trying to blame President Clinton for that. They should not. They ought to blame the special interests for dragging this bill down and making it 75 days late. They ought to blame their own leadership for failing to pass a continuing resolution which would keep the Government in business.

□ 1830

Mr. OBEY. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I have known the gentleman from Ohio a good long time and the gentleman from California a good long time, and they are both fine legislators and they are both tough adversaries. I know that especially on the bill which will come up next that we have had some very tough issues and some very heated words exchanged on the floor and in committee between various Members in the House.

Having said that, I know full well that if these bills had been left to the judgment of the gentleman from Ohio and the gentleman from California without extraneous political pressures intervening, that both of them would probably by now have become law, and I think that both bills would have been in better shape by far than the bills which the President was forced to veto.

None of us can do anything about the circumstances in which these bills are being debated. But I do simply want to take this time to say that after we discuss all of these bills tonight, after we discuss this bill and the VA-HUD bill which is coming next, and the vetoes of both of them, there is remaining one action which we could take which would do something real to open the Government tonight. That would simply be to pass House Joint Resolution 131, which is at the desk, which is introduced by the gentleman from Missouri [Mr. GEPHARDT], myself, and the gentleman from Pennsylvania [Mr. MURTHA], which would simply keep the Government open from now until January 26, so that we could, in fact, resolve the many differences which remain between the White House and the Congress on these bills and many others. As you know, the majority leader in the Senate even indicated at one point his preference for a longer continuing resolution than that. I happen to think he was right when he said that.

What we have now is the miserable spectacle of a series of 2- and 3-day CR's, intermittent Government shut-downs, all for the purpose apparently of the leadership of the this House gaining some leverage in the other discussions going on over the budget. I think that is illegitimate.

The reason the Government is shut down has nothing whatsoever to do with the budget discussions about 7-year budget figures going on in other

places in this building. The reason the Government is shut down is simply because the appropriation bills did not work their way through Congress in a timely fashion and, when they did, they were burdened with special-interest provisions which required the President to veto them, and in several cases were burdened with reductions so savage that, in fact, in the other body they would not even take them up.

So I would simply say that despite all of the hyperbole we will hear tonight, if we want to do something constructive for the people we represent after that debate is finished, we will see something similar to House Joint Resolution 131 brought out so that Government can stay open while we resolve our differences. That is the rational thing to do.

Mr. REGULA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker and my colleagues, just to keep the record straight, we do not deal with mining reform in this bill. We put in, as requested by the administration, a moratorium on the issuance of patents, and this puts a hold on any new giveaways until such time as the authorizing committees deal with the mining.

Let me also point out that we are up over last year on parks, on the Smithsonian, the things that the public enjoys. We make sure they have access to them, that they have an opportunity to use those, the National Gallery and the forests and fish and wildlife, recreation facilities.

We really divided this bill into three categories: The must-do's, the need-to-do's, and the nice-to-do's, and some of the nice-to-do's had to fall out. Why? Because we want to reduce the deficits. It is that simple.

In this bill we are \$1.4 billion less than in 1995 in budget authority. We are \$600 million less in spending, in actual outlays, in fiscal 1996. It was tough, frankly, and the President is saying, "Hey you are not spending enough money." But I do not think it is fair to the young people, to future generations, to borrow money and saddle them with paying for all of the nice-to-do's. Energy conservation, where you fund programs for private companies, maybe it is nice to do. But should we be borrowing the money to pay for these? I do not think so.

I think what the President is saying is his veto message is very simple: "You are not spending enough money." But I believe that the American voters said in 1994, in November, "We want less spending. We want the budget balanced. We want the deficit reduced. We do not want to saddle future generations with our bills." It is that simple.

I have to agree with them. I do not think we should saddle future generations. We took a hard look at every program and said, "How can we manage this a little more effectively?"

The Committee on Appropriations are the managers of Government. They determine how much money should be

expended on various programs, and we said these are nice to do but they are not a value that makes it a good policy to borrow money to pay for them, and certainly I think that we did a responsible job.

I regret that the President did not carefully examine the bill, for example, saying that it provides clear-cutting in the Tongass. Totally wrong. There is not a word about clear-cutting in the Tongass. We reduced the cut, as a matter of fact, from the present level, and I regret that the veto message does not more accurately portray the real facts of this bill and that the American people are denied the benefits.

I would say to my colleagues, vote "yes" on the motion to refer this to the committee.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. REGULA].

The motion was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-148)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2099, the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996."

H.R. 2099 would threaten public health and the environment, end programs that are helping communities help themselves, close the door on college for thousands of young people, and leave veterans seeking medical care with fewer treatment options.

The bill includes no funds for the highly successful National Service program. If such funding were eliminated, the bill would cost nearly 50,000 young Americans the opportunity to help their community, through AmeriCorps, to address vital local needs such as health care, crime prevention, and education while earning a monetary award to help them pursue additional education or training. I will not sign any version of this appropriations bill that does not restore funds for this vital program.

This bill includes a 22 percent cut in requested funding for the Environmental Protection Agency (EPA), including a 25 percent cut in enforcement that would cripple EPA efforts to enforce law against polluters. Particu-

larly objectionable are the bill's 25 percent cut in Superfund, which would continue to expose hundreds of thousands of citizens to dangerous chemicals and cuts, which would hamper efforts to train workers in hazardous waste cleanup.

In addition to severe funding cuts for EPA, the bill also includes legislative riders that were tacked onto the bill without any hearings or adequate public input, including one that would prevent EPA from exercising its authority under the Clean Water Act to prevent wetlands losses.

I am concerned about the bill's \$762 million reduction to my request for funds that would go directly to States and needy cities for clear water and drinking water needs, such as assistance to clean up Boston Harbor. I also object to cuts the Congress has made in environmental technology, the climate change action plan, and other environmental programs.

The bill would reduce funding for the Council for Environmental Quality by more than half. Such a reduction would severely hamper the Council's ability to provide me with advice on environmental policy and carry out its responsibilities under the National Environmental Policy Act.

The bill provides no new funding for the Community Development Financial Institutions program, an important initiative for bringing credit and growth to communities long left behind.

While the bill provides spending authority for several important initiatives of the Department of Housing and Urban Development (HUD), including Community Development Block Grants, homeless assistance and the sale of HUD-owned properties, it lacks funding for others. For example, the bill provides no funds to support economic development initiatives; it has insufficient funds for incremental rental vouchers; and it cuts nearly in half my request for tearing down the most severely distressed housing projects. Also, the bill contains harmful riders that would transfer HUD's Fair Housing activities to the Justice Department and eliminate Federal preferences in the section 8, tenant-based program.

The bill provides less than I requested for the medical care of this Nation's veterans. It includes significant restrictions on funding for the Secretary of Veterans Affairs that appear designed to impede him from carrying out his duties as an advocate for veterans. Further, the bill does not provide necessary funding for VA hospital construction.

For these reasons and others my Administration has conveyed to the Congress in earlier communications, I cannot accept this bill. This bill does not reflect the values that Americans hold dear. I urge the Congress to send me an appropriations bill for these important priorities that truly serves the American people.

WILLIAM J. CLINTON,
THE WHITE HOUSE, December 18, 1995.