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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 10, 1996.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. MCDEVITT, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4018. An act to make technical corrections in the Federal Oil and Gas Royalty Mangement Act of 1982.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1324. An act to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE] for 5 minutes.

CLEARING UP MISUNDERSTANDINGS

Mr. COBLE. Mr. Speaker, oftentimes a speaker's messages are inaccurately interpreted. This may result because of the speaker's ineptitude and/or the inability of the listener to properly interpret the message.

My final two speeches prior to the break for our August district work period were misunderstood by some. My first speech came in response to my Democrat friends who accuse the Republicans of opposing passage of the minimum wage increase. I then admonished my Democrat colleagues for having bashed the Republicans and reminded them that it was they, the Democrats, who, during the 103d Congress, controlled the House, they who controlled the Senate, they who controlled the White House. I reminded them as well, Mr. Speaker, that during their control of the past Congress I did not recall their having uttered one peep about the minimum wage.

I was then accused of hypocrisy, since I was bashing them while at the same time lecturing them for having bashed us. But it was not the bashing of which I was critical, but rather the unjustified bashing.

My second speech came in response to the proposal to approve the extension of increased COLA's, cost of living allowances, to the Vice President, to Members of Congress, to members of the Federal judiciary, and the Executive Schedule Levels 1 through 5, highly salaried appointees and/or bureaucrats. I opposed this proposal and explained that I represent constituents in my district who earn $25,000, $30,000, $35,000 per year. I then explained, furthermore, it would be an obvious slap across their faces to those who are barely hanging on by rewarding the Vice President, Members of Congress, Federal judges, and Executive Schedule Levels 1 through 5 a generous increase in COLA's.

I subsequently was accused by colleagues of opposing Federal judges and Members of Congress. My message was again misunderstood, Mr. Speaker. I am not averse to rewarding people whose work is exemplary. I am opposed, however, to extending increased COLA's to the aforesaid group, on the one hand, while on the other hand we are desperately trying to convince the President of the significant importance of balancing our budget. The two are simply not consistent.

So to sum up, and hopefully to illustrate with convincing clarity, I am, A, not opposed to bashing or vigorously debating issues on this floor. I am indeed opposed to bashing when it is not justified by the surrounding circumstances. The rule of equity rewards only those who come to the court with clean hands.

And B, I have great respect for most Members of Congress, and for most Federal judges, five or six of whom I call good personal friends. I have respect as well for the Vice President, and as far as members of the Executive Schedule Levels 1 through 5, Mr. Speaker, I can neither condemn nor praise them because I am familiar with only a small, limited number. But I will continue to oppose the rewarding of increased COLA's to this group until we can somehow manage to live within our means. It is my belief that those who are earning $25,000, $30,000, $35,000 per year can relate to this type of reasoning, and, for that matter, so should we all.

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A VOTE FOR H.R. 3539 IS A VOTE IN FAVOR OF RACE AND GENDER PREFERENCES

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

Mr. CANADY of Florida. Mr. Speaker, I rise this afternoon to inform Members about an aspect of one of the bills on today's Suspension Calendar of which they may not be aware.

Today the House will consider, and tomorrow we will vote on, H.R. 3539, the Federal Aviation Authorization Act of 1996. For the most part, this bill merely authorizes the appropriation of new funds for various programs designed to improve our Nation's airports and airways. I have no objection to the funding provisions of this legislation.

But embedded within the programs we will be reauthorizing a regime of race and gender preferences that is both unconstitutional and profoundly unwise.

One of the programs we will be reauthorizing is the Airport Improvement Program. Under the AIP, airports applying for Federal funds in connection with an airport project must guarantee the Department of Transportation that at least 10 percent of all companies doing business at that airport will be owned by so-called ''socially and economically disadvantaged individuals.'' The statute then proceeds to presume that women or members of certain racial minority groups are ''socially and economically disadvantaged individuals.''

Mr. Speaker, I can hardly imagine a more offensive example of Government-mandated group preferences. Under this AIP preference program, the Government is simply using its Federal dollars to force airport authorities to treat concessionaires differently based upon the skin color or sex of their ownership. You can have our money, we are telling them, but only if you agree to discriminate based on race and sex.

The bill we will vote on tomorrow reauthorizes these preference provisions without changing them in any way, so the unfortunate fact is that a vote in favor of H.R. 3539 constitutes an endorsement of racial and gender preferences.

To Members who are opposed in principle to group preferences, this is truly a troubling development. It was well over 1 year ago now that the Supreme Court held in the Adarand case that racial classifications are presumptively unconstitutional. The Clinton administration, of course, has fought tooth and nail to preserve preference programs, even to the point of pursuing a scorched Earth litigation strategy in defense of the most offensive racial set-aside schemes.

But Adarand strongly bolstered the expectation, highlighted by the results of the 1994 elections, that Congress would finally begin to remove the Federal Government from the business of classifying American citizens on the basis of skin color and sex.

But legislation that would have furthered that objective has stalled in Congress, and it now appears obvious that no legislation will move this session to repeal even a single Federal preference program.

It is bad enough, in my opinion, that we have failed to repeal existing preferences. But now we are moving in the opposite direction, for by voting to reauthorize the AIP preference provisions, we are actually extending and endorsing them.

This is a mistake for at least two powerful reasons. First, the preferences contained in the AIP are unconstitutional. In Adarand and other cases, the Supreme Court has made it clear that the Equal Protection clause prohibits the Government from classifying citizens on the basis of race unless the program is narrowly tailored to remedy proven instances of racial discrimination by the relevant governmental actors. The court has also held that the enacting authority, in this case Congress, must have had a strong basis in evidence to conclude that remedial action was necessary before it embarks on such race-based legislation.

The AIP preference provisions cannot meet these constitutional standards. They were added to the underlying statute during a floor debate in 1987. There was thus absolutely no effort to identify any discrimination that the requirements were designated to remedy. This conclusion is reinforced by the completely arbitrary nature of the 10-percent quota requirement.

I am sure the Clinton administration and other proponents of preferences will strain to come up with an argument in defense of the constitutionality of this program, but the simple fact is this: the AIP preference provisions are an example of the Government gratuitously requiring Federal grantees to engage in race and sex-conscious activity. This the Constitution forbids.

In the report accompanying H.R. 3539, the Committee on Transportation and Infrastructure notes these potential constitutional problems, but then states a preference for leaving the issue to the courts to resolve. I do not believe such an abdication of responsibility is consistent with the oath we have taken as Members of Congress to uphold the Constitution. If we believe a program is unconstitutional, as I believe this one plainly is, then we should not vote to reauthorize it.

But even apart from its constitutional flaws, the preference provisions of the AIP constitute extremely unwise public policy. Simply stated, it is wrong for the Government to grant benefits and impose burdens based on skin color and sex. The fact is that Government-mandated group preferences necessarily send the message that it is both permissible and desirable to treat persons differently based on race and sex. That is not the sort of message our Federal Government should be sending. It is a message that will only reinforce prejudice and discrimination in our society.

Mr. Speaker, I understand that because this bill is on the suspension calendar, we will not have an opportunity to vote separately on whether to reauthorize these unconstitutional and unwise provisions. We should therefore defeat this bill so these offensive provisions will not be reenacted.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. GREENE of Utah) at 2 p.m.

PRAYER

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

As we contemplate our lives and the lives of those people that we know, we realize how cluttered are the agendas of daily living and how hurried is the pace that each day brings. Yet, O gracious God, we are thankful that we have our vocations, our work, our responsibilities, and our tasks by which we can support ourselves and serve others in their need. We remember in our prayer those who have no work and yet who wish to use the abilities that You have given in ways that support themselves and those they love. As You have called us to do the works of justice in our world, so may we be appreciative of the opportunities we have to do the works of justice in our lives. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BALLENGER 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.

APPOINTMENT OF MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Senate Concurrent Resolution 47, 104th Congress, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Mr. GINGRICH of Georgia, Mr. ARMEY of Texas, and Mr. GEPHARDT of Missouri.

There was no objection.

SHAMELESS HUSTLING FOR VOTES IS MAKING A MOCKERY OF IMMIGRATION

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

Mr. BALLENGER. Madam Speaker, last Friday's Washington Times contained a front-page article which showed me just how far the President will go to win votes. The article claimed that the Clinton administration has pressured the Immigration and Naturalization Service to speed up the standards and background checks on applicants for citizenship and to ignore other requirements in order to naturalize as many immigrants as possible before the November elections.

By taking such shortcuts, the President is putting in danger the naturalization of immigrants with criminal records and other immigrants not qualified for citizenship.

In the past year 1.3 million people have become naturalized citizens, nearly three times the number of previous years. The reason for this is a Presidential initiative called Citizenship USA, which is supposed to help legal immigrants through the naturalization process. Instead, the program is being used as a campaign tool of the Clinton campaign in hopes of winning votes of these new citizens. Complying with the directives established by this program has some INS officials feeling like the campaign workers of INS.

Becoming a U.S. citizen is a great honor, and I suspect the President will indeed receive the reward he has envisioned, but I believe that shameless hustling for votes is making a mockery of our immigration.

CORRECTIONS DAY PROCESS IS RESPONSIVE GOVERNMENT

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

Mr. EHRLICH. Madam Speaker, I am pleased to rise today in support of H.R. 3056, the 18th bill brought to the floor of the House this session under the corrections day process.

Since the commencement of corrections day, the President has signed nine bills into law, and the House has passed eight bills that are waiting further action in the Senate.

The American people are demanding a more responsive government, and corrections day is a key part in meeting their demands. H.R. 3056 provides a technical correction to the Omnibus Budget Reconciliation Act of 1985; it permits certain county-operated health insuring organizations in California to qualify as organizations exempt from certain otherwise applicable Medicaid requirements, even though they enroll Medicaid beneficiaries residing in another county.

I believe this bill we are considering today is a perfect example of how the corrections day process works to correct outdated regulations that place financial burdens on many industries in the United States.

I want to recognize Chairman BLILEY, Mr. RIGGS, and the Commerce Committee for the expedient and hard work they did to get this bill to the floor.

DRUG USE BY TEENAGERS IS A NATIONAL TRAGEDY

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

Mr. WICKER. Madam Speaker, drug use is up, and the response from the White House is a plea not to make an issue out of it. Our children are getting hooked earlier and at rates never before seen in the history of this Nation. Overall drug use among 12- to 17-year-olds is up 78 percent since 1992.

But look at these figures. In just 1 year, 1994 to 1995, marijuana use in the same age group is up 37 percent; LSD use, again in just 1 year, up 105 percent; cocaine use, 12- to 17-year-olds, from 1994 to 1995 is up 166 percent. This is a tragedy, a national tragedy. We are losing a generation of children right before our very eyes. Drugs destroy families and they destroy lives.

Madam Speaker, this is no time to run and hide. We need to make sure that children can grow up in an environment where cocaine, LSD, and pot-smoking are not part of their daily surroundings.

WHERE ARE THE CLINTON ADMINISTRATION'S PRIORITIES?

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

Mr. RIGGS. Madam Speaker, I think we should remember 3 weeks ago the Clinton administration released a startling report on drug abuse. It showed increases in drug use of almost unbelievable proportions. In just 1 year cocaine use among 12- to 17-year-olds has increased 166 percent; one year, 166 percent. That is completely unacceptable.

But we have to realize that when we have a President who all but ignores this problem, it is no wonder that we have a soaring rate of drug use in America. Within just a few days of becoming President, President Clinton slashed the budget of the drug czar's office by 80 percent.

Madam Speaker, President Reagan and Mrs. Reagan proved the importance of a bully pulpit, using the Presidency as a bully pulpit. They set a standard of behavior for children of the eighties when they said, ''Just say no.'' Today we have an administration that seems to be confused about what message they ought to deliver to our children.

It makes us wonder, Madam Speaker, where are this administration's priorities?

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

COUNTY HEALTH ORGANIZATION EXEMPTION ACT

The Clerk called the bill (H.R. 3056) to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

The Clerk read the bill, as follows:

H.R. 3056

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

SECTION 1. PERMITTING COUNTY-OPERATED HEALTH INSURING ORGANIZATIONS TO ENROLL MEDICAID BENEFICIARIES RESIDING IN ANOTHER COUNTY UNDER MEDICAID WAIVER FOR CERTAIN COUNTY-OPERATED HEALTH INSURING ORGANIZATIONS.

(a) IN GENERAL.—Section 9517(c)(3)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990, is amended by inserting ''or counties'' after ''county''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to quarters beginning on or after October 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

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

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

Mr. MOORHEAD. Madam Speaker, I rise in support of H.R. 3056.

This bill would allow a Health Insurance Organization to serve Medicaid beneficiaries residing in one or more counties. Current law, as interpreted

by the Health Care Financing Administration, limits such coverage solely to the county in which an organization operates.

This bill redefines an eligible organization to be one that ''enrolls all Medicaid beneficiaries residing in the county or counties in which it operates.''

This will enable eligible health insurance organizations, including the Solano partnership health plan—which operates in Solano County, CA—to extend coverage to Medicaid recipients residing in counties other than that county in which their operations are based.

In the case of the Solano plan, coverage will be extended to 12,000 Medi-Cal recipients residing in Napa County. Since coverage costs for these organizations are lower than the average monthly payment for beneficiaries, the Congressional Budget Office estimates that this bill will save the Federal Government up to half a million dollars a year.

This bill is supported by Governor Wilson, the California Department of Health Services, and the Solano and Napa County Boards of Supervisors.

I especially want to commend the gentleman from California [Mr. RIGGS] for bringing this issue to the attention of the committee.

I urge the Members of the House to approve this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

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

Mr. RIGGS. Madam Speaker, I thank the gentleman for yielding time to me and for his leadership on the Committee on Commerce, and as my very good friend and colleague, the gentleman from California, and the dean of our delegation, and let me just say I hope we will have future opportunities in the next few weeks as we wrap up our legislative work, but I want to salute CARLOS MOORHEAD for his distinguished service in the Congress and tell him the he will be sorely missed in our ranks, and particularly as the dean of the California Republican congressional delegation.

Madam Speaker, I rise today in support of my legislation, H.R. 3056, a very simple bill that I introduced that makes a technical change to current Medicaid law as it applies to California and my congressional district. I want to thank the gentlewoman from Nevada, BARBARA VUCANOVICH, who is the chairwoman of the Speaker's Corrections Day advisory group, the gentleman from Virginia, TOM BLILEY, the chairman of the House Committee on Commerce, the gentleman from Florida, MICHAEL BILIRAKIS, from the Committee on Commerce, the gentleman from Florida, Mr. BARR, of the Committee on Commerce, the gentleman from California, Mr. WAXMAN, and the gentleman from Michigan, Mr. DINGELL, on the minority side, for their help on this legislation.

This is a very commonsense bill that would simply allow county health systems that are currently prohibited from providing Medicaid services to eligible recipients in other counties to do so. That is to say, it changes the law by making a technical modification to Medicaid HMO amendments included in the Omnibus Budget Reconciliation Act of 1985, as amended by the Omnibus Budget Reconciliation Act of 1990, by specifically inserting the phrase ''or counties'' after the word ''county'' in one place to clarify the intent of the law.

What this technical amendment does, of course, is allow a Medicaid HMO, in this case the Solano Partnership Health Plan, a nonprofit Medicaid HMO, to be able to expand out of its home county, its county of origin, if you will, Solano County, to a neighboring and adjacent county, Napa County, and in the process serve an additional 12,000 Medicaid recipients in my district.

This legislation, making technical amendments to the law, will provide those 12,000 Medicaid recipients with greater access and greater quality of medical and physician services. It will decrease the reliance on hospital emergency facilities for primary health care for Medicaid beneficiaries. The Congressional Budget Office has scored this legislation and found that it will actually save the taxpayers $500,000 annually.

The bill contains no private sector or intergovernmental mandates of any kind. This bill is health care reform at its finest. It offers the neediest of patients greater access to health care, decreases the administrative burden on providers, and allows for more efficient program management, which results in savings and cost containment.

Let me suggest to my colleagues that this is the wave or the trend of the future in Medicaid health care services to the truly indigent and desperately poor in our society, a very important part of the American safety net.

I happened, flying back yesterday to Washington from my California district, to read an article in USA Today, the headline of which is ''Medicaid Outcome Will Affect All.'' The subheadline is ''The Clinton Administration, Congress, and the Nation's Governors have failed to reach consensus on future of Medicaid. With caseloads rising, the States have had to step up.''

The article starts out by saying, ''President Clinton and Congress succeeded in revamping the Nation's antiquated welfare system'' when we passed through this Congress a bipartisan welfare reform bill that the President signed into law just last month. And it goes on to say, ''President Clinton and Congress succeeded in revamping the Nation's antiquated welfare system this year only by failing a more difficult test. Left in the wake of welfare reform is Medicaid, the health insurance program for the poor, which dwarfs welfare in both caseload and cost.''

Clearly, Medicaid in recent years, Medicaid expenditures, have been growing at an unsustainable rate. Because this is a 50–50 cost-shared program between Federal taxpayers and State taxpayers, State taxpayers and State government has been asked to pick up an ever-increasing portion of Medicaid health care cost in America. The program cries out for reform.

As I mentioned, I believe that the wave of the future in the Medicaid services and in trying to control Medicaid costs is managed care plans such as the Solano partnership health plan.

Presently today in America, nearly one-third of all Medicaid recipients are in managed care plans. Those States that have aggressively, those States that have aggressively experimented and expanded Medicaid managed care programs have realized a significant cost savings.

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Michigan, for example, has put 80 percent of its Medicaid recipients into managed care and cut inflation, the growth of health care cost, from 11 percent to 1 percent in 1 year. To quote health policy adviser Vernon Smith for the Engler administration in Michigan, ''These are real savings.'' So again, Madam Speaker, I believe it is unfortunate we have not been successful in enacting more ambitious or more broad-based Medicaid reform in this session of Congress, but I submit that this legislation is perhaps the only meaningful Medicaid reform that we will be able to enact in the 104th Congress.

Again I want to thank the gentleman for being so gracious in yielding me the time today. I want to reiterate, as he said, that this legislation is supported by Governor Pete Wilson, the California State Department of Health Services, and many other organizations in California. This bill is health care reform at its finest. As I mentioned before, this is going to expand access to and quality of health care for 12,000 Medicaid recipients in my district. I urge my colleagues to vote in favor of this legislation.

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

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

Mr. RICHARDSON. Madam Speaker, we have no objection to the policy change in H.R. 3056. The bill was marked up in our Committee on Commerce in July with no controversy. As I think the gentleman from California [Mr. MOORHEAD] described the bill, what we are doing here is allowing the Solano Partnership Health Plan, which currently operates in Solano County, CA to enroll Medicaid beneficiaries residing in neighboring Napa County.

What we do question, Madam Speaker, is why is the Republican leadership choosing to move this bill on the Corrections Calendar? This should be on suspension. A correction implies that

some mistake was made. What I understand we are doing in this bill is to expand a special exemption for Medicaid requirements that California obtained for three of its HMO's in 1990.

This is a policy change. I would think that it should be part of the Suspension Calendar. Now we have it in corrections. That provisions in the 1990 reconciliation bill intentionally limited this Solano Managed Care Organization and two others in California to providing services only to residents of the respective counties in which they operated because at the time this was an experiment.

Madam Speaker, there is no reason today that this legislation could not have been handled with less attention and less fanfare on the regular Suspension Calendar. So why the special attention? Our colleague, the gentleman from California [Mr. RIGGS], is a good Member. He is my friend. We serve on some committees together. But why are we hiding this useful but largely insignificant piece of legislation on the Corrections Day Calendar?

We are left wondering on this side whether it is simply a reason to make my good friend look good, which he many times, I am sure, deserves, but we are acting here in good faith. So I am going to remain perplexed and ask some of my colleagues to explain why we are doing it this way. I think we have to very careful about how we use corrections day.

Again, I do not object to the policy in this bill. We should be handling this bill together with the other 14 small, noncontroversial bills taken up under suspension of the rules. I have been here 14 years. I have never had a corrections bill.

Madam Speaker, I support passage of this legislation, but I would urge our friends in the Republican leadership to confine the use of corrections day to corrections, not use it for expansion of special exemptions in current law to benefit specific constituents of specific Members.

Madam Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Madam Speaker, I yield myself such time as I may consume. I would just make one comment, that in the meeting of the Committee on Commerce, the gentleman from California [Mr. WAXMAN], who was the chairman of the subcommittee during the last Congress and is the ranking member of it this time, said he hoped he would see the bill on the Corrections Day Calendar. So the Republican leadership was basically following his advice.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Madam Speaker, I regret my colleague is perplexed. Maybe I can help him out as a representative of the Speaker's Corrections Day Committee, which is a bipartisan organization, as my colleague well knows.

This is the classic example why corrections day was put together by the Speaker and this leadership. H.R. 3056 is very narrow in scope. It is certainly bipartisan in nature. Not only is the gentleman from California [Mr. WAXMAN] a member of the Committee on Commerce, but he is a member of the bipartisan group which constitutes in fact the corrections day advisory group.

This bill is a technical, commonsense bill that actually saves the taxpayers money. It is what corrections day and the entire process of corrections day is all about. It proves to the American people that this House is capable of doing things expeditiously and fairly when called upon.

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

Let me continue this dialog, because the reason I am here representing the Committee on Commerce is because former Chairman WAXMAN, former Chairman DINGELL, object to this procedure. I was asked by the committee to represent the views of the minority members of the Committee on Commerce—Chairman HENRY WAXMAN is the ranking minority member; the gentleman from Michigan, JOHN DINGELL, is the ranking minority member of the full committee—and their concern with this procedure.

If I could ask my colleague, are we not talking about this legislation being a specific policy change in effect for certain beneficiaries in a State? Is that not correct? Are we not talking about a policy change?

Mr. EHRLICH. Madam Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Maryland.

Mr. EHRLICH. The answer is certainly yes, but that is not exclusive of the jurisdiction maintained by the corrections committee. I missed the point the gentleman is making. I can reiterate the fact that whenever a corrections day bill is reported out of the Corrections Day Committee to the standing subcommittee of the House, it is done in a bipartisan way. Certainly this bill was done in a likewise manner, in a bipartisan way. I remain concerned on this side as to why the gentleman is perplexed.

Mr. RICHARDSON. Madam Speaker, let me be perfectly candid. A corrections day implies a mistake. This is not a mistake. This is policy change.

Would the gentleman explain to me where the mistake occurred? If we pass a piece of legislation, it is to advance a policy. The implication is, and the gentleman knows, that a Corrections Day Calendar is to correct a mistake. Where is a mistake in this legislation?

Mr. EHRLICH. If the gentleman will yield further, I believe the gentleman is actually mistaken with respect to his interpretation of the Corrections Day Committee and the Corrections Day Calendar. It is simply not limited to mistakes. It certainly can include mistakes, but it also concerns Federal regulations that may in fact have not been mistakes when they were originally promulgated but no longer make sense given the passage of time or the change of circumstances concerning any particular Federal agency. So the answer to the gentleman's inquiry is that certainly mistakes can be taken care of on the Corrections Day Calendar but the Corrections Day Calendar is not limited to, quote-unquote, ''mistakes.''

Mr. RICHARDSON. Madam Speaker, I remain very perplexed. The gentleman keeps talking about bipartisanship. Policywise, bipartisanshipwise, we are gong to support the gentleman from California [Mr. RIGGS], but procedurally I am here to object to the use of this procedure in the Corrections Day Calendar.

I wish my colleague would stop saying about a bipartisan agreement on the process. We are going to support this bill, but I just think that this is highly unusual. There are several suspensions. Would the gentleman answer this question; I do not know if he is on the rules, and maybe it is unfair to ask him: Why is this bill not on the Suspension Calendar? On the 14 bills that we will be doing later today, why is this on corrections and not on suspension?

Mr. EHRLICH. If the gentleman will yield further, those decisions are made at a higher level than where I sit, as the gentleman well knows. But, quite frankly, in view of my membership on the Corrections Day committee and my personal knowledge as to the way the Corrections Day advisory committee operates, we certainly have not had this problem, and this committee has now been operating for well over a year.

Mr. RICHARDSON. I thank the gentleman. I just want to raise this. We support what the gentleman from California [Mr. RIGGS] is trying to do. This is again a major policy change. As the committee of jurisdiction, we will not object. We just would like to be consulted when these procedures take place. I would not be sitting here or standing here. Chairmen WAXMAN and DINGELL are not here. I was asked on their behalf to please voice these objections. This is why I am here.

Mr. MOORHEAD. Madam Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. MOORHEAD. Madam Speaker, I obviously do not have any choice one way or the other in the operation of the House, but this is a good measure. It is something that will do good for the country. I appreciate very much the gentleman from New Mexico's support for what we are trying to do even though he does not like the way it is being done. I ask for an aye vote on the bill.

Mr. RICHARDSON. The gentleman as usual is very persuasive, and he is a very fine Member. I just want to make my point.

Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Ms. GREENE of Utah). Pursuant to the rule, the previous question is ordered.

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 (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3056, the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken on Wednesday, September 11, 1996.

MONITORING OF STUDENT RIGHT TO KNOW AND CAMPUS SECURITY ACT OF 1990

Mr. GOODLING. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 470) expressing the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the provisions of the Higher Education Act of 1965 related to campus crime.

The Clerk read as follows:

H. RES. 470

Whereas crime on our Nation's college campuses is a growing concern among students, parents, and educators;

Whereas Congress passed the Student Right to Know and Campus Security Act in 1990 so that students and parents would have access to information with respect to crimes occurring on college campuses;

Whereas Congress intended that information on crime be provided so that students could take steps to protect themselves from becoming victims;

Whereas Congress was particularly concerned with the timely reporting to students instances of violent crimes occurring on campus; and

Whereas questions have been raised with respect to compliance with the Campus Security Act and enforcement by the Department of Education: Now, therefore, be it

Resolved, That in order for students to have information vital for their own safety on our Nation's college campuses, it is the sense of the Congress that the Department of Education should make the monitoring of compliance and enforcement of the provisions of section 485(f) of the Higher Education Act of 1965 with respect to compiling and disseminating required crime statistics and campus policies a priority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

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

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

Today we are considering House Resolution 470, expressing the sense of the Congress that the Department of Education should make the monitoring of compliance and enforcement of the Crime Awareness and Campus Safety Security Act a priority.

It is most appropriate that we consider this legislation at this time. This is the time of year when tens of thousands of young people are filling college and university campuses throughout the United States.

Many of these students are away from home for the first time. They are excited. They are thinking of the friends they will meet, the classes they will take, school activities in which they will participate, and other thoughts which normally fill the minds of college students.

Few, if any, of them are thinking that they could be the victim of a crime on campus. And this is where the problem begins. Colleges and universities are not safe, carefree havens from the outside world. The same crimes which occur in our neighborhoods and on our city streets take place on college campuses. Students are robbed, they are raped, and they are murdered, and many times by other students and many times under the influence of alcohol and other drugs.

□ 1430

The Crime Awareness and Campus Security Act was first signed into law by President Bush on November 8, 1990. It requires institutions of higher education participating in the title IV student aid programs to provide yearly statistics to students, faculty and prospective students with respect to the number of crimes reported on campus in the following categories: Murder, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, and motor vehicle theft.

In addition to the reporting of statistics, institutions must make timely reports to the campus community of those crimes considered to be a threat to other students and employees in order to aid in the prevention of further crimes on campus.

Crime on college campuses is a very serious problem. Witnesses testifying at a June hearing on campus crime before the Subcommittee on Postsecondary Education, Training and Life-long Learning agreed that crime is a major concern of students, parents and college administrators.

During this hearing, several witnesses called into question the Department of Education's commitment to enforcing compliance with the Campus Security Act. In part, their concerns were based on a quote by the Assistant Secretary for the Office of Postsecondary Education which appeared in the New York Times on January 7, 1996. When asked about enforcement of the Campus Security Act, the Assistant Secretary said, ''We aren't going to essentially establish a major monitoring effort in this area.''

I share the concerns expressed by those witnesses, and I would like to remind the Assistant Secretary that this law was enacted for a reason. Students were being raped, murdered, and robbed on our Nation's campuses, and this information was being hidden from other students. Students who are provided information on crime on campuses can and will take steps to protect themselves. If they are not informed, they can become victims of campus crime.

The Department of Education must make certain that institutions are complying with the Campus Security Act. Safety of students must be the No. 1 priority. If the Department of Education fails to fulfill its enforcement responsibilities, we will have to consider other measures aimed at improving safety awareness on our college campuses.

One such measure under consideration is the Open Campus Police Logs Act of 1995. This bill, introduced by the gentleman from Tennessee [Mr. DUNCAN], would require institutions of higher education to maintain a daily log of all crimes reported to their police or security department, and make such logs open to public inspection.

All of us must work together to ensure campus safety for our college students, but we cannot do this if the law is not being enforced. I would urge my colleagues to support passage of House Resolution 470.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of House Resolution 470, expressing the sense of Congress that the Department of Education should play a more active role in monitoring and enforcing compliance of the Student Right to Know and Campus Security Act of 1990, signed into law by President George Bush.

I have always been a strong supporter of the Student Right to Know and Campus Security Act since it was enacted 6 years ago, and believe that it is important for the Department of Education to make the enforcement of this act a priority. This law was enacted in order to highlight the issue of

crime on campus and to make information about campus crime and campus security policies available to the public.

This law also provides incentives for institutions to develop safer campus environments. I am certain that this issue will be revisited again during the reauthorization of the Higher Education Act next Congress, when we evaluate this program and its effectiveness.

We must continue to do all we can to protect students from crime on our Nation's college campuses, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam Speaker, I yield 4 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong support of House Resolution 470. This important measure calls our attention to the problem of crime on our college campuses and sends a message to the Department of Education to make enforcement of the Campus Security Act a top priority.

I commend Chairman BILL GOODLING for his commitment to our Nation's students, from kindergarten through high school, in transition from school to the job market, and on college campuses in pursuit of a higher education. He is a man who believes that every child in America deserves the best education possible in a safe environment.

Congressman GOODLING introduced legislation during the 101st Congress that was incorporated into the Campus Security Act to require schools that receive title IV student aid to compile and distribute campus crime data. It is essential that the Department of Education promote safety awareness by enforcing compliance with the Campus Security Act. Students must be informed about crimes that have been committed on their college campus so they can take precautions to prevent further crimes from occurring.

At the University of Maryland, President William Kirwan recently approved a plan to install video surveillance cameras on the College Park Campus. This decision followed five armed robberies committed on campus early in the year.

There also has been an increase in the number of rapes at the university. As cochair of the Congressional Caucus on Women's Issues, I have long been a fighter of violence against women. During the reauthorization of the Higher Education Act, the Campus Security Act was amended to require institutions to develop a policy regarding sexual assaults. Indeed, it is a necessity that the Department of Education enforce compliance with this provision.

Listen to these statistics: one forcible rape is reported to police every 5 minutes; an estimated 167,000 women were raped each year between 1979 and 1987; the U.S. Department of Justice estimates that 1 out of 500 women will be a victim of rape by a stranger during her lifetime.

Although these statistics are not limited to college campuses, they do focus the need for institutions to keep their students well-informed about campus crimes. They especially focus attention on the need for schools to develop policies regarding campus anticrime programs aimed at preventing sexual assaults.

I was one of the sponsors of the Violence Against Women Act [VAWA], provisions of which were incorporated into the crime bill during the 103d Congress. One of those provisions calls for a national baseline study on campus sexual assaults. This study would examine the scope of the problem of campus assaults and the effectiveness of institutional policies in addressing such crimes and protecting the victims. Enforcement of the Campus Security Act by the Department of Education would facilitate the baseline study on campus sexual assaults.

The litmus test of the 90's will be how we restore security and physical safety to our youth and to our citizens, in our homes and in our schools. We, in Congress, are constantly engaged in heated debate about most issues. However, I think that we can all agree that support for House Resolution 470 is essential and that the Department of Education should actively enforce compliance with the Campus Security Act.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise in strong support of House Resolution 470. In my view, it is imperative that the Department of Education actively enforce compliance of the Campus Crime and Security Awareness Act, an important tool in ensuring our young people's safety at colleges and universities.

Students should be worrying about exams and term papers, not their personal safety on campus. Unfortunately, what we have seen as a general trend is that campus crime has been on the rise. It is imperative that students, faculty, and parents are aware of the number of crimes reported on campus within the prior year. This is important life-saving information.

The 101st Congress enacted into law the Campus Crime and Security Awareness Act as part of the Student Right-to-Know and Campus Security Act. This legislation requires that any school receiving title IV funding report to any faculty, student, and perspective students that request it a yearly number of crimes reported.

Schools are required to report in a timely fashion to the campus community on those crimes which could pose a threat to other students or faculty. This offers students, the institutions and the campus community an opportunity to exchange information and take precautions to prevent future crimes.

The Department of Education, in my view, should take an active role in monitoring compliance of the Campus Security Act to ensure that colleges and universities do everything possible to make campuses a safe and secure learning environment.

Madam Speaker, I urge my colleagues to vote in favor of this important resolution.

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Madam Speaker, I thank the gentleman for yielding me time.

I rise in strong support of House Resolution 470. This legislation expresses the sense of Congress of the importance of requiring colleges and universities to receive title IV student aid to provide yearly crime statistics. Students, parents, administrators, faculty, prospective students and the communities surrounding these campuses have a right to know the crime rate.

In 1990, Congress passed the Student Right to Know and Campus Security Act. This was to give students, parents and employees access to information on campus crimes. In addition, institutes of higher learning were required to make timely reports to the college community of crimes committed that are considered a threat to employees and students.

Unfortunately, this legislation has not been as strictly enforced as it should be. House Resolution 470 expresses the sense of Congress that we must make a priority of reporting crime statistics on college campuses. The Department of Education needs to be more active in overseeing and administering these laws, as campus crime is a concern we all share, whether we live in Oregon or any other State of this great country.

This legislation will allow those that live and work around college campuses to take the necessary measures to avoid becoming victims themselves. Please join me and vote ''yes'' on House Resolution 470.

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

Madam Speaker, I would like at this point to appeal to all the presidents of colleges and universities to stand tall and be firm against those who would pressure them, be they coaches on the campus or alumni. There is no excuse for some outstanding athlete to go free after battering women or committing rape or breaking laws in relationship to alcohol and other drugs. To use the excuse that you are trying to save that individual cannot be used when you are thinking about the other thousands who are there.

As a high school principal and superintendent, many times I would have liked to have turned my head on something that someone may have done to try to give that person still one more chance, but you always have to realize what kind of an example does that set for the other 5,000 or 6,000 or 7,000 for whom you have a responsibility?

So when we think about campus crime, we also have to think in terms of getting those who are leading those institutions to stand tall against tremendous pressure, I realize that, from coaches and from the alumni associations.

Mr. McKEON. Madam Speaker, today, the House will consider House Resolution 470 which deals with the Student Right to Know and Campus Security Act.

The Student Right to Know and Campus Security Act signed into law by President Bush required colleges and universities throughout the United States to provide their students information on campus crime statistics and school policies related to campus security. This was a first step in providing students necessary information if they were to protect themselves from becoming victims of campus crime.

During the course of a hearing held in June by the Subcommittee on Postsecondary Education, Training and Life-Long Learning which I chair, some concerns were raised that colleges and universities were not accurately reporting crime statistics. In addition, several witnesses did not believe that the Department of Education considered the enforcement of the Campus Security Act a priority.

Since that June hearing, I have been in contact with Secretary Riley with respect to enforcement of the Campus Security Act. The resolution before the House today, puts our support on the record for the actions we insist Secretary Riley take with respect to improving and ensuring compliance with the Campus Security Act.

We intend to keep a close watch on this issue. I think that we all agree that it is imperative that colleges and universities comply with the Campus Security Act if we are going to accomplish our goal of protecting students.

I would also like to submit for the RECORD a letter received from the International Association of Campus Law Enforcement Administrators [IACLEA] in support of House Resolution 470.

INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS,

Hartford, CT, July 30, 1996.

Hon. WILLIAM GOODLING,

U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN GOODLING: It is my pleasure to write to express support for House Resolution 470 on behalf of the International Association of Campus Law Enforcement Administrators and current IACLEA President Yvon McNicoll of the University of Ottawa.

IACLEA exists to promote the common interest in, and public education concerning, the administration of law enforcement programs including the operation and development of life safety and property safety programs on college and university campuses. It has long been the position of our Association that statistical information developed from campus law enforcement records and crime reports should be made available to the members of the community, and that an awareness of criminal incidents which are occurring will enable community members to take appropriate precautions to avoid becoming victims themselves.

Although not perfect, the provisions of section 485(f) of the Higher Education of 1965 with respect to compiling and disseminating campus crime statistics and security policies represent a reasonable prescription for the framework of a program of safety awareness at postsecondary institutions. Many college and university security awareness programs go well beyond the minimum provisions established by statute, but there is undoubtedly room for improvement in some quarters. An active program of compliance monitoring on the part of the US Department of Education should lead to better information exchange regarding the intent of the statute and the identification of approaches which could serve as models for institutions whose campus security programs may benefit from enhancement.

IACLEA would be pleased to assist in this endeavor in any possible.

Sincerely,

DOUGLAS F. TUTTLE,

Immediate Past President, IACLEA.

Mr. DUNCAN. Madam Speaker, I rise in strong support of this resolution. I believe it is very important that we provide the public access to information about the crime on the campuses of our Nation's colleges and universities.

When a family chooses to move to a new town or city, they base that decision on many factors including crime rates. When a family begins to decide what college or university they will choose, they also should have the right to know about the crime rate of that area.

I have been working very hard with my colleagues on this issue. In fact, I introduced legislation, the Open Campus Police Logs Act of 1995, which would require colleges and universities to maintain a daily log of all crimes committed and make these logs available for public inspection.

This resolution, of which I am a cosponsor, will ensure that the Department of Education enforces the Campus Security Act that requires institutions to make crime statistics available on a yearly basis.

I certainly believe this is a step in the right direction.

Many States have already enacted laws which require colleges and universities to make crime statistics public. I believe every mother and father in this country should have the right to know whether or not the school they are sending their child to is a safe one.

I think that each student should be able to know what kind of crimes have been committed on his or her campus. I also believe they should have access to information that will tell them where these crimes are committed. This will only help each individual student to take the necessary safety precautions to protect him or herself.

Madam Speaker, I want to thank my colleagues for their hard work on this issue.

I urge the passage of this resolution, and I yield back the balance of my time.

Mr. GOODLING. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Madame Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 470.

The question was taken.

Mr. GOODLING. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

STUDENT DEBT REDUCTION ACT OF 1996

Mr. GOODLING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3863) to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan Program to pay origination fees on behalf of borrowers, as amended.

The Clerk will read as follows:

H.R. 3863

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Debt Reduction Act of 1996''.

SEC. 2. UNSUBSIDIZED STUDENT LOANS.

(a) AMENDMENT.—Paragraph (1) of section 428H(f) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(f)(1)) is amended to read as follows:

''(1) AMOUNT OF ORIGINATION FEE.—Except as provided in paragraph (5), an origination fee shall be paid to the Secretary with respect to each loan under this section in the amount of 3.0 percent of the principal amount of the loan. Each lender under this section is authorized to charge the borrower for such origination fee, provided that the lender assesses the same fee to all student borrowers. Any such fee charged to the borrower shall be deducted proportionately from each installment payment of the proceeds of the loan prior to payment to the borrower.''.

(b) CONFORMING AMENDMENTS.—Section 428H(f) of such Act is further amended—

(1) in paragraph (3), by striking ''the origination fee'' and inserting ''any origination fee that is charged to the borrower'';

(2) in paragraph (4), by striking ''origination fees authorized to be collected from borrowers'' and inserting ''origination fees required under paragraph (1)''; and

(3) by adding at the end the following new paragraph:

''(6) EXCEPTION.—Notwithstanding paragraph (1), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.''.

(c) REPORT ON COMPETITIVE ALLOCATION.—Within 60 days after the date of enactment of this Act, the Secretary of Education shall submit to each House of the Congress a legislative proposal that would permit the Secretary to allocate the right to make subsidized and unsubsidized student loans on the basis of competitive bidding. Such proposal shall include provision to ensure that any payments received from such competitive bidding are equally allocated to deficit reduction and to pro rata reduction of origination fees in both guaranteed and direct student loans.

SEC. 3. STUDY OF LOAN FEES.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B of title IV of the Higher Education Act of 1965 to gather data on lenders' use of loan fees and to determine if there are any anomalies that would indicate any institutional, programmatic or socioeconomic discrimination in the assessing or waiving such fees.

(b) REPORT.—The Secretary of Education shall submit to each House of the Congress a report on the study required by subsection

(a) within 2 years after the date of enactment of this Act.

(c) STATISTICAL CHARACTERISTICS TO BE STUDIED.—In conducting the study required by subsection (a), the Secretary of Education shall compare recipients of loans on the basis of income, residence location, type and location of higher education, program of instruction and type of lender.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

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

□ 1445

Mr. GOODLING. Madam Speaker, I yield myself what time I may consume and would preface my remarks by saying, as the last bill, here is another bill that is a bipartisan bill coming from my committee. Seems that every day we are here with a bipartisan effort coming from my committee.

Today we are taking up the Student Debt Reduction Act of 1996. This bill will allow student loan lenders or any other interested party to pay the origination fees charged to students who borrow unsubsidized Stafford Loans. This practice is already allowed for subsidized Stafford Loans, but a Department of Education ruling has prohibited this benefit to students who borrow unsubsidized Stafford Loans. By enacting this bill, we are simply extending the same benefits to unsubsidized loan borrowers.

It is rather timely that we should be considering this bill today, just as millions of students are making their way to college campuses all across the country. And as they make their way, we are all painfully aware of their growing concern about paying the bills for tuition, room and board, books and basic living necessities. This bill aims to ease some of that concern by getting more cash in the hands of students.

Madam Speaker, anyone who reads the newspaper or watches television knows that college costs are a growing concern among families. A recent GAO study of college costs found that tuition at 4-year public colleges and universities has increased 234 percent over the last 14 years. Compare that to median household income which rose 82 percent and the Consumer Price Index which rose only 74 percent over the same time period, and it is easy to understand the growing concern over the cost of a college education.

That is why I am especially pleased that my committee reported out the Student Debt Reduction Act by a unanimous vote of 34 yeas to 0 noes. This bill fosters competition among student loan lenders which directly results in monetary benefits to students. For example, a student who borrows an unsubsidized loan of $6,625 receives an upfront fee reduction of $198.75. If this same student borrows the maximum allowed for an unsubsidized loan over 4 years of college, the fee reduction will amount to $1,053.75. That is cash in students hands that can be used for educational expenses.

In addition to these savings, this House approved another increase to the Pell grant program in addition to last year's increase so that students may receive the highest Pell grant maximum in the history of the program. This House also approved a $68 million increase for the work study program so that more students may obtain job related experience while enrolled in college. Efforts such as these simply reaffirm our commitment to higher education in this country.

In conclusion, I just want to talk briefly about the impact of this legislation on students in Pennsylvania. A program to help students and their families operated for 1 year before the Department of Education issued its ruling with respect to unsubsidized loans. That programs helped 36,929 students from families with incomes under $21,000 by paying a portion of the originating fees. Those students had an extra $2.1 million to use toward their college education expenses.

In Pennsylvania, the program will continue on for 27,601 of those students. Unfortunately, without this legislation, 9,328 needy students who received unsubsidized loans will not be allowed to benefit from the program and will be forced to pay higher up-front fees. There is no reason this should happen. We have an opportunity to see that it does not by voting for the Student Debt Reduction Act.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 3863, the Student Debt Reduction Act, even though I continue to have reservations about the timing of the legislation in light of the upcoming reauthorization of the Higher Education Act next year.

My colleagues on the other side of the aisle claim this bill corrects a simple technical problem, but I believe it does much more than that. This legislation has the admirable intent of reducing college costs for students, which I am always in favor of, but it also has significant policy implications for student loan programs which have not been examined at either subcommittee or full committee levels.

Throughout the country, students and their families are facing increasing college costs and declining Federal aid. Democrats, Madam Speaker, have always been supportive of expanding opportunities for all students in Federal financial aid programs. I, for one, would like to see the elimination of this loan origination fee altogether and will make this a priority issue during next year's reauthorization.

Madam Speaker, I am concerned that this bill as written would permit lenders to pay origination fees for some students but would not provide this same opportunity for students who receive loans under the direct loan program. We should have a level playing field in the student loan arena, and this bill upsets that equal ground, I believe.

Despite its flaws, however, this legislation has the potential, Madam Speaker, of lowering college costs for students, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam speaker, I yield myself 30 seconds just to say that, if there was ever a time to try to level the playing field, it is now, because the direct lending advocates in the White House have made it very clear that they are going to do everything they possibly can to eliminate every other possibility.

So this will be leveling that playing field that they have positively piled up rocks and mounds and so on to make sure that any other program cannot succeed.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD, a member of the committee.

Mr. GREENWOOD. Madam Speaker, I thank the chairman of the full committee for yielding me this time.

Madam Speaker, H.R. 3863, the Student Debt Reduction Act of 1996, will allow students to receive lower-cost unsubsidized student loans by permitting lenders in the Federal Family Education Loan Program to waive or reduce origination fees. The savings to our students may be the full origination fee, which is 3 percent of the total loan amount.

Since budgetary concerns are paramount today, as they should be, it is important to note that H.R. 3863 is budget neutral. It will not increase or decrease the amount of student fee revenues collected and transmitted to the Federal Government, but it will increase the amount of funds transmitted to our hard-working middle-class college students and their families.

Republicans in Congress are working to make college more affordable for middle-class families struggling to afford their children the opportunity provided by a college degree, and this bill is an excellent example of our work.

Madam Speaker, current law states that a lender may charge a student borrower an origination fee on a subsidized student loan but shall charge a student borrower of an unsubsidized loan. This bill will close a loophole in the law by allowing lenders to treat unsubsidized loans the same as subsidized loans and in the process permit struggling middle-class families and students the same return as lower-income borrowers.

Under this bill we will allow the full amount of the student loan to flow to middle-class students, we can encourage competition among student loan lenders, and we can guarantee that the type of relief permitted under a subsidized loan will now be permitted under an unsubsidized loan.

This is a commonsense plan to put money in the pockets of students to pay educational expenses.

Madam Speaker, the bottom line of this bill is fairly straightforward. It is good business for banks to make these loans. They are guaranteed by the Federal Government, and they profit from the interest paid by the students. Because it is good business and attractive business for the banks, we think this provision will allow them to compete for the business by offering to waive all or part of the 3 percent loan And for a student borrowing the maximum amount for 4 years, that thousand dollar difference can mean a great difference in the ability of that student to have the books and the other resources needed for their education. For that reason, I rise to support H.R. 3863.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS], another member of the committee.

Mr. RIGGS. Madam Speaker, I have to tell my colleagues that I am genuinely confused with this legislation on the floor today, because I would have sworn I have been seeing and hearing radio and television ads in my congressional district and in congressional districts around the country, of course all held by incumbent Republicans, run by the AFL–CIO, the big labor bosses of the AFL–CIO based back here in Washington, who have practically become the campaign arm of the national Democratic Party and the Clinton reelection campaign, accusing us of cutting funding for student loans.

So I am genuinely confused. I thought our 7-year plan for balancing the Federal budget increased taxpayer funding for student loans by 50 percent, or $12 billion, from $24 billion today to $36 billion 7 years from now.

As the chairman just pointed out, we have increased funding for the maximum Pell Grant award to the highest level in our country's history. We have level funded the TRIO Program for college-bound minorities. And today we bring this legislation, the Student Debt Reduction Act, to the floor, which allows lenders in the student loan program to pay origination fees charged to students who obtain unsubsidized, that is to say a situation where the student is responsible for the interest, to pay origination fees charged to students who obtain unsubsidized Stafford loans.

Madam Speaker, this bill is good legislation. It increases competition in the student loan program, and it lowers costs for college students, making a college education for all Americans more accessible and more affordable.

So, Madam Speaker, I am very confused. To hear the rhetoric that has been coming out of Washington by the national Democratic Party and their liberal special interest allies, one would be led to believe that all we have been doing is cutting or gutting taxpayer funding for student financial aid, when nothing could be further from the truth.

Republicans do care about making a college education more affordable for our young people. We realize it is a good investment, a farsighted investment of the taxpayer's dollar. That is why we have made that in fact a priority in this session of Congress, the rhetoric of our colleagues notwithstanding.

All I would say in conclusion is that those who want to continue to maintain that we are cutting taxpayer funding for student financial aid ought to go back to school because they cannot do their math.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania, Chairman CLINGER.

Mr. CLINGER. Madam Speaker, I thank the gentleman for yielding me this time. Let me first commend my distinguished colleague from Pennsylvania, Chairman GOODLING, for bringing this very important legislation before us today and for his long leadership on education issues throughout his tenure in Congress. He has made a great contribution to improving education in this country at all levels.

I also want to recognize my fellow sponsors of the bill, the gentleman from Pennsylvania, Congressmen GREENWOOD, FATTAH, and GEKAS, the gentleman from California, Mr. MCKEON, the gentleman from Illinois, Mr. FAWELL, and others for their commitment to our Nation's students.

I am pleased to share my support for the Student Debt Reduction Act of 1996. The bill brings together two issues that have had the highest priority, my highest priority during my 18 years in Congress: education and debt reduction. There is no greater gift to our young people than an education. By reducing individual cost to students, we are giving students the chance to focus on their education instead of how they are going to pay for it.

Specifically, the bill allows lenders in the student loan program to pay origination fees charged to students who obtain unsubsidized Stafford, so-called Stafford loans, and in so doing we are lowering the cost to students and increasing competition within the student loan program by making unsubsidized loans an equal player, all while adding no cost, repeat, no cost to the Federal Government.

So as a Congressman who represents literally countless higher educational institutions, Penn State, Bucknell, and many others, I know the overwhelming feelings that are associated with paying for an education.

This minor and, really, technical change to existing law will help thousands of students in Pennsylvania and hundreds of thousands of students nationwide who have been treated unfavorably until this point in time.

□ 1500

I am proud to be a cosponsor of the Student Debt Reduction Act, and urge my colleagues to support it overwhelmingly and make education more affordable and available for an even greater number of students.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Madam Speaker, it is with great pleasure that I rise today in strong support of H.R. 3863, the Student Debt Reduction Act. Access to a college education for young Americans regardless of background is key to the American dream, but the cost of higher education is making it harder for many middle-class families to pay for tuition, and many students end up saddled with a debt burden that limits ultimately their choices.

I am proud to be a cosponsor of this important legislation introduced by the chairman of the Committee on Economic and Educational Opportunities which, in effect, will allow lenders to waive or reduce the origination fee on unsubsidized Stafford loans by paying the fee for a student. Lenders are already permitted to pay the origination fees charged to a student who obtains a subsidized Stafford loan. This legislation simply extends the same consideration to those borrowers of unsubsidized loans.

As a result of this legislation, students will find themselves with more money for educational costs. With the cost of college education on the rise, that money can be put to good use.

The savings to an individual student may be as much as the full origination fee of 3 percent of the loan amount. Students will be able to use their student loans for what they were intended, to pay for a college education. This legislation encourages competition by loan providers to the great benefit of students who are able to reduce their education financing costs.

Madam Speaker, I urge my colleagues to vote in favor of this important legislation. It provides Congress with an opportunity to give students the best possible financial aid packages by encouraging competition between lenders of unsubsidized and subsidized Stafford loans.

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

Mr. GOODLING and I work closely together and we have had a nice bipartisan spirit out here on two bills. It is regrettable that the gentleman from California [Mr. RIGGS] had to inject a bit of partisanship in this, attacking, among other things, the AFL–CIO. This bill is too important to inject those matters into this.

I regret that Mr. RIGGS, the gentleman from California, did this. I want to remind him that he himself voted last year on the reconciliation bill that left the House for a $10 billion cut in student loans, including the in-school interest subsidy. So let us try to get this bill passed.

Mr. GOODLING and I worked very closely together. I regret this injection

of partisanship. I urge passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam Speaker, I yield myself 1 minute, just to again offer another challenge on this legislation to college and university presidents by repeating what I said earlier: A GAO study of college costs found that tuition at 4-year public colleges and universities has increased 234 percent over the last 14 years, but the median house income rose only 82 percent and the Consumer Price Index rose only 74 percent. This committee wants to know why the dramatic increases in college costs, and we want to get a handle on that so that more students will have an opportunity to attend a 4-year institution and graduate from a 4-year institution, because the number of dropouts from 4-year institutions has reached an all-time high.

Mr. McKEON. Madam Speaker, today I rise in support of H.R. 3863, the Student Debt Reduction Act. This legislation, which I cosponsored along with Chairman GOODLING and other House colleagues, allows lenders or other interested parties to pay the origination fees charged to a student upon obtaining an unsubsidized Stafford loan.

Currently, lenders are allowed to pay the origination fees on behalf of students who borrow subsidized Stafford loans. I was quite surprised to learn that the Higher Education Act, as interpreted by the Department of Education, did not provide the same benefit for students borrowing unsubsidized Stafford loans.

I support this legislation for several reasons. Most importantly, it results in lower costs for students. At a time when students and parents everywhere are worrying about paying for college, every extra dollar becomes more and more important. It also specifically prohibits any discrimination on the part of lenders when offering programs that reduce a student's origination fees. Lastly, the bill results in increased competition among lender in the student loan program, at no increased cost to the Federal Government.

This simple change to the Higher Education Act could mean a great deal to college students across the country. I urge all of my colleagues to support the Student Debt Reduction Act.

Mr. ANDREWS. Madam Speaker, I share the laudable goal of H.R. 3863, to reduce the costs to students of borrowing for educational expenses, and I applaud the Committee on Economic and Educational Opportunities for its efforts to achieve this goal by cutting student loan fees. I would note that student loan origination fees were initially intended as a temporary measure, and it is high time that we repeal this tax on borrowing for all students. However, this legislation remains flawed, because it will create an unpredictable and unequal student loan system, in which some students will see their loan fees cut, while other students will receive no benefit.

As originally written H.R. 3863 would have given lenders the discretion to pay loan origination fees for some borrowers but not others. In all likelihood, the lenders would waive the fee for the most affluent students, who are better lending risks, in order to attract their business. Thus, the most needy students would have been required to pay more to participate in the same lending programs as affluent students. Thus, the bill would have created incentives for lenders to pay the fee for students who are perceived as better lending risks. As a result, certain institutions would have a competitive advantage over others. This would have forced smaller lenders out of business, and might have led to less access to loans for needy students.

To address these concerns about potential discrimination among students and schools, I offered an amendment in committee, which I was pleased was adopted, to help prevent this possible unintended consequence of H.R. 3863. My amendment makes clear that lenders cannot vary the fee that they charge to student borrowers based on their credit risk. Additionally, my amendment gives the lender some discretion to further cut the origination fee for some student borrowers if they, in fact, show a greater need. Lenders, thus, are prohibited from discriminating against lower-income students and are empowered to offer them further assistance at their discretion.

Unfortunately, the bill as currently written would permit lenders to pay origination fees for some students, but would not provide the same opportunity for cost savings to students who receive loans under the Direct Loan Program. The result will be discrimination among students based on the program from which they receive their student loans.

Students, colleges and universities, and the taxpayers are best served if there is free, open competition and choice. Competition means that students and families can evaluate all the different loan options available to them and make the choice that is best for them. To ensure free competition in the student loan arena, the basic ground rules should be equal for all kinds of loans.

Loan fee cuts must be applied equitably to benefit students without regard to whether their institution participates in the Federal Family Education Loan Program [FFEL], the Direct Loan Program, or both. It is important to keep terms and conditions as nearly the same as possible, both to provide a level playing field so that students and institutions continue to benefit from the healthy competition that currently exists between the two programs, and to ensure that students in equivalent financial situations are treated equally. We should not only reduce the fees on the bank- and guaranty agency-based unsubsidized loans, but we should also extend that fee reduction to students who receive direct loans.

If it is a good idea to reduce these fees for students who borrow from banks or from guaranty agencies, then it is an equally good idea to extend that same opportunity to all students who would borrow from the Direct Student Loan Program. This committee has the opportunity to provide relief to all students, regardless of where they get their loan, while achieving our goal of a balanced Federal budget.

Cutting fees will help students who are faced with rising college costs and declining Federal aid. Over the past 15 years—1980–95—tuition at private 4-year higher education institutions has increased by 89 percent and at public 4-year institutions by 98 percent. In the same period of time, median family income has increased by 5 percent and student financial aid per student has increased by 37 percent. Clearly the ability of students and their families to pay for higher education has diminished significantly. Student financial aid has clearly not kept pace with rising costs. In the mid-1970's about 76 percent of the financial aid which students received from Federal programs was grants and 21 percent was loans. In the mid-1990's the proportions have been reversed, with 26 percent of the Federal student aid in grants and 72 percent in loans.

Another problem with H.R. 3863 is that guaranty agencies could take the so-called excess reserves accumulated from students who have already borrowed money, draw down those excess reserves in order to help finance this cut in the fees, and in effect, use the money paid by a student 5 years ago under a fee to help reduce the fee for a student who borrows next year. Banks would not have that same opportunity to get capital at basically no cost, nor would the Federal Government. In order to level that playing field, we should cut loan fees for all students, whether they borrow from a guaranty agency, a bank, or the Federal Government through direct lending.

To pay for fee reductions for all students, regardless of where they get their loan, we should apply savings already identified in the budget process but not yet used: recovery of these excess guaranty agency reserve funds and an increase in the lender loan fee. We have already concluded in our budget process that lenders and guaranty agencies are in a better position to bear these costs than students are.

In summary, under H.R. 3863, students who take out an unsubsidized loan from a guaranty agency or a bank get a fee cut, which will lower their cost of borrowing for school. Yet their next-door neighbors on campus, with the same family income and the same tuition, who happen to receive their loan through the Direct Loan Program, are not offered the same savings. This inequity makes no sense, and it is a serious flaw in the legislation.

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

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

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3863, as amended.

The question was taken.

Mr. GOODLING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3539

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 ''Federal Aviation Authorization Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. Operations of FAA.

TITLE II—AIRPORT DEVELOPMENT FINANCING

Sec. 201. Apportionments.
Sec. 202. Discretionary fund.
Sec. 203. Use of apportioned amounts.
Sec. 204. Designating current and former military airports.
Sec. 205. National Civil Aviation Review Commission.
Sec. 206. Innovative financing techniques.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 301. Intermodal planning.
Sec. 302. Compliance with Federal mandates.
Sec. 303. Runway maintenance program.
Sec. 304. Access to airports by intercity buses.
Sec. 305. Cost reimbursement for projects commenced prior to grant award.
Sec. 306. Issuance of letters of intent.
Sec. 307. Selection of projects for grants from discretionary fund.
Sec. 308. Small airport fund.
Sec. 309. State block grant program.
Sec. 310. Private ownership of airports.
Sec. 311. Use of noise set-aside funds by non-airport sponsors.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Elimination of dual mandate.
Sec. 402. Purchase of housing units.
Sec. 403. Technical correction relating to State taxation.
Sec. 404. Use of passenger facility fees for debt financing project.
Sec. 405. Clarification of passenger facility revenues as constituting trust funds.
Sec. 406. Protection of voluntarily submitted information.
Sec. 407. Supplemental type certificates.
Sec. 408. Restriction on use of revenues.
Sec. 409. Certification of small airports.
Sec. 410. Employment investigations of pilots.
Sec. 411. Child pilot safety.
Sec. 412. Discretionary authority for criminal history records checks.
Sec. 413. Imposition of fees.
Sec. 414. Authority to close airport located near closed or realigned military base.
Sec. 415. Construction of runways.
Sec. 416. Gadsden Air Depot, Alabama.
Sec. 417. Regulations affecting intrastate aviation in Alaska.
Sec. 418. Westchester County Airport, New York.
Sec. 419. Bedford Airport, Pennsylvania.
Sec. 420. Location of Doppler radar stations, New York.
Sec. 421. Worcester Municipal Airport, Massachusetts.
Sec. 422. Central Florida Airport, Sanford, Florida.
Sec. 423. Aircraft Noise Ombudsman.
Sec. 424. Special rule for privately owned reliever airports.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

Sec. 501. Extension of Airport and Airway Trust Fund Expenditures.

TITLE VI—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 601. Short title.
Sec. 602. Authorization of appropriations.
Sec. 603. Research priorities.
Sec. 604. Research advisory committee.
Sec. 605. National aviation research plan.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1996.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1996.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking ''September 30, 1981'' and inserting ''September 30, 1996''; and

(2) by striking ''$17,583,500,000'' and all that follows through the period at the end and inserting the following: ''$2,280,000,000 for fiscal years ending before October 1, 1997, $4,627,000,000 for fiscal years ending before October 1, 1998, and $7,039,000,000 for fiscal years ending before October 1, 1999.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''1996'' and inserting ''1999''.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $2,068,000,000 for fiscal year 1997.

''(2) $2,129,000,000 for fiscal year 1998.

''(3) $2,191,000,000 for fiscal year 1999.''.

(b) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48101 and inserting the following:

''§ 48101. Air navigation facilities and equipment''; and

(2) in the table of sections by striking the item relating to section 48101 and inserting the following:

''48101. Air navigation facilities and equipment.''.

SEC. 103. OPERATIONS OF FAA.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended by striking ''$4,088,000,000'' and all that follows through the period at the end and inserting the following: ''$5,158,000,000 for fiscal year 1997, $5,344,000,000 for fiscal year 1998, and $5,538,000,000 for fiscal year 1999.''.

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) is amended—

(1) in the subsection heading by striking ''1996'' and inserting ''1999''; and

(2) by striking ''1994, 1995, and 1996'' and inserting ''1994 through 1999''.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) is amended by striking ''1996'' and inserting ''1999''.

(d) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48104 and inserting the following:

''§ 48104. Operations and maintenance''; and

(2) in the table of sections for such chapter by striking the item relating to section 48104 and inserting the following:

''48104. Operations and maintenance.''.

TITLE II—AIRPORT DEVELOPMENT FINANCING

SEC. 201. APPORTIONMENTS.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) PRIMARY AIRPORTS.—Section 47114(c)(1)(A) is amended—

(A) by striking ''and'' at the end of clause (iii);

(B) in clause (iv) by striking ''additional'' and inserting ''of the next 500,000'';

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding at the end the following:

''(v) $.50 for each additional passenger boarding at the airport during the prior calendar year.''.

(2) CARGO ONLY AIRPORTS.—Section 47114(c)(2) of such title is amended to read as follows:

''(2) CARGO ONLY AIRPORTS.—

''(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to 2.5 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds.

''(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the proportion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

''(C) LIMITATION.—Not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.

''(D) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

''(E) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year.''.

(3) REPEAL OF LIMITATION.—Section 47114(c)(3) is repealed.

(b) AMOUNTS APPORTIONED TO STATES.—Section 47114(d)(2) of such title is amended—

(1) by striking ''12'' and inserting ''18.5'';

(2) in subparagraph (A) by striking ''one'' and inserting ''0.66'';

(3) in each of subparagraphs (B) and (C) by striking ''49.5'' and inserting ''49.67''; and

(4) in each of subparagraphs (B) and (C) by striking ''except'' the second place it appears and all that follows through ''title,'' and inserting ''excluding primary airports but including reliever and nonprimary commercial service airports,''.

SEC. 202. DISCRETIONARY FUND.

Section 47115 is amended by striking the second subsection (f), relating to minimum amounts to be credited, and inserting the following:

''(g) MINIMUM AMOUNT TO BE CREDITED.—

''(1) GENERAL RULE.—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

''(A) $50,000,000; plus

''(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

''(2) REDUCTION OF APPORTIONMENTS.—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

''(3) AMOUNT OF REDUCTION.—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

''(h) ALLOCATION OF AMOUNTS EXCEEDING LETTER OF INTENT REQUIREMENTS.—Of the amount credited to the fund for a fiscal year which exceeds the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982—

''(1) not less that 15 percent shall be used for system planning and for making grants to airports that are not commercial service airports; and

''(2) not less than 30 percent shall be used for making grants to commercial service airports that each year have less than .25 percent of the total passenger boardings in the United States.''.

SEC. 203. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by inserting before the period at the end of the first sentence the following: ''or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year''.

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1) is amended—

(1) by striking ''made available under section 48103'' and inserting ''available to the discretionary fund under section 47115'';

(2) by striking subparagraphs (A), (C), and (D);

(3) by redesignating subparagraphs (B) and (E) as subparagraphs (A) and (B), respectively;

(4) in subparagraph (A), as so redesignated, by striking ''at least 12.5'' and inserting ''At least 31'';

(5) by adding at the end of subparagraph (A), as so redesignated, the following: ''The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.'';

(6) in subparagraph (B), as so redesignated, by striking ''at least 2.25'' and all that follows through ''1996,'' and inserting ''At least 4 percent for each fiscal year thereafter''; and

(7) by inserting before the period at the end of subparagraph (B), as so redesignated, the following: ''and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed $30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant''.

SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) GENERAL REQUIREMENTS.—Section 47118(a) is amended—

(1) by striking ''not more than 15'';

(2) by inserting after the first sentence the following: ''The maximum number of airports which may be designated by the Secretary under this section at any time is 10.''; and

(3) by striking ''reduce delays'' and all that follows through ''landings'' and inserting the following: ''enhance airport and air traffic control system capacity in major metropolitan areas and reduce current or projected flight delays''.

(b) SURVEY AND CONSIDERATIONS.—Section 47118 is amended—

(1) in subsections (a) and (d) by striking ''section 47117(e)(1)(E)'' and inserting ''section 47117(e)(1)(B)''; and

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(c) PARKING LOTS, FUEL FARMS, UTILITIES, AND HANGARS.—Subsection (d) of section 47118, as redesignated by subsection (b) of this section, is amended—

(1) in the heading by striking ''AND UTILITIES'' and inserting ''UTILITIES, AND HANGARS'';

(2) by striking ''for the fiscal years ending September 30, 1993–1996,'' and inserting ''for fiscal years beginning after September 30, 1992,''; and

(3) by striking ''and utilities'' and inserting ''utilities, and hangars''.

SEC. 205. NATIONAL CIVIL AVIATION REVIEW COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Civil Aviation Review Commission (hereinafter in this section referred to as the ''Commission'').

(b) FUNCTIONS.—In order to provide Federal policymakers with objective information and recommendations concerning the future of civil aviation in the 21st century, the Commission shall conduct a comprehensive review of aviation safety oversight, airport capital needs, and the long-term capital and operating funding requirements of the Federal Aviation Administration. Matters to be studied by the Commission shall include, but not be limited to, the following:

(1) A review of the overall condition of aviation safety in the United States and emerging trends in the safety of particular sectors of the aviation industry. This review shall include a review of—

(A) the extent to which the dual mission of the Administration to promote and regulate civil aviation may undermine aviation safety;

(B) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors; and

(C) the Administration's processes for ensuring the public safety from fraudulent parts in civil aviation and the extent to which use of suspected unapproved parts requires additional oversight or enforcement action.

(2) A review of current and projected airport capital development needs and an assessment of various financing mechanisms to meet these needs by type and size of airport. This review shall include a review of—

(A) alternate financing mechanisms for airports, including the airport improvement program, passenger facility charges, tax-exempt bonds, State and local assistance, airport privatization, infrastructure banks, government-sponsored enterprises, and leveraging of Federal airport financing that takes into consideration the special needs of nonhub airports and general aviation airports; and

(B) the effect of alternate funding levels of the Federal Aviation Administration airport improvement program, ranging from elimination of funding to full funding of airport development requirements.

(3) A review of the Administration's current and projected financial requirements, alternate methods of financing those requirements in the future, and recommendations on an overall long-range financial plan for the Administration which would provide for future growth in the Nation's air traffic system while improving the management and performance of the system and providing for continued safety improvements. Such financing methods include loan guarantees, financial partnerships with for-profit private sector entities, multiyear appropriations, revolving loan funds, mandatory spending authority, authority to borrow, restructured grant programs, aviation taxes, and user fees.

(4) A review of the air transportation needs of rural communities, an assessment of the ability of various financing mechanisms to fund programs designed to meet those needs, and an evaluation and recommendation concerning innovative financing mechanisms designed to meet those needs.

(c) MEMBERSHIP.—The Commission shall be composed of 13 members, appointed from persons knowledgeable about civil aviation in the United States and who are specifically qualified by training and experience to perform the duties of the Commission, as follows:

(1) 3 members appointed by the Secretary of Transportation, in consultation with the Secretary of the Treasury.

(2) 10 members appointed by Congress as follows:

(A) 1 member appointed by each of the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

(B) 1 member appointed by each of the chairman and ranking minority member of the Committee on Appropriations of the House of Representatives.

(C) 1 member appointed by each of the chairman and ranking minority member of the Committee on Commerce, Science, and Transportation of the Senate.

(D) 1 member appointed by each of the chairman and ranking minority member of the Committee on Appropriations of the Senate.

(E) 1 member appointed by each of the chairman and ranking minority member of the Committee on Ways and Means of the House of Representatives.

(d) RESTRICTION ON APPOINTMENT OF CURRENT AVIATION EMPLOYEES.—A member appointed under subsection (c)(1) may not be an employee of an airline, airport, aviation union, or aviation trade association at the time of appointment or while serving on the Commission.

(e) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 30 days after the date of the enactment of this Act.

(f) CHAIRMAN.—In consultation with the Secretary of Transportation, the Speaker of the House of Representatives and the Majority Leader of the Senate shall designate a chairman and vice chairman from among the members of the Commission not later than 30 days after appointment of the last member to the Commission.

(g) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission, and any vacancy on the Commission shall not affect its powers but shall be filled in the same manner, and by the same appointing authority, as the original appointment.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser number for conducting hearings scheduled by the Commission.

(i) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information or documents as the Commission considers necessary to carry out its duties, unless the head of such department or agency advises the chairman of the Commission, in writing, that such information is confidential and that its release to the Commission would jeopardize aviation safety, the national security, or pending criminal investigations.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TRAVEL AND PER DIEM.—Members and staff of the Commission shall be paid travel expenses, including per diem in lieu of subsistence, when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(j) INDEPENDENT AUDIT.—

(1) CONTRACTS.—Immediately following the designation of the chairman of the Commission, the Commission shall contract with an entity independent of the Federal Aviation Administration and the Department of Transportation to conduct a complete audit of the financial requirements of the Administration, considering anticipated air traffic forecasts, other workload measures, and estimated productivity gains which lead to budgetary requirements.

(2) DEADLINE.—The independent audit shall be completed no later than 180 days after the date of the contract award and shall be submitted to the Commission.

(k) FINAL REPORT.—Not later than 1 year after the date of the appointment of the last member to the Commission under subsection (c), the Commission shall submit to Congress and the Administrator a final report on the findings of the Commission with corresponding recommendations. Included with this report shall be the independent audit required under subsection (j).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $2,400,000 for activities of the Commission, including the independent audit under subsection (j), to remain available until expended.

(m) GAO ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall transmit to the Commission and Congress an independent assessment of airport development needs.

SEC. 206. INNOVATIVE FINANCING TECHNIQUES.

(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under subchapter I of chapter 471 of title 49, United States Code, for not more than 10 projects for which grants received under such subchapter may be used to implement innovative financing techniques.

(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects to the Congress and the National Civil Aviation Review Commission established by section 205 of this Act.

(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under the demonstration program result in a direct or indirect guarantee of any airport debt instrument by the Federal Government.

(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term ''innovative financing technique'' shall be limited to the following:

(1) Payment of interest.

(2) Commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development.

(3) Flexible non-Federal matching requirements.

(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary to carry out the demonstration program shall expire on September 30, 1999.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

SEC. 301. INTERMODAL PLANNING.

(a) POLICIES.—Section 47101(g) is amended to read as follows:

''(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

''(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

''(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

''(A) foster effective coordination between aviation planning and metropolitan planning;

''(B) include an evaluation of aviation needs within the context of multimodal planning; and

''(C) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

''(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.''.

(b) REQUIREMENTS FOR PROJECT GRANT APPLICATIONS.—Section 47106(a) is amended—

(1) by inserting '', including transportation and land use plans'' before the semicolon at the end of paragraph (1);

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(4) by adding at the end the following:

''(6) with respect to a project for the location of an airport, the sponsor has—

''(A) provided the metropolitan planning organization authorized to conduct metropolitan planning for the area in which the airport is to be located with not less than 30 days (i) to review the airport master plan or the airport layout plan in which the project is described and depicted, and (ii) to submit comments on such plans to the sponsor; and

''(B) included in the sponsor's application to the Secretary the sponsor's written responses to any comments made by the metropolitan planning organization.''.

SEC. 302. COMPLIANCE WITH FEDERAL MANDATES.

(a) USE OF AIP GRANTS.—Section 47102(3) is amended—

(1) in subparagraph (E) by inserting ''or under section 40117'' before the period at the end; and

(2) in subparagraph (F) by striking ''paid for by a grant under this subchapter and''.

(b) USE OF PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is amended by striking subparagraph (F).

SEC. 303. RUNWAY MAINTENANCE PROGRAM.

(a) AUTHORITY.—Section 47105 is amended by adding at the end the following:

''(g) RUNWAY MAINTENANCE PROGRAM.—The Secretary may carry out a pilot program in each of fiscal years 1997, 1998, and 1999 under which the Secretary may approve applications under this subchapter for not more than 10 projects in each of such fiscal years to preserve and extend the useful life of runways and taxiways at any airport for which an amount is apportioned under section 47114(d).''.

(b) INCLUSION IN AIRPORT DEVELOPMENT ACTIVITIES.—Section 47102(3) is amended by adding at the end the following:

''(H) preserving and extending the useful life of runways and taxiways at a public-use airport under the pilot program authorized by section 47105(g) of this title.''.

SEC. 304. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting ''; and''; and

(3) by adding at the end the following:

''(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses to have access to the airport.''.

SEC. 305. COST REIMBURSEMENT FOR PROJECTS COMMENCED PRIOR TO GRANT AWARD.

(a) COST REIMBURSEMENT.—Section 47110(b)(2)(C) is amended to read as follows:

''(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) of this title and if the cost is incurred—

''(i) after September 30, 1996;

''(ii) before a grant agreement is executed for the project; and

''(iii) in accordance with an airport layout plan approved by the Secretary and with all

statutory and administrative requirements that would have been applicable to the project if the project had been carried out after the grant agreement had been executed;''.

(b) USE OF DISCRETIONARY FUNDS.—Section 47110 is amended by adding at the end the following:

''(g) USE OF DISCRETIONARY FUNDS.—A project for which cost reimbursement is provided under subsection (b)(2)(C) shall not receive priority consideration with respect to the use of discretionary funds made available under section 47115 of this title even if the amounts made available under paragraphs (1) and (2) of section 47114(c) are not sufficient to cover the Government's share of the cost of project.''.

SEC. 306. ISSUANCE OF LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by redesignating paragraph (6) as paragraph (9); and

(2) by inserting after paragraph (5) the following:

''(6) COST-BENEFIT REGULATIONS.—The Secretary shall issue regulations to require a cost-benefit analysis for any letter of intent to be issued under paragraph (1) for a project at an airport that each year has more than .25 percent of the total passenger boardings in the United States. Until the date on which such regulations take effect, the Secretary may not issue a letter of intent under paragraph (1) for any project that is not yet under construction and that is to be carried out at an airport described in the preceding sentence.

''(7) FINANCING PLANS.—The Secretary shall require airport sponsors to provide, as part of any request for a letter of intent for a project under paragraph (1), specific details on the proposed financing plan for the project.

''(8) CONSIDERATION.—The Secretary shall consider the effect of a project on overall national air transportation policy when reviewing requests for letters of intent under paragraph (1).''.

SEC. 307. SELECTION OF PROJECTS FOR GRANTS FROM DISCRETIONARY FUND.

Section 47115(d) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

''(4) the priority that the State gives to the project;

''(5) the projected growth in the number of passengers that will be using the airport at which the project will be carried out; and

''(6) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which the number of passenger boardings increased by at least 20 percent as compared to the number of passenger boardings in the 12-month period preceding such period.''.

SEC. 308. SMALL AIRPORT FUND.

Section 47116 is amended by adding at the end the following:

''(d) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multiyear projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.''.

SEC. 309. STATE BLOCK GRANT PROGRAM.

(a) PARTICIPATING STATES.—Section 47128 is amended—

(1) in subsection (a) by striking ''7'' and inserting ''10'';

(2) in subsection (b)(1)—

(A) by striking ''(1)''; and

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(3) by striking subsection (b)(2).

(b) USE OF STATE PRIORITY SYSTEM.—Section 47128(c) is amended—

(1) by striking ''(b)(1)(B) or (C)'' and inserting ''(b)(2) or (b)(3)''; and

(2) by adding at the end the following: ''In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.''.

(c) REPEAL OF EXPIRATION DATE.—

(1) IN GENERAL.—Section 47128 is amended—

(A) by striking ''**pilot**'' in the section heading;

(B) by striking ''pilot'' in subsection (a); and

(C) by striking subsection (d).

(2) CONFORMING AMENDMENT.—The table of sections for chapter 471 is amended by striking the item relating to section 47128 and inserting the following:

''47128. State block grant program.''.

SEC. 310. PRIVATE OWNERSHIP OF AIRPORTS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47132. Private ownership of airports

''(a) SUBMISSION OF APPLICATIONS.—If a sponsor intends to sell an airport or lease an airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

''(b) APPROVAL OF APPLICATIONS.—The Secretary may approve, with respect to not more than 6 airports, applications submitted under subsection (a) granting exemptions from the following provisions:

''(1) USE OF REVENUES.—

''(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 44706(d) and 47107(b) of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

''(i) by at least 60 percent of the air carriers serving the airport; and

''(ii) by the air carrier or air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 60 percent of the total landed weight of all aircraft landing at the airport during such year.

''(B) LANDED WEIGHT DEFINED.—In this paragraph, the term 'landed weight' means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

''(2) REPAYMENT REQUIREMENTS.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

''(3) COMPENSATION FROM AIRPORT OPERATIONS.—The Secretary may grant an exemption to a purchaser or lessee from the provisions of sections 44706(d) and 47107(b) of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

''(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

''(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

''(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

''(3) The purchaser or lessee will maintain and improve the facilities of the airport and will submit to the Secretary a plan for carrying out such maintenance and improvements.

''(4) Every fee of the airport imposed on an air carrier on the day before the date of the sale or lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

''(A) by at least 60 percent of the air carriers serving the airport; and

''(B) by the air carrier or air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 60 percent of the total landed weight of all aircraft landing at the airport during such year.

''(5) Safety and security at the airport will be maintained at the highest possible levels.

''(6) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

''(7) Any adverse effects on the environment from airport operations will be mitigated to the same extent as at a public airport.

''(8) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

''(d) PARTICIPATION OF CERTAIN AIRPORTS.—If the Secretary approves under subsection (b) applications with respect to 6 airports, at least one of the airports must be an airport that is not a commercial service airport.

''(e) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

''(1) imposing a passenger facility fee under section 40117 of this title;

''(2) receiving apportionments under section 47114 of this title; or

''(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

''(f) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

''(g) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms specified in subsection (c) for the sale or lease of the airport.

''(h) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so as to apply to any airport owned by a public agency that is not participating in the program established by this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is further amended by adding at the end the following:

''47132. Private ownership of airports.''.

(b) TAXATION.—Section 40116(b) is amended—

(1) by striking ''a State or'' and inserting ''a State, a''; and

(2) by inserting after ''of a State'' the following: '', and any person that has purchased or leased an airport under section 47132 of this title''.

(c) RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.—Section 47129(a) is amended by adding at the end the following:

''(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47132 of this title, the Secretary shall consider whether the airport has complied with section 47132(c)(4).''.

SEC. 311. USE OF NOISE SET-ASIDE FUNDS BY NON-AIRPORT SPONSORS.

Section 47505 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (c), as so redesignated, by striking ''subsection (a) of'' and inserting ''subsection (a) or (b) of''; and

(3) by inserting after subsection (a) the following:

''(b) GRANTS TO NON-AIRPORT SPONSORS.—

''(1) AUTHORITY.—The Secretary may make a grant under this subsection to a State or unit of local government that is not the owner or operator of the airport for preparation of an airport land use compatibility plan or implementation of an airport land use compatibility project.

''(2) PLANNING AUTHORITY.—In order to be eligible to receive a grant under this subsection for preparation of an airport land use compatibility plan, the State or unit of local government must have authority to plan and adopt land use control measures, including zoning, in the planning area.

''(3) COORDINATION OF PLANNING ACTIVITIES.—

''(A) CONSISTENCY WITH OTHER PLANNING.—An airport land use compatibility plan prepared by a State or unit of local government under this subsection may not duplicate or be inconsistent with an airport noise compatibility program prepared by an airport operator under this chapter or with other planning carried out by the airport operator.

''(B) CONSULTATION WITH AIRPORT OWNERS AND OPERATORS.—A State or unit of local government receiving a grant under this subsection for preparation of an airport land use compatibility plan shall consult with the owner or operator of the airport for which the plan is being prepared regarding any recommended airport land use compatibility measure identified in the plan and any aviation data on which such recommendation is made.

''(4) APPROVAL OF AIRPORT OWNER OR OPERATOR REQUIRED.—The Secretary may make a grant to a State or unit of local government under this subsection for preparation of an airport land use compatibility plan or implementation of an airport land use compatibility project only after receiving the approval of the owner or operator of the airport for which the plan or project is being prepared or implemented. Such approval shall be based on whether the plan or program, including the use of any noise exposure contours on which the plan or project is based, has been coordinated with the airport and is consistent with the airport's operations and planning.

''(5) WRITTEN ASSURANCES.—The Secretary may make a grant to a State or unit of local government under this subsection only after receiving from the State or unit of local government such written assurances as the Secretary determines necessary to achieve the purposes of this subsection.

''(6) GUIDELINES.—The Secretary may establish guidelines in carrying out this subsection.

''(7) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) AIRPORT COMPATIBLE LAND USE.—The term 'airport compatible land use' means any land use that is usually compatible with—

''(i) the noise levels associated with an airport, as established under this chapter;

''(ii) airport design standards issued by the Administrator; and

''(iii) regulations issued to carry out section 44718 of this title.

''(B) AIRPORT LAND USE COMPATIBILITY PLAN.—The term 'airport land use compatibility plan' means the product of a process to determine the extent, type, nature, location, and timing of measures to improve the compatibility of land use with the existing forecast level of aviation activity at an airport.

''(C) AIRPORT LAND USE COMPATIBILITY PROJECT.—The term 'airport land use compatibility project' means a project that is contained in an airport land use compatibility plan and determined by the Administrator to enhance airport compatible land use.''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ELIMINATION OF DUAL MANDATE.

(a) SAFETY AS HIGHEST PRIORITY.—Section 40101(d) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following:

''(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.''.

(b) ELIMINATION OF PROMOTION.—

(1) POLICY.—Section 40101(d) is further amended—

(A) in paragraph (2), as redesignated by subsection (a)(1) of this section, by striking ''its development and''; and

(B) in paragraph (3), as so redesignated—

(i) by striking ''promoting, encouraging,'' and inserting ''encouraging''; and

(ii) by inserting before the period at the end '', including new aviation technology''.

(2) DEVELOPMENT.—Section 40104(a) is amended by striking ''and air commerce''.

(3) CONFORMING AMENDMENTS.—Chapter 401 is amended—

(A) in the heading to section 40104 by striking ''**and air commerce**'';

(B) in the subsection heading to section 40104(a) by striking ''AND AIR COMMERCE''; and

(C) in the item relating to section 40104 in the table of sections at the beginning of the chapter by striking ''and air commerce''.

SEC. 402. PURCHASE OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) PURCHASE OF HOUSING UNITS.—

''(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is $200,000 or less.

''(2) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

''(3) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(A) a description of the housing unit and its price;

''(B) a certification that the price does not exceed the median price of housing units in the area; and

''(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

''(4) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts made available to the Administrator.''.

SEC. 403. TECHNICAL CORRECTION RELATING TO STATE TAXATION.

Section 40116(b) is amended by striking ''subsection (c) of this section and''.

SEC. 404. USE OF PASSENGER FACILITY FEES FOR DEBT FINANCING PROJECT.

Section 40117(a)(3) is amended by adding at the end the following:

''(G) for debt financing of a terminal development project at a commercial service airport that each year has .05 percent or less of the total passenger boardings in the United States if construction began on the project after November 5, 1988, and before November 5, 1990, and the eligible agency certifies that no other eligible airport-related projects affecting safety, security, or capacity will be deferred by the debt financing project.''.

SEC. 405. CLARIFICATION OF PASSENGER FACILITY REVENUES AS CONSTITUTING TRUST FUNDS.

Section 40117(g) is amended by adding at the end the following:

''(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility fee constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the fee. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.''.

SEC. 406. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401 is amended by redesignating section 40120 as section 40121 and by inserting after section 40119 the following:

''§ 40120. Protection of voluntarily submitted information

''(a) GENERAL RULE.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, may disclose voluntarily provided safety or security related information if the Administrator finds that—

''(1) the disclosure of the information would inhibit the voluntary provision of that type of information;

''(2) the receipt of that type of information would aid in fulfilling the Administrator's safety and security responsibilities; and

''(3) the withholding of the information would not be inconsistent with the Administrator's safety and security responsibilities.

''(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40120 and inserting the following:

''40120. Protection of voluntarily submitted information.

''40121. Relationship to other laws.''.

SEC. 407. SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) SUPPLEMENTAL TYPE CERTIFICATES.—

''(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

''(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

''(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.''.

SEC. 408. RESTRICTION ON USE OF REVENUES.

(a) IN GENERAL.—Section 44706 is amended by adding at the end the following:

''(d) USE OF REVENUES.—

''(1) PROHIBITION.—A person holding an airport operating certificate under this section may not expend local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by the airport for any purpose other than the capital or operating costs of—

''(A) the airport;

''(B) the local airport system; or

''(C) other local facilities owned or operated by the person and directly and substantially related to the air transportation of passengers or property.

''(2) EXCEPTIONS.—Paragraph (1) does not apply—

''(A) if a provision enacted not later than September 2, 1982, in a law controlling financing by the owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator; or

''(B) if the airport operating certificate is for a heliport.

''(3) AUTHORITY TO ISSUE WAIVERS TO AIRPORTS NOT RECEIVING GRANT ASSISTANCE.—The Administrator may waive the application of paragraph (1) with respect to any airport that has not received grant assistance under chapter 471 of this title or the Airport and Airway Improvement Act of 1982 in the 10-year period ending on the date of the enactment of this subsection.

''(4) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.''.

(b) PENALTIES.—Section 46301(a)(5) is amended to read as follows:

''(5) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 44706(d) of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.''.

SEC. 409. CERTIFICATION OF SMALL AIRPORTS.

(a) IN GENERAL.—Section 44706(a) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and'';

(3) by striking ''and'' at the end of paragraph (3), as redesignated by paragraph (1) of this subsection;

(4) by striking ''(3) when'' and inserting ''if''; and

(5) by moving the matter following paragraph (3), as redesignated by paragraph (1) of this subsection, to the left flush full measure.

(b) COMMUTER AIRPORTS.—Section 44706 is amended by adding at the end the following:

''(e) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).''.

(c) EFFECTIVE DATE.—Section 44706 is further amended by adding at the end the following:

''(f) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.''.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44706 is further amended by adding at the end the following:

''(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).''.

SEC. 410. EMPLOYMENT INVESTIGATIONS OF PILOTS.

(a) EMPLOYMENT INVESTIGATIONS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44724. Preemployment review of prospective pilot records

''(a) PILOT RECORDS.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

''(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, information pertaining to the individual that is maintained by the Administrator concerning—

''(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations thereon; and

''(ii) summaries of legal enforcement actions which have resulted in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title and which have not been subsequently overturned.

''(B) AIR CARRIER RECORDS.—From any air carrier (or the trustee in bankruptcy for the air carrier) that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual—

''(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual that are maintained by the air carrier concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action relating to the training, qualifications, proficiency, or professional competence of the individual which was taken by the air carrier with respect to the individual and which was not subsequently overturned by the air carrier; and

''(III) any release from employment or resignation, termination (if related to the individual's training, professional qualification, proficiency, or professional competence), or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—From the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual in accordance with section 30305(b)(7) of this title.

''(2) 5-YEAR REPORTING PERIOD.—A person is not required to furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information is about a revocation or suspension of an airman certificate or motor vehicle license that is still in effect on the date of the request.

''(3) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and each air carrier (or the trustee in bankruptcy for the air carrier) shall maintain pilot records described in paragraph (1) for a period of at least 5 years.

''(4) WRITTEN CONSENT FOR RELEASE.—Neither the Administrator nor any air carrier may furnish a record in response to a request made under paragraph (1) (A) or (B) without first obtaining the written consent of the individual whose records are being requested.

''(5) DEADLINE FOR PROVISION OF INFORMATION.—A person who receives a request for records under paragraph (1) shall furnish, on or before the 30th day following the date of

receipt of the request (or on or before the 30th day following the date of obtaining the written consent of the individual in the case of a request under paragraph (1) (A) or (B)), all of the records maintained by the person that have been requested.

''(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual whose records have been requested—

''(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

''(B) in accordance with paragraph (9), a copy of such records, if requested by the individual.

''(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request for records under paragraph (1) or (9) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

''(8) RIGHT TO CORRECT INACCURACIES.—An air carrier that receives the records of an individual under paragraph (1)(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

''(9) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of a law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review any and all employment records referred to in paragraph (1)(B) pertaining to the pilot's employment.

''(10) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier or employee of an air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot.

''(B) REQUIRED ACTIONS.—Subject to subsection (c), the air carrier or employee of an air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that the information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(C) INDIVIDUALS NOT HIRED.—If the individual is not hired, the air carrier shall destroy or return the records of the individual received under paragraph (1); except that the air carrier may retain any records needed to defend its decisions not to hire the individual.

''(11) STANDARD FORMS.—The Administrator may promulgate—

''(A) standard forms which may be used by an air carrier to request the records of an individual under paragraph (1); and

''(B) standard forms which may be used by a person who receives a request for records under paragraph (1) to obtain the written consent of the individual and to inform the individual of the request and of the individual's right to receive a copy of any records furnished in response to the request.

''(12) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

''(A) to protect the personal privacy of any individual whose records are requested under paragraph (1) and to protect the confidentiality of those records;

''(B) to preclude the further dissemination of records received under paragraph (1) by the air carrier who requested them; and

''(C) to ensure prompt compliance with any request under paragraph (1).

''(b) LIMITATION ON LIABILITY; PREEMPTION OF STATE AND LOCAL LAW.—

''(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who is seeking a position with an air carrier as a pilot against—

''(A) the air carrier for requesting the individual's records under subsection (a)(1);

''(B) a person who has complied with such request and in the case of a request under subsection (a)(1) (A) or (B) has obtained the written consent of the individual;

''(C) a person who has entered information contained in the individual's records; or

''(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal, State, or local law with respect to the furnishing or use of such records in accordance with subsection (a).

''(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law, regulation, standard, or other provision having the force and effect of law that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

''(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person that furnishes in response to a request made under subsection (a)(1) information that the person knows is false.

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Secretary, the National Transportation Safety Board, or a court.''.

(2) CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44724. Preemployment review of prospective pilot records.''.

(3) CONFORMING AMENDMENT.—Section 30305(b) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

''(7) An individual who is employed or seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 5 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

(4) CIVIL PENALTIES.—Section 46301 is amended by inserting ''44724,'' after ''44716,'' in each of subsections (a)(1)(A), (a)(2)(A), (d)(2), and (f)(1)(A)(i).

(5) APPLICABILITY.—The amendments made by this subsection shall apply to an air carrier hiring an individual as a pilot if the application of the individual for employment as a pilot is initially received by the air carrier on or after the 120th day after the date of the enactment of this Act.

(b) RULEMAKING TO ESTABLISH MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.—Not later than 18 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of a proposed rulemaking to establish—

(1) minimum standards and criteria for preemployment screening tests measuring the biographical factors (psychomotor coordination), general intellectual capacity, instrument and mechanical comprehension, and physical fitness of an applicant for employment as a pilot by an air carrier; and

(2) minimum standards and criteria for pilot training facilities which will be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

(c) SHARING ARMED SERVICES RECORDS.—

(1) STUDY.—The Administrator, in conjunction with the Secretary of Defense, shall conduct a study to determine the relevance and appropriateness of requiring the Secretary of Defense to provide to an air carrier, upon request in connection with the hiring of an individual as a pilot, records of the individual concerning the individual's training, qualifications, proficiency, professional competence, or terms of discharge from the Armed Forces.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) MINIMUM FLIGHT TIME.—

(1) STUDY.—The Administrator shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 411. CHILD PILOT SAFETY.

(a) MANIPULATION OF FLIGHT CONTROLS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44725. Manipulation of flight controls

''(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

''(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

''(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

''(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

''(c) PILOT IN COMMAND DEFINED.—In this section, the term 'pilot in command' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''44725. Manipulation of flight controls.''.

(b) CHILDREN FLYING AIRCRAFT.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(2) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(A) whether the restrictions established by the amendment made by subsection (a)(1) should be modified or repealed; and

(B) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(4) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

SEC. 412. DISCRETIONARY AUTHORITY FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(1) The Administrator'' and inserting the following:

''(1) EMPLOYEES.—

''(A) PERSONS WITH ACCESS TO AIRCRAFT AND OTHER SECURED AREAS.—The Administrator'';

(3) by moving the remainder of the text of subparagraph (A) (as designated by paragraph (2) of this subsection), including clauses (i) and (ii) (as designated by paragraph (1) of this subsection), 2 ems to the right; and

(4) by adding at the end the following:

''(B) PERSONS RESPONSIBLE FOR SCREENING PASSENGERS AND PROPERTY.—

''(i) IN GENERAL.—The Administrator may require by regulation that an employment investigation (including a criminal history record check in cases in which the employment investigation reveals a gap in employment of 12 months or more that the individual does not satisfactorily account for) be conducted for individuals who will be responsible for screening passengers and property under section 44901 of this title and their supervisors.

''(ii) SPECIAL RULE.—If an individual requires a criminal history record check under clause (i), the individual may be employed as a screener until the check is completed if the individual is subject to supervision.''.

(b) CONFORMING AMENDMENTS.—Section 44936(a)(2) is amended—

(1) by striking ''(2) An air carrier'' and inserting the following:

''(2) RESPONSIBILITY OF AIR CARRIERS, FOREIGN AIR CARRIERS, AND AIRPORT OPERATORS.—An air carrier''; and

(2) by moving the remainder of the text of the paragraph 2 ems to the right.

(c) APPLICABILITY.—The amendment made by subsection (a)(4) shall not apply to an individual employed as a screener, or a supervisor of screeners, on the day before the date of the enactment of this Act.

SEC. 413. IMPOSITION OF FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

''§ 45304. Prohibition on imposition of unauthorized fees; fees for services provided to certain aircraft

''(a) PROHIBITION.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall not impose any fee that is not in effect on the date of the enactment of this section unless the fee is expressly authorized by law.

''(b) AUTHORITY TO IMPOSE FEES.—

''(1) IN GENERAL.—The Administrator is authorized to establish a schedule of fees (and a collection process for such fees), to be effective not later than 60 days after the date of the enactment of this section, solely to recover the costs incurred by the Administrator in providing air traffic control services to aircraft that neither take off from nor land in the United States.

''(2) PERSONS SUBJECT TO FEE.—Fees may be assessed under paragraph (1) only on aircraft that neither take off from nor land in the United States; except that such fees shall not apply to foreign government aircraft.

''(3) LIMITATION ON MANNER OF COLLECTION.—Fees may be assessed and collected under this subsection only in such manner as may reasonably be expected to result in the collection of an aggregate amount of fees during any fiscal year which does not exceed the aggregate costs of the Administrator for such year in providing the services referred to in paragraph (1).

''(4) LIMITATION ON AMOUNT OF FEE.—The amount of any fee assessed under this subsection on any aircraft may not exceed the amount which is reasonably based on the proportion of the services referred to in paragraph (1) which relate to such aircraft.

''(5) TARGET AMOUNT OF AGGREGATE FEES.—To the extent permitted by the preceding provisions of this subsection, fees under the schedule referred to in paragraph (1) shall be at levels that will recover not less than $30,000,000 in the first year in which the fees are implemented.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

''45304. Prohibition on imposition of unauthorized fees; fees for services provided to certain aircraft.''.

SEC. 414. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE.

Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982, or any other law if the airport is located within 3 miles of a military base which has been closed or realigned.

SEC. 415. CONSTRUCTION OF RUNWAYS.

Notwithstanding section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 457) or any other provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 416. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value of such interest (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport, lands (including any improvements thereto) which produce revenues that are used for airport development purposes, or both.

SEC. 417. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA.

In modifying regulations contained in title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

SEC. 418. WESTCHESTER COUNTY AIRPORT, NEW YORK.

Notwithstanding sections 47107(b) and 44706(d) of title 49, United States Code, and any other law, regulation, or grant assurance, all fees received by Westchester County Airport in the State of New York may be paid into the treasury of Westchester County pursuant to section 119.31 of the Westchester County Charter if the Secretary finds that the expenditures from such treasury for the capital and operating costs of the Airport after December 31, 1990, have been and will be equal to or greater than the fees that such treasury receives from the Airport.

SEC. 419. BEDFORD AIRPORT, PENNSYLVANIA.

If the Administrator of the Federal Aviation Administration decommissions an instrument landing system in Pennsylvania, the Administrator shall, if feasible, transfer and install the system at Bedford Airport, Pennsylvania.

SEC. 420. LOCATION OF DOPPLER RADAR STATIONS, NEW YORK.

(a) PROHIBITION.—No Federal funds may be used for the construction of a Doppler radar station at the Coast Guard station in Brooklyn, New York.

(b) CONSTRUCTION OF OFFSHORE PLATFORMS.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the feasibility of constructing 2 offshore platforms to serve as sites for the location of Doppler radar stations for John F. Kennedy International Airport and LaGuardia Airport in New York City, New York.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under paragraph (1), including proposed locations for the offshore platforms. Such locations shall be as far as possible from populated areas while providing appropriate safety measures for John F. Kennedy International Airport and LaGuardia Airport.

(c) LIMITATION.—The Administrator shall not begin construction of a Doppler radar station for John F. Kennedy International Airport or LaGuardia Airport at any location before submitting a report under subsection (b).

SEC. 421. WORCESTER MUNICIPAL AIRPORT, MASSACHUSETTS.

The Secretary of Transportation shall take such actions as may be necessary to improve the safety of aircraft landing at Worcester Municipal Airport, Massachusetts, including, if appropriate, providing air traffic radar service to such airport from the Providence Approach Radar Control in Coventry, Rhode Island.

SEC. 422. CENTRAL FLORIDA AIRPORT, SANFORD, FLORIDA.

The Secretary of Transportation shall take such actions as may be necessary to improve the safety of aircraft landing at Central Florida Airport, Sanford, Florida, including, if appropriate, providing a new instrument landing system on Runway 27R.

SEC. 423. AIRCRAFT NOISE OMBUDSMAN.

Section 106 is amended by redesignating subsection (k), as amended by section 103 of this Act, as subsection (l) and by inserting after subsection (j) the following:

''(k) AIRCRAFT NOISE OMBUDSMAN.—

''(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

''(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

''(A) be appointed by the Administrator;

''(B) serve as a liaison with the public on issues regarding aircraft noise; and

''(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.''.

SEC. 424. SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.

Section 47109 is amended by adding at the end the following:

''(c) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.''.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

SEC. 501. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES.

(a) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 1996'' and inserting ''October 1, 1999''.

(b) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting before the semicolon at the end ''or the Federal Aviation Authorization Act of 1996''.

TITLE VI—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 601. SHORT TITLE.

This title may be cited as the ''FAA Research, Engineering, and Development Management Reform Act of 1996''.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking ''and'' at the end of paragraph (1)(J);

(2) by striking the period at the end of paragraph (2)(J) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) for fiscal year 1997—

''(A) $10,000,000 for system development and infrastructure projects and activities;

''(B) $39,911,000 for capacity and air traffic management technology projects and activities;

''(C) $20,371,000 for communications, navigation, and surveillance projects and activities;

''(D) $6,411,000 for weather projects and activities;

''(E) $6,000,000 for airport technology projects and activities;

''(F) $37,978,000 for aircraft safety technology projects and activities;

''(G) $36,045,000 for system security technology projects and activities;

''(H) $23,682,000 for human factors and aviation medicine projects and activities;

''(I) $3,800,000 for environment and energy projects and activities; and

''(J) $1,500,000 for innovative/cooperative research projects and activities.''.

SEC. 603. RESEARCH PRIORITIES.

Section 48102(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking ''AVAILABILITY FOR RESEARCH.—(1)'' and inserting in lieu thereof ''RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

''(2)''.

SEC. 604. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) is amended—

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

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

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

''(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).''.

SEC. 605. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) is amended—

(1) in paragraph (2)(A) by striking ''15-year'' and inserting in lieu thereof ''5-year'';

(2) by amending subparagraph (B) to read as follows:

''(B) The plan shall—

''(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

''(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

''(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

''(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance.''; and

(3) in paragraph (3) by inserting '', including a description of the dissemination to the private sector of research results and a description of any new technologies developed'' after ''during the prior fiscal year''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

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

Mr. SHUSTER. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I first have the pleasant task of announcing that this is the birthday of the distinguished ranking member, the gentleman from Minnesota [Mr. OBERSTAR]. I know all of my colleagues join me in wishing him a very happy birthday.

Now, Madam Speaker, I would emphasize just as heartily that this bipartisan legislation before us must be passed because if it is not passed, the airports across America will get no money in the coming year. Indeed, the recent tragedies involving ValuJet and TWA raised our consciousness about the need for improvements in aviation safety and security.

The House already passed our bill to make the FAA an independent agency. Shortly before the August recess, the House passed antiterrorism legislation. And we will soon bring to the floor a bill to address the complaints heard from the families who lost loved ones in airline disasters.

This bill takes another important step in efforts to improve safety and security. It authorizes funding for aviation security improvements such as new bomb detection systems. The bill also provides important funding for increasing airport capacity to meet the growing needs of the aviation system which will grow, we are told, by 4 to 5 percent a year. Indeed, as we move into the next century we will soon be experiencing over a billion passengers flying commercially in America each year.

FAA Administrator Hinson has continuously stated that the single most important constraint in the aviation system is the lack of airport capacity. In 1996 funding for AIP was only $1.45 billion, even though the authorized level was $2.2 billion and at that time there was a $5 billion surplus in the Aviation Trust Fund. Indeed, if the Aviation Trust Fund were taken off budget, airport needs could be met and the huge surpluses in the trust fund would not be created.

Those airport needs are not uniform. Smaller airports depend even more heavily on AIP funds. When a low AIP funding level forces the FAA to turn down an airport's AIP grant, if it is a large airport that airport has lost a small amount of its funding sources. However, a small airport often cannot proceed with a project without an AIP grant.

Nevertheless, over the past few years small nonhub airports have seen their entitlement cut by as much as 23 percent. Small commercial service airports have seen their set-aside cut by 40 percent. One of our goals, therefore, in this bill is to revise the AIP program and make sure the smaller airports get their fair share.

This bill simplifies the formulas. It reauthorizes the AIP program for 3 years and ensures that every primary airport, both large hubs and small nonhubs, receive an increase in their passenger entitlement; increases the small airport fund; provides a minimum discretionary fund that contains enough money to ensure that all previously issued letters of intent are met; includes an airport privatization test program for six airports, subject to DOT approval and the airlines affected; imposes treble damages on anyone violating the prohibition against revenue diversion; and makes baggage screeners subject to background checks.

The bill before us today does differ from the one reported by the committee in the following ways:

It includes a National Civil Aviation Review Commission recommended by Congressman WOLF; it includes a pilot program allowing FAA to experiment with innovative financing techniques, as suggested by the Department of Transportation. It eliminates the dual mandate that requires FAA to both promote and regulate air commerce. Elimination of this dual mandate would not prevent the FAA from considering the costs of its regulatory actions but would make clear that safety is its No. 1 priority. Indeed, we would expect FAA to continue its rigorous cost benefit analyses. It clarifies passenger facility charges belong to airports and should not become part of a bankrupt airline's estate, that small airports do not have to seek certification if they do not want commuter service; includes H.R. 3267 the Child Pilot Safety Act, Report 104–683, includes H.R. 3536 the Airline Pilot Hiring and Safety Act, Report 104–684; makes changes to foreign airline overflight fee provisions that were requested by the Committee on Ways and Means; allows private reliever airports to use fair market value of their land as a local share for an AIP grant; drops the provision on the metropolitan Washington airports; drops the extension of the trust fund taxes so that this can be extended in separate legislation; and adds the research title developed by the committee on Science.

For all these reasons, this legislation must be passed, if we are going to provide funding to our airports across America. I strongly urge the passage of this legislation.

I want to say the following on behalf of Congressman FRISA of New York.

This bill does not make any changes in the Disadvantaged Business Enterprise [DBE] Program. This is a controversial provision especially as it applies to car rental companies.

In 1992, the FAA reauthorization bill established vendor purchases as an alternative, but coequal, method through which car rental concessionaires could meet DBE airport concession participation goals. The 1992 statute expressly states that car rental concessionaires must be permitted to include credit for the purchase of vehicles from DBE new car dealers toward their DBE compliance goals.

To ensure meaningful participation in the DBE airport concession program, car rental concessionaires must be permitted to apply the full purchase price of their fleet vehicles from qualified DBE vendors toward their compliance goals under the DBE airport concession program. Any other interpretation of this statutory mandate ignores the plain wording of the statute and would make it essentially impossible for car rental concessionaires to meet DBE goals through the vendor purchases established by the statute.

The committee report on this bill includes a directive that DOT must be careful not to adopt size standards that make the DBE airport concession program inherently unworkable for car rental concessionaires. Toward this end, DOT should adopt an employee size standard, rather than a standard based on total revenues, for DBE new car dealers. Such an employee-based standard would avoid a situation in which many DBE dealers would be forced from the program simply because of the large number and value of cars the car rental industry buys each year.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 26, 1996.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR BUD: I am writing to you regarding further consideration of H.R. 3539, the Federal Aviation Authorization Act of 1996, which was ordered reported by the Committee on Transportation and Infrastructure on June 6, 1996. The bill, as introduced, was also referred to the Committee on Ways and Means.

Specifically, Title VI of the bill, as introduced, would extend the Airport and Airway Trust Fund taxes for 3 years. On May 30, 1996, the Subcommittee on Aviation adopted an amendment concerning jet fuel excise taxes. On June 6, 1996, the full Committee on Transportation and Infrastructure adopted an amendment intended to change Title VI into a legislative ''recommendation'' to the Committee on Ways and Means.

The actions taken by the Committee on Transportation and Infrastructure on these tax matters was contrary to both Rule X of the Rules of the House, regarding Committee jurisdiction, and Rule XXI(5)(b) of the Rules of the House, which prohibits the reporting of a tax or tariff measure in a bill not reported by the committee of jurisdiction.

I now understand that you are seeking to have the bill considered on the Suspension Calendar as early as next week. I also understand that you have agreed to include an amendment on the Floor which I am providing (attached) to address the concerns of the Committee on Ways and Means with this legislation.

The amendment would strike the tax title previously included in the bill, and add language needed to extend the expenditure purposes and authority contained in the Internal Revenue Code of 1986 through October 1, 1999, the period of the authorization bill. In addition, I wrote to you previously regarding the ''overflight fees'' provision included in the reported bill, expressing my interest in working with you to ensure that this provision conforms as closely as possible to a true ''fee.'' I have also included legislative language in this amendment to that effect. Finally, I understand that the Commission proposed in section 205 of your amendment will include appointments by the Committee on Ways and Means.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, 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.

Finally, I would ask that a copy of our exchange of letters on this matter, and my previous letter, be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 29, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR BILL: This is in response to your letter of July 26, 1996, regarding H.R. 3539, the Federal Aviation Authorization Act of 1996. I concur with your statement of the agreements reached by our committees on this bill. I appreciate your willingness to forego a markup on the bill based on these agremeents.

We do intend to proceed to consideration of this bill in the House as soon as possible and are currently hoping for consideration on the Suspension Calendar. If we proceed under suspension of the rules, I will include the items referred to in your letter in the suspension motion. Specifically, this will strike the tax title and insert in its place extension of the Trust Fund expenditure purposes and authority through October 1, 1999. It will also include your recommended changes to section 409 regarding overflight fees and section 205 regarding the National Civil Aviation Review Commission.

If we proceed to the consideration of this bill under a rule, I will request that the Rules Committee incorporate these provisions by self-executing rule.

Finally, I will include these letters in the Record during consideration of the bill on the Floor.

Thank you again for your cooperation in this matter. With warm personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself 7 minutes.

I first want to thank my colleague, our chairman and my dear friend, for his good wishes on this day that we all face once a year. I looked in the obit column this morning and did not find my name in there so I decided to come to work.

Today we consider legislation very, very thoroughly described by our chairman to reauthorize the programs of the Federal Aviation Administration but particularly and most importantly the Airport Improvement Program.

At the outset, I want all of our colleagues on both sides of the aisle to note that this legislation in the long honored tradition of our committee has been prepared and advanced in a truly bipartisan process with complete openness and participation, not just consultation but participation on both sides of sharing of ideas, of working issues out, of coming to agreement on matters on which maybe at the first we might have had some differences. In the end we were altogether.

I want to thank Chairman SHUSTER, who has been a strong advocate for aviation and especially for small airports, as I have been, and Chairman DUNCAN, who has given aviation his full energy and effort and who has proven a really distinguished and worthy chairman of this subcommittee and has come to have a sure grasp of the issues. I salute him and congratulate him.

I also want to express my great appreciation to the leader on our side on aviation, the gentleman from Illinois [Mr. LIPINSKI], who has plunged into aviation and likewise has become thoroughly knowledgeable and self-assured on this subject.

I also see my good friend and former associate when I chaired the Subcommittee on Aviation, the gentleman from Pennsylvania [Mr. CLINGER], now chairman of the Committee on Government Reform and Oversight. I want to thank him for the partnership that we have had over 14 years working together on economic development, investigations and oversight and aviation. As he prepares to leave our company to go on to other pursuits, I just want to say what a great, distinct pleasure it has been working with the gentleman, a professorial scholar, a dear friend, one who is committed to the pursuit of truth and of good legislation in the best public interest.

This legislation establishes funding for FAA's facility and equipment operations and maintenance and airport improvement programs at levels that assume the aviation trust fund has been taken off budget. Funding levels are necessary to support vital safety and capacity enhancing projects, including upgrading air traffic control, implementing the global positioning satellite system, meeting the safety and capacity needs of the Nation's airports.

While I completely support the funding levels included in the bill and want to assert that they are more than justified in light of the needs of the system and indeed modest compared to the needs, we must unfortunately and realistically assume that these programs will receive a lower appropriation level than the authorization that we have provided for, given the current budget climate and the fact that the other body has failed to pass off-budget legislation.

□ 1515

I emphasize that these levels are right, they are necessary, they are what this committee says is needed. We set that mark out there. It is important that that mark be set even though realistically the appropriation level may not come to what it should be. We will continue to argue for higher and adequate appropriation levels in the future.

This means that the different FAA accounts will essentially be competing with each other for limited funding available. So much of FAA's costs are fixed costs. That means the program likely to be most negatively affected is airport improvement. That level currently is 1.45 billion, and that represents a $450 million decrease in funding from 1992. That was the high point for AIP funding in the history of the FAA.

This funding distribution formula in the current AIP program was drafted when we expected funding levels to continue to increase. They work well when AIP is funded at close to $2 billion, but the formulas create a significant problem for a large number of airports, at funding levels closer to the 1.45 level.

So the formula modifications in the bill are recognition on our part, on bipartisan basis, of a need to streamline the program in the light of diminishing resources. We are simply dealing with reality, trying to accommodate the needs of all airports, large and small, in order to project a national airport and air capacity system.

While there are understandable concerns about the effect of formula modifications, we have struck a reasonable balance with the competing priorities. The bill preserves a significant noise program, it protects existing letters of intent commitments, it provides a $50 million discretionary account regardless of the size of the overall program.

Unfortunately, formula modifications are only one element providing adequate funding for airport needs. The effects on the system caused by extreme funding cuts cannot be remedied simply by adjusting the formula. No one disputes that projections for passenger growth will require additional airport capacity. Everybody understands our aviation system is going to go, goodness. Ninety-four percent of all paid intercity travel in America is by air. There may be dispute about existing airport needs, but everyone agrees that funding AIP at its current level or below that level in 1997 is simply not adequate to meet the demands of the projected passenger growth in this country.

We have an obligation to the future. So until we can get all the money paid by the users out of the airspace system for distribution through FAA from the trust fund, either through passage of the trust fund off budget or some other means, we have to find a way to insure that the system can meet the capacity demands placed upon it.

A critical funding issue which has significantly affected the aviation trust fund was expiration of the airline ticket tax which lasted almost 11 months and severely depleted the reserve in the trust fund account. During the time that the taxes lapsed, the uncommitted balance of the aviation trust fund was depleted at a rate of $600 million a month. We have to take responsibility to assure that taxes do not lapse again at the end of this year, and I just want to take this opportunity to urge our colleagues on the Committee on Ways and Means to pass legislation before we adjourn to extend the airline ticket tax beyond the end of this calendar year. It is simply not responsible to let that ticket tax expire at the end of the year and have airports, airlines, wondering how they are going to meet capacity needs.

The American people also want to know that they are safe when they get on board an aircraft. We have repeatedly heard the citizens of this country articulate their willingness to incur higher costs if those costs are going to mean more airport security and better safety. It is irresponsible to let the excise tax lapse when safety and security are on the line when we are going to put another billion dollars of cost on this system to make it more safe and more secure.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN], chairman of the Subcommittee on Aviation of the Committee on Transportation.

Mr. DUNCAN. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act. This bill has been developed, as the gentleman from Minnesota [Mr. OBERSTAR] noted, in a very strong bipartisan manner with primary support and leadership from our outstanding chairman, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR] who is so dedicated to aviation, and the gentleman from Illinois [Mr. LIPINSKI], my good friend and the ranking member of the Subcommittee on Aviation. Let me also thank every member of the Subcommittee on Aviation for their contributions to this legislation as well. I think the committee has done an outstanding job in dealing with some very difficult and complex issues. While I am sure we do not have a perfect bill, I think we have crafted a product that every Member can and should support. Any changes, any minor or technical changes that might be needed in this legislation, can be addressed in conference when we meet with the Senate.

In order for needed improvements to be made to our Nation's outdated air traffic control equipment, in order for us to improve aviation security at airports around this Nation, in order for us to do all we can to improve safety for millions of traveling Americans, we must pass this legislation.

The House Subcommittee on Aviation, which I have the privilege to chair, held several days of hearings on a number of issues ranging from privatization of airports to revenue diversion.

The bill reauthorizes for 3 years programs administered by the FAA, including the Airport Improvement Program, the Airway Facilities Improvement Program and the overall operations of the FAA.

H.R. 3539 authorizes funding to help the FAA replace the 30-year-old air traffic control equipment that has been stretched beyond its useful life.

It addresses airport development financing, including the creation of a commission to review innovative financing proposals that will help both airport and FAA financing in the future.

The legislation also adjusts the AIP formula so that the smaller airports,

the general aviation airports, will get their fair share of funding.

It increases the entitlement for every airport in the Nation.

Let me repeat that, Madam Speaker. The legislation, this legislation, increases entitlement funding for every airport in the Nation, large and small alike.

The bill protects current letters of intent so that ongoing airport construction projects can continue without interruption, and it retains the set-aside for noise and military airports, the noise problems that are of so much concern to many people around this Nation.

H.R. 3539 increases the number of States participating in the State block grant program from 7 to 10, and it creates a pilot program permitting the sale or long-term lease of up to 6 airports across the Nation. In other words, a pilot experimental program for airport privatization.

The bill imposes cost limitations on FAA housing purchases, and it imposes treble damages on anyone caught illegally diverting revenue from an airport.

It also improves aviation security by permitting the FAA to require airlines to do background checks before hiring someone to screen baggage, and finally H.R. 3539 incorporates legislation that this House passed overwhelmingly last July, the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act, both very needed improvements in our aviation system.

Madam Speaker, I cannot stress enough the importance of this legislation. It makes needed improvements to various programs administered by the FAA, and it will help provide the traveling public with a safer, more secure aviation system. Experts have testified that air passenger traffic will increase to well over 800 million, possibly even 1 billion, just 10 years from now, and according to FAA forecasts the number of passengers carried on U.S. airlines will increase from 597 million this year to at least 718 million just 4 years from now, an increase of at least 20 percent by the most conservative estimates.

So obviously we are going to have to build new airports or at least expand existing airports around the country, but we need to make sure that that is done, that expansion, this expansion is done in the most cost-effective manner and the way that is best for the taxpayers.

Madam Speaker, this legislation will move our Nation in the right direction, and it will help us meet both the immediate and long-term challenges in aviation. I strongly support this legislation, I urge every Member of the House to support it as well because this is the key legislation we will have this year to improve our aviation system and make it safer and more secure for all Americans.

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

Mr. SHUSTER. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], a senior member of the committee and the distinguished chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Madam Speaker, I thank the gentleman very much for yielding to me and commend him for this legislation as well as my friends, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI]. Before I do this, this is my last opportunity to express to my good friend Mr. OBERSTAR. He has indicated that we worked together for 14 years and 10 of those years on aviation matters. It was an incredibly rewarding experience for me and one that I think we shared in accomplishing a great deal for aviation over the years, and so I wanted to publicly express my gratitude to him for the partnership we had. He was always very fair to the minority throughout that tenure, and I was very grateful for it. I would also note that he has been my mentor in many transportation areas. Most recently he is advising me on what type of bicycle I should be purchasing, and I am grateful for that as well, and I also wanted to wish him a happy birthday.

Madam Speaker, I strongly support this legislation. The bill has been explained. In the limited time I have left I just want to speak about the fundamental role played by aviation in the lives of rural Americans. I have a congressional district that includes four airports served only by commuters, and with one exception none of these communities are on the interstate highway system. Aviation has really, as we know, become the lifeblood and well-being of small communities, and though many may equate aviation as a service enjoyed only by urban areas, it has really been my experience that quality of life in rural communities is now measured in part by the degree of air service it receives, and the challenge, Madam Speaker, to small communities is maintaining affordable service. Unlike large cities where several carriers may compete for any number of routes, rural areas generally rely on one carrier providing service to one nearby 3 or 4 times a day. The lack of competition into rural communities generally results in very high prices and also holds a community captive to one carrier to book tickets for locations beyond a nearby hub. The economies of scale clearly do play a role here and to some degree I would expect to pay more to get to a remote area. But rural residents have come to expect reliable, affordable air travel, much the same way as urban dwellers.

I say this because in my years on the committee I have come to appreciate just how price-sensitive the public is to the cost of air travel. I think it especially important as Congress and the administration work to implement new safety initiatives that careful attention be paid to cost. Rural communities served by commuters are the least able to spread the cost among passengers and are clearly the most at risk for losing service altogether, so with that caveat I indicate my strong support for the legislation and urge its passage.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Madam Speaker, I thank the gentleman from Minnesota [Mr. OBERSTAR] for yielding the time to me.

Madam Speaker, I rise in support of H.R. 3539, and I want to commend the chairmen and the ranking members of the Transportation and Infrastructure Committee and the Aviation Subcommittee for their work on this piece of legislation. I also want to thank them for including in H.R. 3539, title VII—the Federal Aviation Administration Research, Engineering, and Development, which are the provisions adopted by the Science Committee in H.R. 3322, the Omnibus Civilian Science Authorization Act authorizing the Federal Aviation Administration's [FAA] research and development program.

The principal purposes of title VII strengthen the role of the Federal Aviation Administration's [FAA] Research Advisory Committee in setting FAA's R&D priorities and in streamlining the National Aviation Research Plan. This language is based on the recommendations of witnesses who appeared before the Technology Subcommittee during three oversight hearings on FAA's R&D programs.

The Research Advisory Committee, established by statute, is composed of aviation experts from industry, other R&D agencies, and universities. To date the advisory committee has not had much influence on setting FAA's R&D goals. Title VII now requires the Research Advisory Committee to review and provide recommendations to FAA on its R&D budget, and it also requires FAA to consider those recommendations in establishing its R&D priorities.

In addition, FAA must report to Congress on its response to the advisory committee's recommendations.

In addition, the provisions in title VII of H.R. 3539 simplify the contents of the National Aviation Research Plan to make it more useful to Congress for tracking and assessing the FAA's goals and priorities.

The goals of title VII are to strengthen public/private cooperation to develop an R&D agenda which will effectively modernize the air traffic system and ensure the safety and reliability of air travel in the United States.

Again, I want to thank Chairman DUNCAN and Ranking Member LIPINSKI for working with the Science Committee to incorporate the R&D title into the FAA authorization bill and I urge my colleagues to support H.R. 3539.

□ 1530

Mr. SHUSTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science.

Mr. WALKER. Madam Speaker, I rise today in support of H.R. 3539, the Federal Aviation Authorization [FAA] Act of 1996. I would like to thank the chairwoman, Congresswoman CONNIE

MORELLA, and the ranking member, Congressman JOHN TANNER, of the Science Committee's Subcommittee on Technology for their work in crafting title VI of H.R. 3539.

Title VI is the FAA Research, Engineering, and Development [RD&E] Management Reform Act of 1996. The FAA RD&E Act was originally introduced by Chairwoman MORELLA on May 16, 1996. Its major provisions were subsequently incorporated into H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996 which passed the House on May 30, 1996. The language in title VI is taken directly from H.R. 3322.

Title VI authorizes $186 million for FAA research and development activities in fiscal year 1997. The title further directs the FAA research advisory committee to annually review the FAA research and development funding allocations and requires the Administrator of the FAA to consider the advisory committee's advice in establishing its annual funding priorities. Finally, title VI streamlines the requirements of the National Aviation Research Plans and shortens the time-frame the plans must cover from 15 to 5 years.

Madam Speaker, title VI strengthens an already good bill, and I would like to thank Transportation Committee Chairman SHUSTER and Aviation Subcommittee Chairman DUNCAN along with full Committee Ranking Member OBERSTAR and Subcommittee Ranking Member LIPINSKI for their support and assistance in including the FAA RD&E Act in H.R. 3539. I urge all my colleagues to vote to suspend the rules and pass H.R. 3539.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Madam Speaker, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. SHUSTER].

I appreciate the gentleman's efforts, particularly in providing a provision on airport certification. Particularly, there is a provision in the bill which changes the FAA's requirement that all airports flying planes with more than nine passengers must have received their certification. The old requirement was 30 passengers.

I would ask the gentleman, is that correct?

Mr. SHUSTER. Madam Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Speaker, that is correct.

Mr. HEFLEY. I appreciate that provision and the improved safety it will result in, but I was concerned that reliever airports which do not intend to fly planes with over nine passengers may be forced to apply for certification. A provision has been included in the bill which states that an airport which has not currently received certification does not have to apply if they do not intend to fly planes with over nine passengers. Is that also correct?

Mr. SHUSTER. That is correct, and I appreciate the gentleman's efforts.

Mr. HEFLEY. Another provision that I am concerned about in the bill, it allows the Secretary of Transportation to obligate funds for runway construction even if the Committee on Appropriations has specifically prohibited the runway from being built.

This section is really referring to a proposed sixth runway at Denver International Airport. Denver officials contend that this is needed. There is some argument about whether it is needed or not. There is tremendous concern about noise created by this airport that was never anticipated by the city of Denver.

Mr. SHUSTER. I would be happy to work with the gentleman in conference to try to resolve these differences.

Mr. HEFLEY. I thank the gentleman.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Virginia [Mr. WOLF], the distinguished chairman of the Subcommittee on Transportation.

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

Mr. WOLF. Madam Speaker, I thank the chairman of the committee for yielding me time.

Madam Speaker, there is much in this bill that is very good. I want to put this at the outset of the statement. There are two issues that I have concerns about, one the gentleman from Colorado [Mr. HEFLEY] just raised, and that is the first provision, section 411, which states that even if the Committee on Appropriations denies funding for a runway at an international airport the Secretary of Transportation may obligate funds for such projects anyway.

Essentially, this language says that despite what the Committee on Appropriations does, it can go ahead. I was pleased to hear the gentleman's comments.

The Transportation and Infrastructure Committee report accompanying H.R. 3539 indicates that the intent of this language was to ensure funding for a sixth runway at the Denver International Airport. However, this project has been specifically denied by Congress in the appropriations process for the past 3 years. Not only has the funding been denied for 3 years, no funds are provided once again in this year's appropriations bill, considered by the House only a few short weeks ago, and no amendment to that provision was offered when the bill was debated on the House floor. That appropriations bill—with no amendments offered dealing with this issue—was passed by an overwhelming vote of 403 to 2.

The rules of the House and parliamentary precedents make clear that it is the prerogative of the Appropriations Committee to provide resources for, or make valid limitations on, the financial obligations of the Federal Government. In an unusual and clever way, section 411 of this bill takes away the unambiguous rights of the Appropriations Committee and allows the executive branch to spend funds for a project even if they have been specifically denied by the Congress. In essence, this is a reverse line item veto—it allows funds to be spent even after Congress denies them. This Congress has an excellent record of reducing the deficit and forcing the hard cuts in an oversized Government. It makes no sense to set a new precedent allowing the executive branch to undermine the prerogatives of the Appropriations Committee and the Congress, by authorizing it to spend funds for a project Congress has repeatedly denied.

And this is no ordinary airport project. The access road to the Denver Airport is called Pena Boulevard—so named after the current Secretary of Transportation and former mayor of Denver and the very individual to whom the bill gives sole power to fund the project over Congress' objections. This airport receives more funding under its letter of intent with the Federal Aviation Administration than any other airport in the country, and I question whether the Department of Transportation can truly be impartial in evaluating further grant applications, given the current Secretary's prior involvement in the Denver Airport project. The Colorado congressional delegation is divided over the need for the sixth runway, and the airport has a history of management problems including illegal diversion of airport revenues.

Simply stated, Denver has not proven the case for a new runway. Management problems continue, including diversion of airport revenues, shoddy construction of the existing runways and buildings; and significant airport noise issues. There is no compelling air traffic problem at the airport justifying a new runway at this time. Even the airport director stated last year that the proposed runway would provide ''marketing and business opportunities for companies throughout the region that would not otherwise exist.'' This is not ample justification for Federal investment, when resources are scarce and significant airport capacity issues exist in other cities around the country, and when decisions are necessary to curb the Federal deficit.

In addition, not only would this provision grant the Secretary of Transportation authority to override congressional mandates regarding the Denver International Airport, the bill as reported would allow the Secretary to approve funding for any international runway where funding was expressly denied by the Congress. There are other runway projects in this country which are highly controversial and Congress should not cede control over these projects to the Secretary of Transportation.

Section 411 is extremely controversial, unnecessary, would establish an alarming precedent, and should not be included in this legislation.

The second provision of concern to me is section 416, which prohibits the Federal Aviation Administration from installing a terminal Doppler weather radar at the Brooklyn Coast Guard Air Station in New York and requires a study of the feasibility of siting such equipment from an offshore platform.

While politically attractive perhaps, the offshore concept appears to be unworkable and unrealistic from an engineering and cost-benefit standpoint. In fact, after years of analysis, the FAA concluded that the Coast Guard air station in Brooklyn is the best site for

this safety radar, which is badly needed in the New York metropolitan area. Furthermore, section 416 violates congressional direction contained in the statement of the managers on the fiscal year 1996 Department of Transportation Appropriations Act, which directed the FAA to provide enhanced wind shear detection capability for the New York metropolitan area as soon as possible.

More than a year later, this critical safety improvement still does not exist for the New York City area and the language in H.R. 3539 would lead to additional delays.

There is an unquestioned need for this safety radar system in New York and calling for another study will not only be unproductive, but would pose unnecessary delays in getting essential safety equipment in place. The longer we wait, the greater the risk of an accident.

The lack of Doppler weather radar was cited by the National Transportation Safety Board as one factor in the aviation accident near Charlotte, NC, just 2 years ago. On July 2, 1994, a DC–9 operating as USAir flight 1016 flew into terrain, colliding with trees and a private residence during a missed approach to the Charlotte/Douglas International Airport. The captain, first officer, one flight attendant, and one passenger received minor injuries. The remaining 37 passengers died. The airplane itself was destroyed by impact forces and a postcrash fire. What was the cause of the crash? According to the NTSB, a critical factor was the lack of real-time adverse weather and windshear hazard information which Doppler weather radar would have provided. Had the Doppler weather radar been in place, it is possible that this tragedy could have been avoided. We cannot allow the delays that plagued Charlotte to similarly plague New York. We simply cannot and should not run the risk of a similar accident in New York City.

If recent events have shown us anything, they have clearly demonstrated the need for increased emphasis on aviation safety and placing the highest priority on funding for aviation safety equipment. This provision would undermine aviation safety—for nearby residents in New York and for the millions who use the New York airports.

Madam Speaker, in July the House gave overwhelming approval to the fiscal year 1997 transportation appropriations legislation which places paramount importance on safety. Maintaining and improving aviation safety was the No. 1 priority in the appropriations legislation. In fact, we added some $139 million not included in the President's budget request for new air traffic control equipment and systems to improve safety and airway capacity. Final approval of the fiscal year 1997 transportation appropriations bill is expected shortly and safety will continue to be the hallmark of that legislation.

I am a strong supporter of aviation programs but am convinced that the two provisions in H.R. 3539 that I just outlined pose serious problems. I regret that these provisions are included in legislation I would like to support. However, I believe these provisions are inconsistent with congressional efforts to improve aviation safety. I cannot ignore the deleterious and dangerous effects of these provisions and regretfully oppose H.R. 3539.

Mr. OBERSTAR. Madam Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in strong support of section 411. I think this is terribly critical, because I must say, I am very tired of my airport in Denver being bashed around. No other airport in the Nation has a legislative funding prohibition. This funding prohibition on this runway was put in before the airport even opened. It also is the sixth busiest airport in the world now.

Now we hear people talking about noise. If you are going to talk about noise, there are at least 50 other airports that should have their funding blocked if we are going to use that as a criteria.

I guess I rise today, Madam Speaker, to say we do not mind being judged by the same standards everyone else does, but why this airport has been singled out and continually battered I do not know, because it seems to be working very well. Consumers like it. It has added tremendously to the safety. I like any airport that pilots like. I think it is terribly important that we do not so micromanage that we fall all over ourselves.

The local government, the people of Colorado, and the Federal Government spent a tremendous amount of money to open this state-of-the-art airport. It was planned with six runways. To say that we are only going to do it with five, to continue to punish it, is wrong. I salute the committee for having put in this section 411 to not micromanage, and I really urge Members not to do this type of thing, when we have made these kinds of investments in infrastructure this country so desperately needs.

Madam Speaker, I want to express my support for section 411 of the Federal Aviation Authorization Act, H.R. 3539. The Transportation Committee, under the direction of Chairman SHUSTER and ranking Democrat Mr. OBERSTAR, included section 411, which returns the authority to the Department of Transportation for determining whether an airport receives funding for additional runways.

In other words, the Department of Transportation not the appropriating committee should determine if an airport should build additional runways. This addresses an egregious prohibition on building a sixth runway at Denver International Airport [DIA] that was included in the Transportation appropriations measure.

Section 411 is needed because:

No other airport in the Nation has a legislative funding prohibition. Singling out DIA is indefensible and unprecedented. DIA has proved that is one of the most efficient airports in the Nation. Placing a Federal restriction on DIA is also detrimental to the traveling public.

DIA is the sixth busiest airport in the Nation. Moreover, DIA has begun to attract international service. DIA is beginning nonstop service to Toronto, Vancouver, and Calgary.

DIA is designed to have six runways. It provides a balanced airfield of three runways for arrivals and three runways for departures during any kind of weather. The sixth runway is on DIA's airport layout plan, which was approved by the FAA several years ago.

The prohibition was enacted before DIA opened and is no longer relevant. There were problems with DIA and the baggage system, which delayed the opening until February of 1995. Now that the airport has a proven record of service, Denver should be free to complete the airport.

Section 411 in no way provides any funding to build the sixth runway at DIA. All this provision does is allow DIA, like every other airport in the United States, to apply for funding from the FAA.

Using the noise problem at DIA to justify blocking the sixth runway is a ruse. If every airport in the Nation that has a noise problem was singled out for funding restrictions, the list would be a mile long and DIA would be near the bottom. Washington National, BWI, Memphis International, Dallas-Fort Worth, Sarasota Bradenton, Lambert St. Louis, and many others—probably 50 airports—have worse noise problems. It is a complete fabrication to say DIA should not get a sixth runway because of noise.

Mr. OBERSTAR. Madam Speaker, I yield 1 minute and 45 seconds to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Madam Speaker, I am very pleased to support H.R. 3539, and as chair of the Subcommittee on Technology and on the Committee on Science, I am certainly very grateful that this bill includes title VI funding of Federal Aviation Administration research, engineering, and development, something that I authored along with the gentleman from Tennessee [Mr. TANNER], the distinguished ranking member of the subcommittee on technology.

Madam Speaker, I thank the chairmen of the Transportation Committee, Mr. SHUSTER of Pennsylvania, Mr. OBERSTAR, the ranking member and the Aviation Subcommittee, Mr. DUNCAN of Tennessee, for working with our committee to create an R&D title to the bill.

Title VI of this bill contains sections of H.R. 3322, the Omnibus Civilian Science Authorization Act, which passed the House on May 30, 1996.

In addition to the authorized levels of appropriations for FAA R&D, title VI also contains a number of committee amendments created under the leadership of Mr. TANNER, the Technology Subcommittee ranking member from Tennessee.

These amendments include strengthening the FAA Research Advisory Committee, which was originally created on the initiation of the Science Committee.

By strengthening the Advisory Committee, composed of aviation experts from industry, other R&D agencies, and academia, the FAA can receive

better guidance on the goals, relevance, and quality of its r&d program.

This will also assist the FAA in better establishing its research priorities.

In addition, title VI would also streamline the national aviation research plan to make it a more useful document.

The plan should emphasize the overall national r&d goal and priorities; FAA's r&d resource allocations; and connecting FAA's overlapping r&d activities with other agencies.

Madam Speaker, I support the bill before us today which not only authorizes aviation research and development, but also funds airport improvements, air traffic control facilities and equipment, the military airport program, and various maintenance projects, among other important functions.

I urge my colleagues to support the bill.

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

Madam Speaker, I listened with great interest to my colleague, the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations, about the Doppler radar issue.

I agree, Doppler radar is critically important. It has been cited by the NTSB as a factor, or absence of it as a factor in not only the Raleigh crash but in other situations. The unfortunate thing is that the location of the Doppler weather radar in New York is the issue, not the radar itself. It is not in my backyard. I have followed this issue for many years with great dismay.

There was a proposal to put the Doppler radar in a location in one part of one of the boroughs of New York City, whose name I do not recall, and there was an uproar by the citizens of that area, and the junior Senator from New York came to their defense and said, now, let us hold this off, let us not put it there now, let us find another place to locate it.

The provision in this bill directs a feasibility study of locating the terminal Doppler weather radar on an offshore platform before selecting some other site. I do not see this as a delay to installation of the radar. This is going to be a very quick study. It will be one conducted very readily, a conclusion that can be reached in a very short period of time.

Local concerns are the issue that are holding up this radar. I wish folks would just say, we understand the need for aviation safety, we do not want planes landing in our apartment buildings or in our backyards because they do not have the right radar, do not have the right weather information. But that is not the way people react.

We have this controversy in Minnesota over power lines, over long-distance power lines being too close to dairy farms, and fugitive electricity causing double-headed cows. People have it in their minds that that is a consequence of having electricity so close to their animals. Then we have to deal with that reality. We may have to relocate that line.

Madam Speaker, this is just a technology issue, and it is a people problem as well. We have come to a compromise. I will not stand for any unreasonable delay, and I know the chairman of the committee will not stand for any unreasonable delay. We want this radar to go forward. That is an extremely busy airport. I share the gentlewoman's concern. Let us see if we can get this study accomplished, put fears to rest, and then let the location of the technology take place on its own.

I just want to make one final comment, Madam Speaker. We have heard so much in our committee and by commentators every time there is a disability in the Air Traffic Control System about problems with the Nation's Air Traffic Control System, and allusions to vacuum tubes being used in our Air Traffic Control System. Less than 1 percent of all the technology used in our Air Traffic Control System is dependent upon vacuum tubes. All of it is scheduled for replacement.

Our committee on a bipartisan basis over several years has worked very diligently to upgrade and to speed up the technology in our Air Traffic Control System. As a result of our efforts, working with both the previous administration, the Bush administration, Secretary Skinner, Admiral Busey, when he was head of FAA, and now the current head of FAA, Mr. Hinson, they have brought a new team in, and every month we get this report, an air traffic systems development status report, with which we can track month to month the progress on all of the several key items: The end route, the terminal, the tower, the oceanic and offshore and the air traffic management systems. We know what the cost is, whether they are on track, whether they are behind schedule. I just want to say that the core of this new technology system is the initial sector suite, or the display system replacement.

The first article is going to be installed in Seattle in December, the end of this year, to begin a year of operational testing, so that by 1998 we will be able to move ahead with full deployment of the system. This program was in as bad a shape as we could possibly imagine any Government program getting into, but FAA Administrator Hinson and his team of Associate Administrator George Donahue and his deputy, Bob Valone, working with the new contractor, Lockheed Martin, have turned the program around.

We ought to take credit for this. This committee has diligently worked to make sure that the public investment has paid off. We have real results and real progress to show for it. We are going to see some real solid developments, for example, in the terminal and the end route system modernization, that are actually ahead of schedule. The display channel complex project is ahead of schedule. The voice switching and control system is enabling communication between centers and between units on the ground to do things that they never believed were possible a few years ago.

Madam Speaker, I just would like to say to the listening public, this committee has done its work diligently. We have worked together. We have made sure that the public investment has been cut where it was excessive, has been moved ahead where it was necessary. We have moved to a more modular technology system in the total modernization of the Air Traffic Control System.

This is a huge undertaking, the biggest technology program in the entire Federal Government. We have it on track. We have something really to be proud of. I want to thank the chairman of the committee for his cooperation, that of the gentleman from Tennessee [Mr. DUNCAN], to the staff, and the participation of the gentleman from Illinois [Mr. LIPINSKI], and also the gentleman from Pennsylvania [Mr. CLINGER], who has devoted so many hours to this thing.

We have something good going here. The rest of the world envies our system, and they are buying up pieces of it as soon as we put them into operational use. We are the world's leader in aviation. Let us never forget it. Let us be proud of it. Let us make this bill the flagship of that leadership. I thank the chairman of the committee for his vigorous work on behalf of this legislation. This bill ought to pass overwhelmingly.

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I would emphasize that this is must-pass legislation, because each airport across America, no airport will receive funds if this does not pass. It is a bipartisan bill, and I strongly urge its support.

Mr. NADLER. Madam Speaker, I rise in strong support of the language currently in this FAA reauthorization bill concerning Doppler radar for both Kennedy and Laguardia Airports. I was actually somewhat surprised to find out that neither Kennedy nor Laguardia had Doppler to detect wind shear. I commend the FAA for wanting to install Doppler radar, but, unfortunately, the site the FAA is currently reviewing does not provide the best possible coverage of both Kennedy and Laguardia Airports.

After speaking with representatives of the FAA, I was informed that if Doppler radar were installed at the site in Brooklyn, LaGuardia Airport would only enjoy approximately 75 percent accuracy in measuring wind shear. The 75 percent would be achieved only when used in conjunction with an additional system called L–WAS, a low-level wind ananometer which is approximately ten, 40–50 foot poles with windsocks on the end of them, which would

be installed at LaGuardia to supplement the Doppler.

The best way to detect wind shear to the maximum extent possible at both LaGuardia and Kennedy and the safest way for any of our constituents flying in or out of New York, is to have a dedicated Doppler radar station for each of the airports. Each of the Washington and Chicago area airports have a dedicated Doppler radar station.

In addition to the technical safety reasons for not putting the station in Brooklyn, is the fact that the station would be put in a residential area. There is concern that this type of radar emits cancer-causing radiowaves. In an area that has some of the highest rates of cancer in the country, I do not believe we should subject these residents to even the possibility of cancer-causing radiation when there is an alternative that, as I said, would provide more effective safety measures for the flying public.

Also, the FAA has recently issued a final environmental impact statement scoping paper that identifies several other sites, in and around Brooklyn, that could prove to be better suited than Floyd Bennett Field or offshore platforms, as I have suggested. The FAA should be allowed to study these proposals and determine the best possible site that would cover both Laguardia and Kennedy as well as protecting the health of local residents.

I urge my colleagues to allow the current language to stand. Send the message to FAA that we need the best coverage for both LaGuardia and Kennedy Airports. This language currently in the bill would help ensure the safety of all of our constituents who fly in or out of New York, and ensure the safety of local residents.

Mr. LIPINSKI. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act of 1996.

This legislation reauthorizes the Airport Improvement Program, as well as the FAA's facilities and equipment and operations and maintenance programs.

In an era of limited funding, this bill provides the national airport system with the best bang for the buck by fully funding the entitlement program while at the same time guaranteeing existing letters of intent from the discretionary portion of the program. Funding for noise mitigation also remains a priority in this legislation.

But for the longer term, we have no choice but to look toward alternate funding sources, including an increase in the passenger facility charge. FAA and airport funding needs continue to increase, and with the Congress' effort to balance the budget, there simply is not enough funding. The passenger facility charge is now being levied at airports around the country with great success. In future reauthorization cycles, I will continue to advocate increasing the PFC.

Madam Speaker, this legislation is critical. Without it, at the end of the fiscal year, the FAA will be unable to fund its crucial programs. With the tragic aviation accidents we have witnessed in recent months, funding for the air traffic control system, for security, for airport development, is more important than ever. This is must-pass legislation. I strongly urge its adoption.

Madam Speaker, I want to commend Chairman DUNCAN for his leadership in moving this critical legislation through the process, and Chairman SHUSTER and Congressman OBERSTAR for their support. I particularly want to thank the staff of the Aviation Subcommittee on both sides for their hard work on this and all aviation matters. They are a fine group of professionals and we are fortunate to have them working with us.

Madam Speaker, I urge strong support of this legislation and yield back the balance of my time.

Mr. TRAFICANT. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act. I want to commend Mr. DUNCAN and Mr. LIPINSKI for the excellent work they have done on this legislation.

The bill includes an amendment I offered in subcommittee dealing with the Airport Improvement Program's cargo service airport entitlement.

Current law defines cargo service airports as airports that are served by cargo-only or ''freighter'' aircraft which all together weigh more than 100 million pounds. Under the bill, these airports would be entitled to share in a pot of money that equal 2.5 percent of total AIP funds.

Therein lies the problem. Many smaller airports across the country would like to expand their air cargo operations by expanding or adding runways and making infrastructure improvement. However, the airports are not eligible for the cargo service set-aside under the AIP because they do not meet the 100-million-pound requirement. In order to get AIP funds for air cargo projects, these airports have to compete with other airports for discretionary AIP money.

This is counterproductive. My amendment gives the FAA the discretion to award cargo service entitlement funds to airports that the FAA determines are, or will be, served primarily by aircraft providing air transportation only by cargo.

It's a commonsense amendment, one that will benefit airports across the country. I am pleased it is in the bill.

I am also pleased that the manager's amendment includes several very important provisions—especially the one that removes the FAA's dual mandates, and makes it the law of the land that the FAA's primary mission is aviation safety. In the wake of the Valujet crash, it has become clear that the FAA's dual mandate has made it difficult, at times, for the FAA to be effective in doing everything possible to ensure aviation safety. Removing the FAA's dual mandate won't solve all of the problems, but it is a wise move in the right direction, and one I heartily support.

The manager's amendment also incorporates into the bill the text of two pieces of legislation previously approved by the House, the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act. These are two important bills that I strongly support.

We have an excellent piece of legislation before the House, and I urge all Members to support it.

Mr. DEFAZIO. Madam Speaker, as a member of the House Aviation Subcommittee, I do not plan to object to the consideration of H.R. 3539 under suspension of the rules because this bill is long overdue and greatly needed by our Nation's airports and air travelers. However, during the subcommittee's consideration of this legislation and the full committee's markup of the bill I offered an amendment that I would have also liked to offer during floor debate. I was disappointed that the House of Representatives planned to consider H.R. 3539—which authorizes $30 billion for the FAA and airport improvements—under suspension of the rules and I would not be permitted to offer my amendment.

Although much of H.R. 3539 is not controversial, a section was included in this bill that would authorize a pilot program to facilitate the privatization of publicly owned airports. I strongly object to this provision and believe that many Members would voice similar concerns were a full debate possible. At this time I would like to take a moment to outline my objections and explain what my amendment would have done.

The current privatization provisions in H.R. 3539 allow private entities to own and operate airports that have previously been operated as a public entity. However, under the bill, these private companies would have absolutely no obligation to repay the Federal investment in these properties. This is a rip-off for the U.S. taxpayers and corporate welfare at its worst. Since 1946, the Federal Government has awarded over $23.5 billion in airport grants to finance construction, improvements, and maintenance. The U.S. taxpayers funded these grants and should be reimbursed.

My amendment would require entities that purchase or lease airports under the pilot program authorized in H.R. 3539 to repay public Federal investments made to the airport. At the discretion of the FAA these Federal grant repayments could be adjusted to account for depreciation. Funds generated by the repayment would be used to finance FAA safety programs.

Although my amendment was defeated in committee, I believe that after a full public debate on the House floor, many Members would have agreed with my argument and my efforts to make this legislation more fiscally responsible. In addition, other Members had asked to be included in the debate and would have spoken in support of my amendment.

Gifting the Federal investment in these airports to private entities is just another example of corporate welfare. The Federal grants amount to a windfall for private investors, at the expense of the U.S. taxpayers. Under the rationale of the privatization section of the bill, all public entities—including highways and office buildings—should be up for grabs without any obligation to repay the Federal investment.

This section of H.R. 3539 is highly controversial and should be carefully reviewed before enacted into law. The only current example we have of airport privatization is from Great Britain's experience. In this case commercial airports were owned and financed directly by the central government, unlike in the United States where airports are owned by local government. The British Government sold these airports for $2.5 billion in a public share offering, generating significant capital for the taxpayers.

Even after privatization, the British Government found it necessary to impose a system of price controls on landing fees at the private airports. The airports remain subject to regulation of airlines' access, airports' charges to airlines, safety, security and environmental protection. The Government also maintains the right to veto new airport investment or divestiture.

Although I continue to object to the privatization section of this legislation, I will be supporting the bill because it includes authorization for needed Federal expenditures. In addition, I am extremely pleased that the bill also includes, at my request, language eliminating the dual mandate of the FAA. This new language will clearly direct the FAA to promote the safety of air travel, not promote the airline industry. I have long sought this change in the FAA's authorizing statute and I thank the committee for including this in the bill we are considering today.

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

The SPEAKER pro tempore. (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER], that the House suspend the rules and pass the bill, H.R. 3539, as amended.

The question was taken.

Mr. CANADY of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1545

GENERAL LEAVE

Mr. SHUSTER. Madam 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. 3539, the bill just considered.

The SPEAKER pro tempore. (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antarctic Science, Tourism, and Conservation Act of 1996''.

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

''(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

''(2) more recently, interest of American tourists in Antarctica has increased;

''(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;'';

(2) by striking ''the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation'' in paragraph (4), as redesignated, and inserting ''the Protocol establish a firm foundation for the conservation of Antarctic resources,'';

(3) by striking paragraph (5), as redesignated, and inserting the following:

''(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.''.

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking ''Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting'' and inserting ''Treaty and the Protocol''.

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

''SEC. 3. DEFINITIONS.

''For purposes of this Act—

''(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

''(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

''(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

''(4) the term 'Director' means the Director of the National Science Foundation;

''(5) the term 'harmful interference' means—

''(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

''(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

''(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

''(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

''(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

''(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

''(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

''(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

''(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

''(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

''(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

''(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

''(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

''(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

''(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

''(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

''(18) the term 'Secretary' means the Secretary of Commerce;

''(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

''(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

''(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

''(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

''(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).''.

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

''SEC. 4. PROHIBITED ACTS.

''(a) IN GENERAL.—It is unlawful for any person—

''(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

''(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

''(3) to dispose of any prohibited waste in Antarctica;

''(4) to engage in open burning of waste;

''(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

''(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

''(7) to damage, remove, or destroy a historic site or monument;

''(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

''(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

''(10) to resist a lawful arrest or detention for any act prohibited by this section;

''(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

''(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

''(13) to attempt to commit or cause to be committed any act prohibited by this section.

''(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

''(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

''(A) disposing of any waste from land into the sea in Antarctica; and

''(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

''(2) to introduce into Antarctica any member of a nonnative species;

''(3) to enter or engage in activities within any Antarctic Specially Protected Area;

''(4) to engage in any taking or harmful interference in Antarctica; or

''(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

''(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a)(1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.''.

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

''SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

''(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

''(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term ''significantly affecting the quality of the human environment'' shall have the same meaning as the term ''more than a minor or transitory impact''.

''(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

''(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

''(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

''(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

''(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

''(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

''(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

''(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

''(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

''(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

''(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

''(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

''(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

''(2) Such regulations shall be consistent with Annex I to the Protocol.

''(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

''(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

''(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

''(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

''(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

''(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.''.

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking ''section 4(a)'' and inserting in lieu thereof ''section 4(b)'';

(2) in subsection (c)(1)(B) by striking ''Special'' and inserting in lieu thereof ''Species''; and

(3) in subsection (e)—

(A) by striking ''or native plants to which the permit applies,'' in paragraph (1)(A)(i) and inserting in lieu thereof ''native plants, or native invertebrates to which the permit applies, and'';

(B) by striking paragraph (1)(A)(ii) and (iii) and inserting in lieu thereof the following new clause:

''(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;'';

(C) by striking ''within Antarctica (other than within any specially protected area)'' in paragraph (2)(A) and inserting in lieu thereof ''or harmful interference within Antarctica'';

(D) by striking ''specially protected species'' in paragraph (2)(A) and (B) and inserting in lieu thereof ''Specially Protected Species'';

(E) by striking ''; and'' at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof '', or'';

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

''(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and'';

(G) by striking ''with Antarctica and'' in paragraph (2)(A)(ii)(II) and inserting in lieu thereof ''within Antarctica are''; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

''(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

''(i) if the entry is consistent with an approved management plan, or

''(ii) if a management plan relating to the area has not been approved but—

''(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

''(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.''.

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

''SEC. 6. REGULATIONS.

''(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including section 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

''(A) each species of the class Aves;

''(B) each species of the class Mammalia; and

''(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

''(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a)(1), (2), (3), and (4), and section 4(b)(1) of this Act.

''(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

''(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

''(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

''(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.''.

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

''SEC. 14. SAVING PROVISIONS.

''(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

''(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.''.

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

''(1) 'Antarctica' means the area south of 60 degrees south latitude;

''(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;''; and

(3) by adding at the end the following new subsection:

''(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.''.

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''.

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'' in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'';

(3) in subsection (b)(2)(A) by striking ''within 1 year after the effective date of this paragraph,''; and

(4) in subsection (b)(2)(A)(i) by inserting ''and of Annex IV to the Antarctic Protocol'' after ''the Convention''.

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol'';

(2) in subsection (e)(1) by inserting ''or the Antarctic Protocol'' after ''the Convention'';

(3) in subsection (e)(1)(A) by inserting ''or Article 9 of Annex IV to the Antarctic Protocol'' after ''the Convention''; and

(4) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol''.

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting ''Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in the second sentence of subsection (a)—

(A) by inserting ''or to the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''and Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(3) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears;

(4) in subsection (c)(1) by inserting '', of Article 3 or Article 4 of Annex IV to the Antarctic Protocol,'' after ''to the Convention'';

(5) in subsection (c)(2) by inserting ''or the Antarctic Protocol'' after ''which the MARPOL Protocol'';

(6) in subsection (c)(2)(A) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol'';

(7) in subsection (c)(2)(B)—

(A) by inserting ''or the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''or Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(8) in subsection (d)(1) by inserting '', Article 5 of Annex IV to the Antarctic Protocol,'' after ''Convention'';

(9) in subsection (e)(1)—

(A) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''; and

(B) by striking ''that Protocol'' and inserting in lieu thereof ''those Protocols''; and

(10) in subsection (e)(2) by inserting '', of Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''.

(f) PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(3) in subsection (b)(2) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(4) in subsection (d) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(5) in subsection (e) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''; and

(6) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears.

SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking ''Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it'' and inserting in lieu thereof ''It''.

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

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

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

Madam Speaker, I rise today to bring before the House of Representatives H.R. 3060, the Antarctic Environmental Protection Act. I, along with the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Virginia [Mr. DAVIS], the gentleman from California [Mr. BROWN], and 16 other members from the Committee on Science, introduced H.R. 3060 on March 12, 1996 to enable the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty.

Madam Speaker, the House passed H.R. 3060 on June 10, 1996 by a vote of 352 to 4. Yesterday the Senate sent back to us by unanimous consent the bill with a minor addition, a provision calling for a study of the amount of money the National Science Foundation spends on Arctic and Antarctic research. The Senate provision is noncontroversial and in no way impacts the provisions of the underlying bill.

H.R. 3060 enjoys universal support. The League of Conservation Voters, the Antarctic Project, the World Wildlife Fund, Greenpeace, the Sierra Club, and the Antarctic and Southern Ocean Coalition have all endorsed the bill. The National Science Foundation and the Department of State have also testified in support of enactment of H.R. 3060. In fact the Sierra Club calls this legislation a ''tremendous achievement.''

Madam Speaker, H.R. 3060 provides the legislative authority necessary for the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty. The protocol represents an important addition to the uniquely successful system of peaceful cooperation and scientific research that has evolved under the Antarctic Treaty of 1959.

In 1991 the consultative parties agreed to strengthen the Antarctic's environment protections through a Protocol on Environmental Protection. The protocol builds on the Antarctic Treaty in an effort to improve the treaty's protections for the Antarctic environment. The protocol reaffirms the treaty's use of Antarctica specifically for peaceful purposes and accords priority to scientific research among the permitted activities.

The 1991 protocol is not self-executing. It requires each of the consultative parties to enact instruments of ratification to codify the terms of the protocol before it can enter into force. Two previous Congresses failed to pass the needed instruments of ratification for the 1991 Environmental Protocol to the Antarctic Treaty to take effect.

As with the safe drinking water reauthorization, the House has a historic opportunity to pass long overdue environmental legislation. I urge my colleagues to join me in voting to send H.R. 3060 to the President for his signature.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of California. Madam Speaker, I yield myself such time as I may consume.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Madam Speaker, I rise also in strong support of H.R. 3060. Passage of this bill, as the gentleman from Pennsylvania [Mr. WALKER] indicated, will allow the United States to implement the Protocol on Environmental Protection to the Antarctic treaty.

The Antarctic Environmental Protection Act passed the House last June with strong bipartisan support. The bill before the House today is a slightly modified version of that bill, which was recently approved by the other body. Final passage of H.R. 3060 today will help ensure the preservation of one of the last pristine regions of the Earth and will ensure that Antarctica's enormous value as a scientific laboratory is not degraded.

I want to congratulate the chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], for his efforts to develop this bill and to bring it to final passage today. I have been pleased to work cooperatively with him on what has truly been a bipartisan effort. The culmination of this process is a bill that enjoys the support of Antarctic scientists, environmentalists and the Federal agencies responsible for administering the U.S. national program in Antarctica.

The proponents of H.R. 3060 all recognize the importance of protecting Antarctica as a unique world resource while allowing the valuable research carried on there to go forward. The Environmental Protocol designates Antarctica as a natural preserve devoted to peace and science and sets forth environmental protection principles and specific rules applicable to all human activities on the continent. Final ratification of the protocol by the United States, which becomes possible with passage of H.R. 3060, will help spur action by the remaining nations which have not completed ratification.

Madam Speaker, H.R. 3060 is a bipartisan bill that will ensure that a sensible and comprehensive environmental protection regime is instituted to govern all international activities conducted in Antarctica. The bill has been enthusiastically endorsed by those most affected by its provisions and closest to the issues involved. I urge my colleagues to support passage of the measure.

Madam Speaker, I reserve the balance of my time.

Mr. WALKER. Madam Speaker, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me the time, I thank him for his leadership on this issue and for the leadership of the gentleman from California [Mr. BROWN], ranking member, on this issue.

Madam Speaker, this is truly a landmark day for those of us who are seeking protection of the antarctic environment.

For the past 5 years, those of us who have been ardent longtime supporters for the preservation of the Antarctic Continent and its surrounding seas, have been working diligently toward this day.

Now with the passage of this bill today, and the President's subsequent signature into law, we will have finally achieved our objective since the United States began consideration of the implementation of the 1991 Protocol on Environmental Protection of the Antarctic Treaty.

While the United States is taking one small environmental step today, it is the Antarctic Continent and the nations with antarctic settlements which will be on the verge of taking one giant collective leap forward to protect the antarctic environment from the adverse effects of human activities.

After U.S. ratification of the Antarctic Treaty is enacted, and its eventual passage in the remaining 5 of 26 countries, the treaty will become fully enforceable.

Having had the opportunity to personally visit and participate in studies in Antarctica, under the guidance of the National Science Foundation, I clearly understand the need to reinforce the status of Antarctica as a natural reserve devoted to peace and science.

Antarctica provides the world with an unmatched natural laboratory for scientific research.

This international research is making invaluable contributions to our insights into the history of the Earth, the evolution of our universe, world climate change, global ocean circulation, ozone depletion, and astronomy, among many other very important planetary issues.

There are, however, pressures on the antarctic environment from the effect of human activity, which has risen fairly dramatically since research activities have intensified over the past few decades.

Today, there are more scientific stations on the continent, housing more scientists and support personnel, than ever.

Coupled with an increasing rise in antarctic tourism, additional pressures are made daily to this very unique and delicate environment.

The need to move forward on implementing the protocol is pressing and is never more compelling than now.

As world leaders in environmental stewardship, it is paramount that the United States join the other 20 current signatory parties that have enacted

ratification of the protocol in their nation's legislative bodies.

It should also be noted, ironically however, that although the protocol is not yet in force on the U.S. settlements, we, for the most part, already adhere to the protocol tenants.

For example, NSF already conducts its antarctic activities in a manner consistent with the protocol's requirements and already issues environmental assessment regulations in compliance with the protocol.

Madam Speaker, I am a proud original cosponsor and a strong supporter of H.R. 3060, the Antarctic Environmental Protection Act.

H.R. 3060 comprehensively and effectively implements the Antarctic Treaty.

It achieves the appropriate balance between sound environmental practices and the promotion of antarctic scientific research.

It certainly deserves our support today and has already received the support of many others.

Not only is there a strong bipartisan congressional support for the bill, but it is also supported by a wide coalition of major environmental groups, the administration, and the antarctic research community.

I commend the chairman of the Science Committee, the gentleman from Pennsylvania, for his leadership in this effort.

The committee has played a crucial role in negotiating the language in this bill with such disparate groups as the State Department, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Antarctica Project, the World Wildlife Fund, and Greenpeace, among others.

Madam Speaker, I urge all of my colleagues to support this important legislation to implement the Antarctic Environmental Protocol.

In doing so, we will preserve this fragile and still-developing glacier ecosystem for generations to come.

□ 1600

Mr. BROWN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, today the House is considering the Senate amendments to H.R. 3060, the Antarctic Science, Tourism and Conservation Act of 1996. This bill brings U.S. law in line with the international agreement covering Antarctic environmental protection. The bill was referred to the House Resources Committee which I chair. In an effort to cooperate with the Science Committee, the Resources Committee agreed to let the measure be considered by the full House without amending the bill.

In the Senate, my Alaska colleague, Senator TED STEVENS, added an important amendment which I support. The Stevens amendment requires that the National Science Foundation provide Congress with a Polar Research and Policy Study by March 1, 1997. It will provide Congress with a status report on the implementation of the Arctic Environmental Protection Strategy; a comparison of Federal Arctic and Antarctic research efforts; and an assessment of what needs to be done to implement the Arctic Research Commission's recommendations for Arctic research.

The Antarctic environment is, of course, very important and I am pleased that we are acting on this bill to improve our understanding of that continent and its surrounding waters. However, the Arctic also faces many difficult resource management issues. These issues include how to fairly manage wildlife to meet the needs of native people in the Arctic, and how to deal with the massive pollution problems created by Soviet industrial and military use of Arctic land and water. The study called for in this bill will give us the information we need to properly allocate Federal logistical and financial resources in order to make sure that the Arctic and those that live there get a fair share of Federal research dollars.

I am glad that the House is acting to clear this bill today, and I urge an ''aye'' vote.

Mr. SCHIFF. Madam Speaker, the Subcommittee on Basic Research, which I chair, has responsibility for the National Science Foundation [NSF]. NSF is responsible, in part, for conducting research in Antarctica and the protection of the environment in this pristine and unique part of the world. The subcommittee has recently completed hearings on the future of the South Pole Station and the role of NSF in Antarctic research.

I believe it is important to recognize the uniqueness of Antarctica; a place where the temperature in winter can exceed $-45°$ F and winds can reach 180 miles per hour; a place 1½ times the size of the United States. Antarctica's associated seas represent nearly 6 percent of the world's oceans and its ice, 70 percent of the Earth's fresh water. Lately, there have been news articles of the discovery of a large underground freshwater lake in Antarctica, Lake Vostok, 140 miles long, 30 miles wide, buried under 9,000 feet of ice and heated by the earth's core. And, most recently in the headline news, the meteorite that is credited with evidence of life on Mars was discovered in Antarctica.

We have much to learn from this area. The United States has important foreign policy, national security, scientific, and environmental interests in this vast region. With respect to international involvement in the Antarctic, there are seven countries which have territorial claims on Antarctica. The United States does not recognize these claims and there are 26 consultative parties to the Antarctic Treaty. Therefore, as we look to the future, the responsibilities of the United States and our commitment to the Antarctic and our role at the South Pole Station raises many questions.

This is one reason why the passage of H.R. 3060 is so important. The U.S. Senate gave its advice and consent to ratification of the Antarctic protocol in 1992. All that remains for the United States to become a party to the protocol is to enact the necessary implementing legislation. The protocol will activate when all 26 of the Antarctic Treaty consultative parties implement it. So far, 20 of the consultative parties have done so. The United States' ratification will provide impetus for the remaining five to join, as well.

I am proud to have been an original cosponsor of this bill. I want to commend Chairman WALKER for his leadership on this issue. I also want to point out that this has been a bipartisan issue. Mr. BROWN and Mr. CRAMER have been very supportive in our efforts to protect, understand, and research the continent of Antarctica.

I urge my colleagues to support this legislation.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3060.

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

There was no objection.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and concur in the Senate amendment to H.R. 3060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTION IN ENROLLMENT OF H.R. 3060, ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the concurrent resolution (H. Con. Res. 211), directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 211

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty, the Clerk of the House of Representatives shall make the following technical correction: In section 201(a)(1) strike ''paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11)'' and insert in lieu thereof ''paragraphs (1) through (10) of subsection (a) as paragraphs (3) through (12)''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALIFORNIA INDIAN LAND TRANSFER ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3642) to provide for the transfer of public lands to certain California Indian Tribes.

The Clerk read as follows:

H.R. 3642

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''California Indian Land Transfer Act''.

SEC. 2. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to section 3, all right, title, and interest of the United States in and to the lands described in subsection (b) in connection with each tribe, band, or group of California Indians listed in such subsection (including all improvements on such lands and appurtenances to such lands) are hereby declared to be held in trust status by the United States for the benefit of such tribe, band, or group.

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 1,144.23 acres, and the related tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands with respect to the Pit River Tribe; 560 acres located as follows:

Township 42 North, Range 13 East, Mount Diablo Base and Meridian

Section 3:

S½ of NW¼, NW¼ of NW¼, 120 acres.

Township 43 North, Range 13 East

Section 1:

N½ of NE¼, 80 acres,

Section 22:

SE¼ of SE¼, 40 acres,

Section 25:

SE¼ of NW¼, 40 acres,

Section 26:

SW¼ of SE¼, 40 acres,

Section 27:

SE¼ of NW¼, 40 acres,

Section 28:

NE¼ of SW¼, 40 acres,

Section 32:

SE¼ of SE¼, 40 acres,

Section 34:

SE¼ of NW¼, 40 acres,

Township 44 North, Range 14 East, Mount Diablo Base and Meridian

Section 31:

S½ of SW¼, 80 acres.

(2) BRIDGEPORT PAIUTE INDIAN COLONY.—Lands with respect to the Bridgeport Paiute Indian Colony; 40 acres located as follows:

Township 5 North, Range 25 East, Mount Diablo Base and Meridian

Section 28:

SW¼ of NE¼.

(3) UTU UTU GWAITU PAIUTE TRIBE.—Lands with respect to Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation; 240 acres located as follows:

Township 2 South, Range 31 East, Mount Diablo Base and Meridian

Section 11:

SE¼ and E½ of SW¼.

(4) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands with respect to the Fort Independence Community of Paiute Indians; 200 acres located as follows:

Township 13 South, Range 34 East, Mount Diablo Base and Meridian

Section 1:

W½ of Lot 5 in the NE¼, Lot 3, E½ of Lot 4, and E½ of Lot 5 in the NW¼.

(5) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands with respect to the Barona Group of Capitan Grande Band of Mission Indians; 5.03 acres located as follows:

Township 14 South, Range 2 East, San Bernardino Base and Meridian

Section 7, Lot 15.

(6) MORONGO BAND OF MISSION INDIANS.—Lands with respect to the Morongo Band of Mission Indians; approximately 40 acres located as follows: Township 3 South, Range 2 East, San Bernardino Base and Meridian

Section 20:

NW¼ of NE¼.

(7) PALA BAND OF MISSION INDIANS.—Lands with respect to the Pala Band of Mission Indians; 59.20 acres located as follows:

Township 9 South, Range 2 West, San Bernardino Base and Meridian

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

SEC. 3. EXISTING RIGHTS PRESERVED; MISCELLANEOUS PROVISIONS.

(a) EXISTING RIGHTS PRESERVED.—The declaration contained in section 2 shall be subject to valid existing rights in effect on the day before the enactment of this Act.

(b) NOTICE OF CANCELLATION OF GRAZING PRIVILEGES.—Grazing privileges on the lands described in section 2 shall terminate two years after the date of enactment of this Act.

(c) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 2 shall be available for use or obligation, in such manner and for such purposes as the Assistant Secretary, Indian Affairs, may approve, by the tribe, band, or group of Indians for whose benefit such land is held after the date of enactment of this Act.

(d) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly. These lands shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

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

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

Mr. GALLEGLY. Mr. Speaker, H.R. 3642, the California Indian Land Transfer Act which I introduced at the request of the administration in June, would transfer into trust, 1,144.23 acres of excess Federal land to the following Indian tribes: 560 acres to the Pit River Tribe; 40 acres to the Bridgeport Paiute Indian Colony; 240 acres to the Utu Utu Gwaitu Paiute Tribe; 200 acres to the Fort Independence Community of Paiute Indians; 5.03 acres to the Barona Group of Capitan Grande Band of Mission Indians; 40 acres to the Morongo Band of Mission Indians; and 59.2 acres to the Pala Band of Mission Indians.

This bill also provides that valid existing rights shall be preserved on the lands to be taken into trust.

H.R. 3642 was originally proposed by the administration and is supported by the tribes.

Mr. Speaker, I recommend the approval of H.R. 3642.

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

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

Mr. Speaker, I am a cosponsor of H.R. 3642 along with the chairman of the Subcommittee on Native American and Insular Affairs, Mr. GALLEGLY, and the senior Democrat of the Resources Committee, Mr. MILLER.

Enactment of this bill would transfer small parcels of land from the Bureau of Land Management to various Indian Tribes in the State of California. In each instance the land has been declared as appropriate for disposal by the BLM and the affected tribal governments have formally requested the land be transferred to them. As part of the process of drafting this legislation, the Department of the Interior contacted local communities and received support for, or a lack of interest, in each land transfers. These parcels may not be large in size but I hope they will prove of benefit to the tribes.

I believe this legislation is good policy. This is a case where the Federal Government examined its registry of lands and supports the release of lands it no longer deems necessary to remain under Federal control. The land my be excess to the needs of the Federal Government but I'm confident that the Indian tribes which will take over management of the lands will put them to good use.

I ask my colleagues to join me in supporting passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 3642.

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

A motion to reconsider was laid on the table.

TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3640) to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes.

The Clerk read as follows:

H.R. 3640

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Torres-Martinez Desert Cahuilla Indians Claims Settlement Act''.

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909 an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled ''United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. The Imperial Irrigation District and Coachella Valley Water District'', Case No. 82–1790 K (M) (hereafter in this section referred to as the ''U.S. Suit'') on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay $212,908.41 in past and future damages and the Imperial Irrigation District to pay $2,795,694.33 in past and future damages in lieu of the United States' request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Numbers 93–55389, 93–55398, and 93–55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92–55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91–1670 J (LSP) (hereafter in this section referred to as the ''Indian Suit'') in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the District Court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this Act is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term ''Tribe'' means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) The term ''allottees'' means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) The term ''Salton Sea'' means the inland body of water located in Riverside and Imperial counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement Concerning Claims to Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996.

(5) The term ''Secretary'' means the Secretary of the Interior.

(6) The term ''permanent flowage easement'' means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills and any other water which overflows and floods such lands, originating from lands within such water districts.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. SETTLEMENT FUNDS.

(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—

(1) IN GENERAL.—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the ''Torres-Martinez Settlement Trust Funds Account'', the ''Torres-Martinez Allottees Settlement Account I'', and the ''Torres-Martinez Allottees Settlement Account II'', respectively.

(2) AVAILABILITY.—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) IN GENERAL.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of $337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of $3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) CASH PAYMENTS BY THE UNITED STATES.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of $10,200,000, of which sum—

(A) $4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) $6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) ADDITIONAL PAYMENTS.—In the event that any of the sums described in paragraphs (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) SEVERALLY LIABLE FOR PAYMENTS.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) ADMINISTRATION OF SETTLEMENT TRUST FUNDS.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 6. TRUST LAND ACQUISITION AND STATUS.

(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—

(1) IN GENERAL.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this Act. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this Act shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this Act.

(2) PRIMARY ACQUISITION AREA.—(A) The primary area within which lands may be acquired pursuant to paragraph (1) are those certain lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust by reason of paragraph (3).

(B) Lands may not be acquired under this paragraph if by majority vote of the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) objects to the Tribe's request to convey such lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(3) SECONDARY ACQUISITION AREA.—

(A) Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city whose incorporated boundaries the subject lands are situated within, or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(b) RESTRICTIONS ON GAMING.—The Tribe shall have the right to conduct gaming on only one site within the lands acquired pursuant to subsection (a)(1) as more particularly provided in the Settlement Agreement.

(c) WATER RIGHTS.—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 7. PERMANENT FLOWAGE EASEMENTS.

(a) CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES INTEREST.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 8. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) SATISFACTION OF CLAIMS.—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this Act shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 2 of this Act and further defined in the Settlement Agreement.

(b) APPROVAL OF WAIVERS AND RELEASES.—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this Act.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) ELIGIBILITY FOR BENEFITS.—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.—No payment pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) PRESERVATION OF EXISTING RIGHTS.—Except as provided in this Act or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) AMENDMENT OF SETTLEMENT AGREEMENT.—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary of the Interior determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this Act and executes the releases and waivers required by the Settlement Agreement and this Act.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this Act.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

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

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

Mr. GALLEGLY. Mr. Speaker, H.R. 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act introduced by our colleague, Mr. BONO of California, would facilitate and implement a settlement to resolve long-standing land claims made by the Torres-Martinez Indian Tribe relating to the inundation of their tribal lands by drainage water from various irrigation systems flowing to the Salton Sea. It is due to Mr. BONO'S efforts that this has been brought to our attention.

This bill would establish three settlement trust funds in the U.S. Treasury which will be available to the Secretary of the Interior for distribution to the tribe.

In addition, H.R. 3640 provides that the Secretary of the Interior shall take land into trust when acquired by the tribe from within two acquisition areas defined in the settlement agreement.

It also provides that the United States and the tribe shall convey permanent flowage easements as to all Indian trust lands and all Federal lands, located below the minus 220-foot contour of the Salton Sink, to the Coachella Valley Water District and the Imperial Irrigation District.

Lands acquired by the tribe shall be subject to all valid and existing water rights.

The administration, the tribe, and the two irrigation districts have been working on this settlement for several years. Agreement has finally been reached and H.R. 3640 is the result. In fact, today Chairman YOUNG of the Committee on Resources received a letter from the Assistant Secretary for Indians Affairs at the Department of the Interior in support of Congressman BONO'S bill. I will include this letter as part of my statement.

Finally, Mr. Speaker, let me point out that there is a land acquisition issue, relating to H.R. 3640, to be resolved between the Cabazon Band of Mission Indians and the Torres-Martinez Tribe. I understand that complicated differences have arisen between the two tribes regarding the implementation of H.R. 3640. These differences can be negotiated and resolved between the two tribes in a manner which is equitable and acceptable to both tribes. It is my understanding that steps are being taken to work this out as H.R. 3640 moves forward in the legislative process. We all look forward to a resolution to this matter by these two tribes.

I support H.R. 3640, Mr. Speaker. It is a good, fair settlement of a valid land claim and I recommend that it be passed by this body.

The letter previously referred to is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. DON YOUNG,
Chairman, House Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee unanimously approved H.R. 3640, the Torres-Martinez Settlement Agreement Act, at the August 1, 1996, make-up of the bill. If enacted, H.R. 3640 will ratify the June 18, 1996, settlement agreement resolving claims and issues related to lands held in trust by the United States for the benefit of the Torres-Martinez Indians (''Agreement'').

The Administration supports H.R. 3640, which it believes is an equitable and overdue resolution to this long-standing dispute between the Tribe and two water districts in Southern California. Moreover, as a signatory to the Agreement, the Federal Government is bound by the terms of the Agreement and has a legal obligation under its terms to support the enactment of this implementing legislation which is ''substantively the same in text and form'' as H.R. 3640.

The Department is aware that the Cabazon Band of Mission Indians has raised concerns regarding the potential impact enactment of H.R. 3640 may have on its interests. The Department prefers that these differences be resolved without modification to H.R. 3640 and

it has encouraged the Cabazon and Torres-Martinez Tribes to meet to try to resolve their differences as soon as possible. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Again, thank you and the members of your subcommittee for your support and favorable treatment of this important legislation.

Sincerely,

ADA E. DEER,
Assistant Secretary for Indian Affairs.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, this bill would settle claims made by the Torres-Martinez Desert Cahuilla Indian Tribe against two irrigation districts in Southern California.

Mr. Speaker, before proceeding on, I just want to clarify for the record that the name of this tribe, the Torres-Martinez, is not in any way a reflection of the gentleman from California, ESTEBAN TORRES or the gentleman from California, MATTHEW MARTINEZ. I just want to clarify that for the record, Mr. Speaker.

Mr. Speaker, some 11,000 acres of reservation land has been unusable by the tribe due to flooding by the Salton Sea. The tribe had originally accepted the land with the understanding that the Salton Sea would recede allowing the tribe access to the lands. When this did not occur, the tribe filed a trespass suit against the two local irrigation districts. The courts found for the tribe and to head off additional litigation, the Department of the Interior brought all the parties together to work out a settlement. H.R. 3640 would enact the administration's settlement.

Mr. Speaker, passage of H.R. 3640 will allow the Torres-Martinez Tribe to procure land to utilize for the tribe's benefit and put an end to an 80-year dispute. It will lift barriers which have impeded needed improvements to California Highway 86. Further, it will ensure proper drainage for the local water districts.

Mr. Speaker, support for the administration's settlement enacted by this legislation is broad. The Resources Committee has received letters of support for its passage from at least 16 nearby Indian tribes including the Barona, Cahuilla, Campo, LaJolla, Morongo, San Manuel, and Soboba Tribes. Nearly every non-Indian community in the vicinity has written in support as well. Governor Wilson and California Attorney General Lundgren also support its passage.

Let me make it perfectly clear that I believe that the Torres-Martinez Tribe is the aggrieved party in this instance and it is they who are being compensated. I think this settlement is fair and should proceed. The Torres-Martinez Tribe has waited 80 long years for the Federal Government to make good on promises it made.

Having made this point I also want to mention that the Cabazon Tribe which runs a successful gaming operation in the vicinity has raised concerns over the settlement. The Department of the Interior failed to include the Cabazon Tribe in its discussions on the settlement. It should have. Failure to do so has caused for difficulties between the Cabazon and the Torres-Martinez Tribes which should not exist. The Cabazon Tribe is looking out for the welfare of its members and we should expect no less from them.

Mr. Speaker, the Torres-Martinez Tribe has given assurances to the committee that they will continue to meet with the Cabazon Tribe to try to work out their differences, pursuant to passage of this legislation. I think that is as it should be. I would like to see the tribes come to an equitable agreement but I believe this legislation should proceed.

Mr. Speaker, I wish to clarify that this settlement for Torres-Martinez is not done for our colleagues ESTEBAN TORRES and MATTHEW MARTINEZ as some have suggested.

I urge my colleagues to support passage of this bill.

Mr. Speaker, I include the following for the RECORD:

THE TORRES MARTINEZ DESERT CAHUILLA INDIANS
Thermal, CA, August 30, 1996.

Re Torres Martinez Settlement Act, H.R. 3640 (S. 1893).

Mr. JOHN A. JAMES,
Tribal Chairman, Cabazon Band of Mission Indians, Indio, CA.

DEAR MR. JAMES: In recent meetings with the Administration and Congress, we have been informed that representatives of Cabazon are spreading the word around Washington that Torres Martinez is unwilling to meet with Cabazon concerning the Torres Martinez Settlement Act, H.R. 3640 (S. 1893). Of course that is not true, as you are well aware.

My Tribal Council met with your Tribal Council in your tribal offices for several hours on July 29, and listened respectfully to your objections to the Torres Martinez Settlement legislation. You explained to us your view that the populated part of the valley is ''Cabazon's market'' and that our Tribe has no right to compete in ''Cabazon's market''. We explained to you our view that the entire Valley is ''everyone's market'', and that everyone has the right to compete in that market. You stated that you would attempt to defeat our Settlement legislation, unless we agreed to an amendment which would exclude any land acquisitions in the populated part of the Valley (north of Airport Blvd). We stated that we could not agree to such an amendment, because it would effectively destroy the most important economic-development benefits contained in our Settlement. The July 29 meeting ended on that note of respectful disagreement between sovereign tribal governments.

On August 9, I replied to your letter of August 6 requesting another meeting ''to discuss our differences regarding H.R. 3640 and to make a sincere and diligent attempt to reach a compromise on this issue''. After reviewing what had occurred at the July 29 meeting my August 9 letter made the following reply to your request for further meetings, discussions, and negotiations: ''Unless you have a proposal different from the one which you presented to our Tribal Council on July 29th, we see no reason to revisit the same issues in another meeting. If you do have a different proposal, please put it in writing and send it to us for our Tribal Council's consideration. Any new issues can be discussed with you in another Council-to-Council meeting.''

As I thought was made perfectly clear in my August 9 letter, we stand ready to meet with you at any time to discuss your concerns with H.R. 3640 (S. 1893). We still see no reason to revisit the same issues which were discussed with you for several hours on July 29; but if you have some reason to believe that further discussion for new issues might be fruitful, please contact me and we will arrange another Council-to-Council meeting at the earliest mutually convenient time. If you have a new proposal. If you have a new proposal (different from the one you presented at the July 29 meeting), please put it in writing and send it to me for presentation to my Tribal Council, so that we can begin thinking about it prior to the next meeting be held in our tribal offices.

In conclusion, I reiterate that my Tribal Council is ready and willing to meet with your Tribal Council at any mutually convenient time, to discuss H.R. 3640 (S. 1893) or any other matter of concern to you. If you wish to meet with us, all you have to do is ask.

Sincerely,

MARY E. BELARDO,
Tribal Chairperson.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, September 4, 1996.

Subject: Torres Martinez Settlement Act and H.R. 3640 (S. 1893).

Reference: Your letter of August 30, 1996.

Chairperson MARY E. BELARDO,
Torres Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR MRS. BELARDO: Contrary to your statements that the Cabazon Band are spreading word that your tribe is unwilling to meet with us concerning H.R. 3640 (S. 1893), it was clear from your letter that you rejected our proposals and that you felt H.R. 3640 ''your bill'' and therefore it is not necessary for you to accommodate other tribes by amending it.

You apparently don't understand that it is all tribes who compete for the same market for their gaming facilities and that they must do so from where their traditional tribal lands are located. It is not ''our'' market, but a market that seven gaming facilities must share.

We oppose your unprecedented request to jump over seven cities and three other reservations in order to circumvent our position in the middle of our ancestral lands. This is not only unacceptable land planning, it sets a precedent that all tribes who are in poor locations will try to follow.

The House Resources Committee took an official position on August 2, 1996 directing the Torres Martinez and Cabazon Band of Mission Indians to resolve their differences regarding the terms of the proposed legislation. To that end, the Cabazon Band of Mission Indians took the initiative and met with you proposing three possible alternatives:

1. Re-align the gaming site acquisition to 7½ miles west of your current reservation boundaries. This would allow you to encroach into our traditional area and be within proximity to where our casino is located and have access to the market that all the tribes share.

2. Agree that any Torres Martinez casino be built near Fantasy Springs and the neighboring Spotlight 29 Casino immediately adjacent to our boundaries thus incorporating it in an ''entertainment zone'' which has already been approved by local municipal jurisdictions. This would allow three tribes to create a synergy to bring customers into the region in partnership with other non-Indian local governments.

3. Support the insertion of language into the proposed legislation which would enable the Cabazon tribe to purchase land up to 15 miles west of its current reservation boundaries in the event you attempt to purchase property west of our reservation. This could easily be inserted without affecting the current agreement executed with the water agencies. (This is our least favorite alternative.)

Negotiations and/or mitigation of differences is a two-way process. It was our interpretation, based on your letter of August 9, 1996, that you rejected our proposals and had no alternative offers. You further stated that future meetings would only be scheduled if the Cabazons came up with other alternatives.

Our concerns remain with the provision of your settlement agreement as it exists:

1. Violation of territorial jurisdictions by purchasing lands within our traditional tribal occupancy area in direct violation of Department of the Interior policy and regulations;

2. That the process was flawed by not following prescribed Department of the Interior procedures, specifically: Section 151.10(b) which requires that ''the tribe sufficiently justify the need for additional land for gaming purposes; section 151.10(c) which requires ''conclusion on factual findings that the tribe has explored all reasonable and viable alternatives (other than gaming) for economic development; section 151.10(e) that the ''impacts be considered on local city and county governments (cities within 30 miles and tribes within 100 miles be notified and brought into discussions).

3. That the proposed legislation is contrary to the requirements of the Indian Gaming Regulatory Act of 1988 by setting a precedent for developing gaming lands off of established territorial properties, and part 1, section 20(a), 25 USC 2719(a) which requires that consultation be done with appropriate state and local officials, including officials of other nearby Indian tribes, and * * * that it will not be detrimental to surrounding communities.

4. Erodes the ''good neighbor'' policy the tribes have been attempting to establish between themselves and with local cities by circumventing input from the cities and allowing one tribe to invade the territory of another in order to have a casino in violation of existing regulations. This creates ''bad blood''.

The Cabazon Band of Mission Indians continues to stand ready to discuss viable alternatives and amendments to the proposed legislation so that all parties concerned will experience a ''win-win'' situation and equal treatment for all tribes. We urge you to halt the legislative process while you bring forward proposals acceptable to all which would mitigate the aberration of our tribal rights. In the absence of you immediate request to Congressman Bono that the process be halted, we feel it will be necessary to maintain strong opposition to the bill.

Sincerely,

JOHN JAMES,
Tribal Chairman.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, June 28, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: I am writing this letter in response to your inquiry of June 27, 1996. You stated that it was unclear why my tribal council is opposed to meeting in its entirety with the Torres-Martinez tribal council on the issue of the Torres-Martinez land settlement and our grave concern over their taking lands for gaming purposes in our area of jurisdiction, and the impact that it would have.

Let me start from the onset and make it clear that we very much want to meet with the Torres-Martinez tribe, but for them to call at the last minute with an ultimatum that our tribal council assemble and ''face off'' with theirs, on an issue which is very emotional on both sides, took us by surprise. I will be pleased to notice a meeting which is required in order for us to accommodate their wishes to meet with an equal number of representatives. It will, however, be necessary for us to have an exploratory meeting in order to define each other's issues and positions so that when our councils meet we can achieve the maximum amount of productivity.

Chairman Belardo of Torres-Martinez has indicated that her council will not allow her to meet with us except in its entirety. I am very concerned that this is demonstrative of a potential lack of confidence on the part of her council. It is critical that the Torres-Martinez be able to distill their positions and issues in order for any negotiation to bear fruit. We stand ready and prepared to meet to define the issues and subsequently have a like number of council members meet face to face and find a suitable compromise that will address their concerns, our concerns, and which will meet the federal government's trust responsibility to both of us.

I hope that this will serve to demonstrate our willingness and clear up any questions you may have about our intentions.

Thank you for committing to addressing our concerns. I would like to formally ask you to hold field hearings on this bill before it proceeds any further.

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, July 10, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: It is my understanding that you are unavailable to meet with me this weekend while you are here in the desert.

On July 9th my office contacted your scheduler, Inda Valter, who said she would see if a meeting were possible. Ms. Valter later informed by office that Brian Nestande recommended we talk to Catherine Bailey prior to setting an appointment with you. Ms. Valter also said your office was hoping to hear that the Cabazon Band of Mission Indians would be meeting with the Torres-Martinez tribe. Our response was that we are in the process of setting up that same meeting. It has since been scheduled for July 24th.

This morning, July 10th, Catherine Bailey informed our tribal secretary that Ms. Valter found your weekend in the desert to be fully booked. She did, however, say that you wanted to know if there were something that needed to be addressed in the near future.

Rather than communicating through staff, I believe we could accomplish far more in a brief one on one meeting. I know you have an extremely heavy schedule, and would not impose on you if this were not of the utmost importance to our tribe.

In addition, I wrote to you on June 28th, formally requesting field hearings on the H.R. 3640 issue. Would you let me know if you have considered this and deem it possible?

Respectfully,

MARK NICHOLS,
Chief Executive Officer.

CONGRESS OF THE UNITED STATES,
July 11, 1996.

MARK NICHOLS,
Cabazon Band of Mission Indians,
Indio, CA.

DEAR MR. NICHOLS: Thank you for your letter of July 10, 1996.

At our meeting in June, we agreed on a plan that the Cabazon meet directly with the Torres-Martinez to resolve its particular issues, and then report to me after doing so. I believe that the Cabazon should continue to go forward with this plan. As we have discussed, the settlement agreement and ratifying legislation provide both tribes with the flexibility to do this. Please be assured that when a meeting does occur between the two tribes, I will be glad to consider whatever conclusions are reached. If you have additional information you would like to share with me in the interim, please feel free to contact my staff, as I am confident they will continue to keep me fully informed.

At this time I do not believe a field hearing is needed. In my view, a field hearing would be redundant to the briefings we have already done, the press coverage and the congressional hearing.

Thank you for keeping me informed of the Cabazon's views.

Sincerely,

SONNY BONO,
Member of Congress.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, July 10, 1996.

MS. MARY BELARDO,
Tribal Chairperson, Torres-Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR CHAIRPERSON BELARDO: We are pleased to see that the meeting of July 26th is still on. We will have name cards made for your council and look forward to an opportunity to productively explore a situation that we hope will meet both of our respective tribal concerns. As we are prepared to try to meet you half way, my council is concerned about your recent statements in The Desert Sun that there will be no adjustment or compromise.

Your conditions for a full council to council meeting and your meeting cancellations have been accepted. However, the new demands outlined in your July 16th letter create a problem for us. We place a lot of confidence in the analysis and guidance provided to us by our tribal attorney and chief executive officer. The members of the Cabazon tribal council may wish to hear their opinions on issues as the meeting progresses, therefore we cannot agree to gag them. I am hopeful that you will understand and accept our position on this issue. Our tribal secretary will be at the meeting in a strictly secretarial capacity not as a participant.

We agree to your stipulation that there be no press or media in attendance.

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

THE TORRES MARTINEZ DESERT CAHUILLA INDIANS,
Thermal, CA, July 22, 1996.

JOHN A. JAMES,
Chairman, Indio, CA.

DEAR CHAIRMAN JAMES: Thank you for your letter dated July 17, 1996. It is clear to us through this letter that you have misinterpreted the content of our most recent letter to you.

If you will recall we originally made the first contact with your tribe to request a meeting. Our reason for this meeting was to address the rumored concerns of the Cabazon people through their elected Tribal Council regarding our Settlement Agreement. It has been through several mutual changes that we have finally settled to meet with your Council on July 26, 1996 at your Tribal Administrative offices.

As Indian tribes we are often times required to hire staff (non-Indian) that can help our tribes prosper. However, the bottom line is we are still Indian people, with Indian thinking, customs and traditions. It is in this spirit that we come to hear from the Indian people of Cabazon.

To be truthful we have read the remarks of your (non-Indian) CEO in the papers and have seen and heard enough of his comments on television and radio. Frankly, we are not concerned with how he feels about an Indian tribe that is about to receive the most meaningful award granted to them in approximately the last 120 years, however we are willing to receive any papers or analysis that he would like to submit to us.

It is our belief that Indian people have only survived over these tumultuous years by sharing what little we have with one another, this is the Indian way.

If you feel that the people of Cabazon cannot speak their own true feelings then you may want to cancel our meeting, but we will not listen to any non Indians at this meeting. You describe this thinking as putting a ''gag'' on your staff, we see it as expressing our sovereign right and dealing with a fellow tribe in a government to government manner. We do not take our sovereign rights lightly and will need to insist on your understanding of this.

We look forward to meeting with your elected Tribal Council on July 26, 1996.

Sincerely,

MARY E. BELARDO,
Tribal Chairperson.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, August 2, 1996.

Ms. MARY BELARDO,
Tribal Chairperson, The Torres Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR MARY: As you have been notified in the hearing language, it is the official House Resources Committee position that a resolution be worked out concerning our differences regarding H.R. 3640. In the absence of a resolution, we will be forced to pursue this to the next level. If you want the bill to pass this session it is imperative that we work this out. We would like to immediately begin negotiations so that we can find a solution that is mutually acceptable to both of our tribes.

The tribal council to council meeting was a beginning, however, our tribal council has determined that true progress can only be made through hard negotiations between assigned negotiating teams. We are prepared to put together such a team on short notice once you have committed to a meeting time. Would Monday, August 5th, at 2:00 p.m. be suitable?

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

AGUA CALIENTE BAND OF CAHUILLA INDIANS,
Palm Springs, CA, June 26, 1996.

Hon. SONNY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BONO. On behalf of the Agua Caliente Band of Indians, I would like to thank you for your efforts to keep our Tribal Council informed on the status of HR 3640, the Torres Martinez Desert Cahuilla Indians Claims Settlement Act. Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Please feel free to contact me if I can be of any assistance to you in the future.

Respectfully yours,

RICHARD M. MILANOVICH,
Chairman, Tribal Council, Agua Caliente Band of Cahuilla Indians.

AUGUSTINE BAND OF MISSION INDIANS,
Coachella, CA, June 28, 1996.

Hon. SONNY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BONO: This letter is written to inform you that the Augustine Band of Mission Indians supports HR 3640, the Torres-Martinez Desert Cahulla Indians Claims Settlement Act. The Augustine Tribe has always extended full support to the Torres-Martinez Tribe in their on-going efforts to arrive at an equitable resolution of a long standing claim for lost lands.

You are to be commended for the time and effort you have dedicated to the Torres-Martinez Desert Cahuilla Indians to acquire a settlement of their claims.

Sincerely,

MARYANN MARTIN,
Chairperson.

BARONA INDIAN RESERVATION,
Lakeside, CA, August 30, 1996.

Hon. SONNY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Barona Band of Mission Indians, I am writing to you in support of HR 3640—the Torres Martinez Desert Cahuilla Indian Claims Settlement Act.

Your hard work and efforts on not only this legislation, but on other Indian issues are not going unnoticed. As our brothers and sisters of the Pechanga Band mentioned, . . .'' with your help and the support of your colleagues, Native Americans are recapturing their dignity and price''.

Mr. Bono, I urge you to support HR 3640. Thank you!

Sincerely,

CLIFFORD M. LACHAPPA,
Chairman.

CAHUILLA BAND OF INDIANS,
Anza, CA, June 25, 1996.

Hon. SONNY BONO,
Congress of the United States, Cannon House Office Building, Washington, DC.

HONORABLE CONGRESSMAN BONO: We the Cahuilla Band of Indians does support the ''Torres Martinez Desert Cahuilla Indians Claims Settlement Act of 1996''. We understand that the term of this act supports a settlement between the Torres Martinez Desert Cahuilla Indians, local water districts and the federal government.

The terms of the settlement agreement calling for compensation to the Torres Martinez tribe in the amount of $14 million. In addition, the tribe will be able to acquire 11,800 acres of land within boundaries specified in the bill.

Acquisition by the tribe will have no impact on existing water rights of the local communities and tribes. The Torres Martinez tribe will be allowed one limited gaming site on the newly acquired lands. Local cities, county and tribal governments will have the ability to veto acquisition of new lands within their jurisdiction.

We the Cahuilla Band of Indians supports Member of Congress Sonny Bono on the bill H.R. 3640.

Sincerely,

MICHELLE SALGADO,
Tribal Chairperson.

CAMPO BAND OF MISSION INDIANS,
August 19, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Campo Band of Mission Indians, I would like to express our support in favor of H.R. 3640 the Torres Martinez Desert Cahuilla Indian Claim Settlement Act. We appreciate your constant concern regarding Native American issues. The dedication you have shown in regards to this legislation exemplify your sensitivity and understanding of our needs.

The Campo Band of Mission Indians look forward to collaborating with you on future endeavors.

Sincerely,

RALPH GOFF,
Chairman.

JAMUL BAND OF MISSION INDIANS,
Jamul, CA, July 18, 1996.

Hon. SONNY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BONO: We the Jamul Band of Mission Indians support the ''Torres Martinez Desert Cahuilla Indian Claims Settlement Act of 1996.''

Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Your continued support of bill H.R. 3640 is greatly appreciated by Indian Tribes in your Congressional District as well as other Congressional District in the Southern California area.

Sincerely,

RAYMOND HUNTER,
Chairman.

LA JOLLA INDIAN RESERVATION,
Valley Center, CA, August 15, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the La Jolla Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The La Jolla Band of Mission Indians strongly support H.R. 3640.

Sincerely,

VIOLA A. PECK,
Acting Chairperson.

LOS COYOTES RESERVATION,
Warner Springs, CA, August 19, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Los Coyotes Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The Los Coyotes Band of Mission Indians strongly support H.R. 3640.

Sincerely,

FRANK TAYLOR,
Spokesman.

MANZANITA BAND OF MISSION INDIANS,
Boulevard, CA, July 18, 1996.

Hon. SONNY BONO,
House of Representatives, Washington DC.

DEAR CONGRESSMAN BONO: We the Manzanita Band of Mission Indians support the ''Torres-Martinez Desert Cahuilla Indian Claims Settlement Act of 1995''.

Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Your continued support of Bill H.R. 3640 is greatly appreciated by Indian Tribes in your Congressional District as well as other Congressional Districts in the Southern California area.

Cordially,

FRANCES SHAW,
Chairman.

MORONGO BAND OF MISSION INDIANS,
Banning, CA, June 26, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Morongo Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, Native Americans are recapturing their dignity and pride.

The Morongo Band of Mission Indians strongly support H.R. 3640.

Sincerely,

MARY ANN ANDREAS,
Tribal Chairperson,
Morongo Band of Mission Indians.

PALA BAND OF MISSION INDIANS,
Pala, CA, July 17, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR MR. CONGRESSMAN: I want you to know how pleased the Pala Band of Mission Indians are with the introduction of H.R. 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act.

The Pala Band of Mission Indians understands that this Act, H.R. 3640 supports a settlement between the Torres-Martinez Desert Cahuilla Indians, local water districts and the federal government.

The monetary compensation to the Tribe and the restoration of land lost to the Native people goes a long way to right a wrong and shows the proper government-to-government relationship envisioned by the founders of this great Nation.

The Tribal Council of the Pala Band of Mission Indians support this legislation and feels that with people such as you in government this Nation is on the right track to becoming the world leader it once was.

Please feel free to contact the Pala Band of Mission Indians if we can be of any assistance to you in the future.

We like what we see Mr. Congressman. You can make the difference!

ROBERT H. SMITH,
Chairman/CEO,
Pala Band of Mission Indians.

PECHANGA INDIAN RESERVATION,
Temecula, CA, July 30, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Pechanga Band of Luiseno Indians, I am writing to you in support of HR 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act: Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The Pechanga Band of Mission Indians strongly support HR 3640.

Sincerely,

MARK A. MACARRO,
Tribal Spokesman,
Pechanga Band of Mission Indians.

SAN MANUEL BAND OF MISSION INDIANS,
Highland, CA, August 9, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the San Manuel Band of Mission Indians, I would like to express our support in favor of HR 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act. We appreciate your constant concern regarding Native American issues. The dedication you have shown in regard to this legislation exemplify your sensitivity and understanding of our needs.

The San Manuel Band of Mission Indians look forward to collaborating with you on future endeavors.

Sincerely,

HENRY DURO, *Chairman.*

SAN PASQUAL BAND OF INDIANS,
Valley Center, CA, July 22, 1996.

Hon. SONNY BONO,
Cannon House Office Building, Washington, DC.

HON. CONGRESSMAN BONO: The San Pasqual Band of Mission Indians supports ''Torres Martinez Desert Cahuilla Indian Claims Settlement Act of 1996''. We understand that the term of this act supports a settlement between the Torres Martinez Desert Cahuilla Indians, local water districts and the federal government.

The economic gain for Torres-Martinez is much needed. They have waited long and endured much.

The San Pasqual Band of Mission Indians heartily support you Congressman Bono on H.R. 3640.

Respectfully,

DOROTHY M. TAVUI.

SOBOBA BAND OF MISSION INDIANS,
San Jacinto, CA, June 22, 1996.

Hon. SONNY BONO,
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: The Soboba Band of Mission Indians supports your proposed bill concerning a land settlement with the Torres-Martinez Band of Mission Indians.

We believe a settlement will provide long overdue compensation to the Torres-Martinez Band for their land which was rendered useless since the early 1900's. We are pleased the federal government and the Band have reached an agreement. The settlement will not only benefit the Torres-Martinez Band but also the surrounding communities.

The Soboba Band appreciates your efforts in reaching a settlement and your support of Native Americans.

Sincerely,

CARL LOPEZ, *Chairman.*

TWENTY-NINE PALMS BAND OF MISSION INDIANS,
Coachella, CA, June 26, 1996.

Hon. SONNY BONO,
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: The Twenty-Nine Palms Band of Mission Indians, owners of the Spotlight 29 Casino located near Coachella, California, offers its support to your proposed bill concerning a land settlement with our nearby Native American neighbors, the Torres Martinez Desert Chahuilla Indians.

We believe that such a settlement will provide long overdue compensation to the Torres Martinez for their land which was flooded and rendered virtually useless since the early 1900's, and are pleased that the federal government has reached a solution which is acceptable to them.

The resolution will not only benefit the Torres Martinez but will also offer potential benefits to the surrounding communities by providing the Torres Martinez the opportunity to join with local efforts to enhance the economy and well being of citizen's in the area.

We appreciate your efforts to keep us informed of the settlement because of its effect

on the overall community, and look forward to other cooperative efforts with your office in the future.

Sincerely,

DEAN MIKE,
Chairman.

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

Mr. GALLEGLY. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from California [Mr. BONO].

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

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

Mr. Speaker, I am trying to be as explicit as I can on a very complicated issue. First of all, I do want to recognize the Cabazon Indians' legitimate complaint that they were not notified by the Department of the Interior, and, therefore, had to play catch-up in this situation and have a legitimate complaint.

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So I just want to say, hopefully, as this legislation progresses, that we will do everything we can to encourage the tribes to work out a settlement on their dispute, but recognize that it is an Indian dispute and that they should settle that between themselves. We do not really have a good guy or a bad guy here. It is just that this situation came, and we do understand it, and they have my support as well. So we hope it will settle as this legislation goes on.

This has been going on for 80 years, and what happened, basically, is the Torres-Martinez land was flooded and they have not had a home. Eventually they had to sue, and that litigation has been going on for 15 years. We have finally brought this to closure, which is very important because it not only deals with the tribes but it deals with the local communities, as well.

We have a highway, Highway 86, that cannot be repaired because of this litigation and we lose 10 people, annually 10 people die, and we would love to repair this highway. This would finally permit us to fix this highway and get rid of those needless deaths on an annual basis.

Furthermore, we have a big agriculture community within the district, and there is a drainage issue. This would allow that drainage problem to go away so that the agricultural industry could drain and would not have to worry about encumbrances.

This action has been supported by the National Congress of American Indians and by just about everybody and, furthermore, it grants the tribe sovereignty, which I think we have to do. So we are not trying and I am not trying to act like the person that can dictate these issues. We just want to recognize that sovereignty exists and we have to recognize sovereignty. That is all we are doing.

Again, I want to say that anything I can do to help work on the agreement between the two tribes, I do want to say that I am available anytime.

The Torres-Martinez live in poverty and have lived in poverty. This will finally get them above poverty and give them a chance to survive. So basically that is a capsulation of the whole issue, but it is a very good bill and it could cure a lot of ills, and I urge my colleagues' support.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise today to express both my support and my deep concern over the passage of this legislation.

I want to be perfectly clear that I strongly and unequivocally support full compensation to the Torres-Martinez Tribe for the injustices they have suffered in the last century. Today almost 123,000 acres of Torres-Martinez tribal reservation land lies submerged beneath the Salton Sea. This land was flooded early in this century. The tribe has never been fully compensated by the U.S. Government for that.

Our Government, Mr. Speaker, has a moral and legal obligation to settle this long overdue claim of the Torres-Martinez Tribe. It is my understanding that this is a tribe with very few resources, and this settlement agreement will better enable them to establish and maintain a sovereign-to-sovereign relationship with the U.S. Government.

But, Mr. Speaker, I must admit I am deeply troubled by the process which the Department of the Interior used to facilitate the settlement with the Torres-Martinez Tribe. It is my understanding that the Department of the Interior failed to meet with or even discuss the proposed settlement agreement with all the tribes who live in the area and who will be most affected by this legislation.

These consultations are especially important when we are dealing with issues that affect the economic viability of the different tribes. Unfortunately, in its eagerness to reach a settlement, the Department of the Interior failed to take these interests into account.

Mr. Speaker, when the Committee on Resources first considered this bill, I strongly encouraged the Department of the Interior to meet with the local tribes to try to resolve the differences that still exist on this bill. I am troubled that these meetings have never taken place.

Mr. Speaker, it is also unfortunate that this bill is being considered under the suspension calendar, so that there will be no chance to offer amendments to fine-tune this legislation. I hope the Senate will take the time to closely examine this bill and make sure it is equitable and fair for all groups impacted by this settlement agreement.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. TORRES].

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

Mr. TORRES. Mr. Speaker, I thank the chairman for yielding me this time, and I want to thank the chairman for clarifying the title of this legislation, known as the Torres-Martinez Settlement Act, that in fact neither I, ESTEBAN TORRES, a Member of Congress, nor Representative MATTHEW MARTINEZ, a Member of Congress, have anything to do with this bill. It is simply the name of this particular California band of mission Indians.

Let me say that it is right for the United States to compensate the Torres-Martinez Tribe for the land that it lost through agricultural flooding, and I support resolution of the longstanding dispute between the tribe and the two water districts in southern California. But as the gentleman from Michigan, Mr. KILDEE, has stated, I cannot support the bill under the discussion that is being carried out here today.

H.R. 3460 is the result of a flawed process. It is a faulty bill because the Department of the Interior failed to follow its own procedures under the Indian Gaming Regulatory Act of 1988. That act, known as IGRA, requires the Department of the Interior to consult, I want to underscore that, consult with the Native American tribes and local municipal governments. And as the chairman has stated, the Department has admitted that such discussions never took place. Such discussions never took place.

Also in violation of IGRA, and of even greater concern, the proposed legislation sets a dangerous precedent by giving the tribe the right to purchase up to 640 acres for a gaming facility outside of traditional reservation boundaries.

Let me explain. Here we have a chart indicating by the yellow the initial parcel that was a settlement under the Bush administration, that gave the Torres-Martinez Tribe the basis for settling this land that was submerged under the Salton Sea. The Babbitt administration at the Department of the Interior later designated the second red zone here as a secondary zone. And this is where, then, we see that one tribe, no matter how disadvantaged it is, is given a special privilege because it has now leapfrogged over these other Indian tribes and communities without consultation in establishing a gaming facility up in this area.

If we allow this off-reservation land acquisition to move forward, what will stop other tribes in the States from seeking the permission to build casinos in other nontraditional land localities? Such special treatment erodes the trust and the cooperation that tribes have worked to establish between themselves and their local cities. It circumvents necessary input from affected communities. It violates existing regulations, and, yes, it just simply creates bad blood.

Let me make no mistake about this. This is not simply a bill to make overdue payments and amends to the Torres-Martinez Tribe. Let me show

you the other side of the picture. Members should be aware that a very powerful and wealthy consortium of non-Indians, with gambling ventures around the country, is very much a part of this shady deal.

The GTECH Corp. and Full House Resorts, Inc., are angling to develop a casino enterprise on the prime land this bill would permit the tribe to acquire. Lee Iacocca, no less, and Alan Paulson stand to gain much more, yes, much more than those poor impoverished Indians of the Torres-Martinez Tribe from this bill.

These are serious allegations and this is a serious issue, and for these reasons I am dismayed to see this bill was rushed through on the suspension calendar. I had no chance to offer amendments. My colleagues had no chance to remedy the faults in this bill.

I would like to see full field hearings, consultations, due process, safeguard procedures to remedy the faults in this legislation and make it a true settlement, a true settlement rather than a special interest giveaway. But, unfortunately, the leadership is pushing this bill through under a restrictive rule. I cannot offer needed amendments or changes, and that compounds the injustice of this.

So I call upon Members of this body and I call upon Members of the other body to step up to the plate and fix this faulty bill. The other body can work and should work to redress the flaws in H.R. 3640, and I so recommend, my colleagues in this Chamber, to call upon their colleagues in the other body to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Flordia). The gentleman will refrain from asking the Senate to take certain actions.

Mr. RICHARDSON. The Torres-Martinez Indian Reservation was created in 1876 in the Coachella Valley of California. The Salton Sea flooded approximately 2,000 acres of reservation lands and in 1909 and additional 9,000 acres of submerged lands were included in the reservation. This was done with the belief that the Salton Sea would recede allowing the tribe access to the lands. in 1982 the United States brought a trespass suit on behalf of the tribe against the Imperial Irrigation District [IID] and the Coachella Valley Water District [CVWD]. The court found for the tribe and awarded $212,908 in damages to the tribe from CVWD and $2,795,694 in damages from IID. A second suit was filed on behalf of the tribe. At this point the United States intervened to facilitate a settlement with the tribe and the two water districts.

This settlement legislation would require the CVWD to pay $337,908.41 to the tribe and its allottees and IID would pay $3,670,694.33. In addition the United States would pay $10,200,000 to the tribe. These amounts would be held in the U.S. Treasury in trust for the tribe and its allottee members.

The tribe would be allowed to acquire 11,800 acres of land to be considered as if it were acquired in 1909 except with regard to water rights. The tribe would be allowed to conduct gaming on only one site within this area. The local communities would have to support the casino and the tribe would be required to enter into a compact with the State. In return the water districts would receive a permanent flowage easement located within and below the 220-foot contour of the Salton Sink.

If this settlement is enacted, the tribe will waive all claims regarding the flooded lands of their reservation.

The administration is a party to this settlement and strongly supports it.

All but one local Indian tribe supports the bill as well as Governor Wilson and Attorney General Lundgren. The Cabazon Tribe was probably not consulted in the way that it should have been and I strongly encourage the two tribes to meet and talk out their differences. The Torres-Martinez Tribe has assured me they are willing to talk with the Cabazon.

I believe it is time to pass this bill and fix the wrong to the Torres-Martinez Tribe.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 3640, as amended.

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

A motion to reconsider was laid on the table.

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2710) to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe, as amended.

The Clerk read as follows:

H.R. 2710

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hoopa Valley Reservation South Boundary Adjustment Act''.

SEC. 2. LAND TRANSFER TO RESERVATION.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the lands described in subsection (b) shall hereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe and shall be part of the Hoopa Valley Reservation.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Range 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as ''Post H.V.R. No. 8'' on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augusta T. Smith and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as ''Post H.V.R. No. 3'' on said survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest shall be adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

SEC. 3. SURVEY.

The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of lands made by section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

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

Mr. GALLEGLY. Mr. Speaker, H.R. 2710, the proposed Hoopa Valley Reservation South Boundary Adjustment Act, introduced by our colleague, the gentleman from California [Mr. RIGGS], would convey approximately 2,641 acres of land to the Hoopa Valley Tribe of California.

The land to be transferred is presently part of the Six Rivers National Forest and has been fully timbered pursuant to the Forest Service timber sales.

I note that these lands to be conveyed by H.R. 2710 contain the graves of the Tish-Tan-a-Tang band of Hoopa Indians and are currently used by the tribe for hunting, fishing, food gathering, and ceremonial purposes.

H.R. 2710 would eliminate a longstanding alternation of the originally intended boundary of the Hoopa Valley Indian Reservation.

Mr. Speaker, this is a fair and just bill and I urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I want to thank my very good friend and southern California colleague, Mr. GALLEGLY, from the community of Simi Valley in Ventura County.

Mr. Speaker, and colleagues, Mr. GALLEGLY has kind of given a quick overview of my legislation. This is simple straightforward legislation, but it is something that is fundamentally important as a matter of fairness and equity to the Hoopa Valley Tribe in Humboldt County, the largest county in my congressional district.

□ 1630

The Hoopa Valley Tribe is the largest self-governance tribe in California. This legislation would restore their reservation to its original intended 12-mile-by-12-mile square.

Let me provide a little bit more of detail. As Mr. GALLEGLY explained, we are proposing to transfer in this legislation 2,641 acres of land now owned by the United States of America and managed by the U.S. Forest Service to the Hoopa Valley Tribe to square their reservation.

For as long as 10,000 years, the Hoopa Valley Tribe has lived in the Hoopa Valley. It is a beautiful area which is bisected by the Trinity River, and their reservation actually begins at the mouth of the Trinity River Canyon.

As early as 1851, a proposed treaty would have established a reservation encompassing an area larger than the present reservation. In restoring this land at the southeast corner of what otherwise would be a 12-mile square, this bill will eliminate a dogleg, the dogleg as they know it, in the south boundary of the present reservation, correcting an action that occurred in 1875.

At that time, the original surveyors of the reservation indented the boundary and created this irregular dogleg. This was apparently done to accommodate some miners who had staked claims in the area. Although the claims soon played out and the miners left the area, the boundary was never changed or corrected.

As I mentioned, as Mr. GALLEGLY mentioned, this land is administered by the Forest Service as part of the Six Rivers National Forest. The original timber on this parcel of land was sold off by the end of the 1970's. The area to be transferred includes Tish-Tang, Tish-Tang Campground, a Forest Service facility. The tribe has stated that it will continue to operate Tish-Tang as a public campground with public ingress and egress. There will be continued access over this land to the Trinity River.

This could be particularly important if budget reductions necessitate reductions in Forest Service campground operations and maintenance. I have received correspondence, Mr. Speaker, from several local businesses that rely on the Trinity River corridor, asking that access to the road to Tish-Tang and the gravel bar at Tish-Tang remain in the public domain; that is to say, they want a guarantee of continued public access along this road and to the gravel bar at Tish-Tang.

I have raised these concerns with the Hoopa Valley Tribe, their tribal council and leadership. I have been assured that public access at Tish-Tang will not be hindered as a result of this land transfer. Members of the Hoopa Valley have long been outstanding stewards of California's north coast environment. They have been leaders, for example, in the efforts to restore the Trinity River. This is the most critical fishery, the Trinity-Klamath river system in my congressional district. This transfer would permit the tribes longstanding land management and economic development policies to be extended to the restored lands.

I commend the bipartisan leadership of the House Committee on Resources for moving this legislation and I urge its approval, again, as a matter of fairness and equity to the Hoopa Valley Tribe so that the boundary of the tribe's reservation can be adjusted to reflect the original intent of Congress.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I certainly admire the Chair's generosity and sincere efforts in pronouncing my name. I know that this has always been a difficult problem with many Members but it is Faleomavaega. It is one of those Polynesian names.

Mr. Speaker, H.R. 2710 would transfer almost 2,640 acres of land currently within the Six Rivers National Forest to the Hoopa Valley Tribe to be held in trust for the Tribe. This land, which includes an operating campground, is adjacent to the southern boundary of the Hoopa Valley Reservation. There is question as to whether or not this land was intended to be part of the original reservation boundaries and by looking at a map of the area one could easily conclude that may have been the case. Regardless, the Forest Service has testified that it supports this transfer so long as public access to the area remains available. The Tribe has agreed to this and plans to continue to operate the campground for the public's use.

I hope addition of this land will benefit the Tribe in the future and ask my colleagues to join me in supporting passage of this bill.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 2710, as amended.

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

A motion to reconsider was laid on the table.

CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT OF 1996

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2512) to provide for certain benefits of the Missouri River Basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2512

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996''.

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the Congress approved the Pick-Sloan Missouri River basin program by passing the Act of December 22, 1944, commonly known as the ''Flood Control Act of 1944'' (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.)—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the western boundary of the Crow Creek Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Crow Creek Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–916 (72 Stat. 1766 et seq.) authorized the acquisition of 9,418 acres of Indian land on the Crow Creek Indian Reservation for the Fort Randall project and Public Law 87–735 (76 Stat. 704 et seq.) authorized the acquisition of 6,179 acres of Indian land on Crow Creek for the Big Bend project;

(5) Public Law 87–735 (76 Stat. 704 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation, by directing the Secretary of the Army to—

(A) replace, relocate, or reconstruct—

(i) any existing essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters; and

(ii) roads, bridges, and incidental matters or facilities in connection with such facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87–735 (76 Stat. 704 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Crow Creek Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Crow Creek Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan program; and

(9) the Crow Creek Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River basin program.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) FUND.—The term ''Fund'' means the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term ''plan'' means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term ''Program'' means the power program of the Pick-Sloan Missouri River basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TRIBE.—The term ''Tribe'' means the Crow Creek Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Crow Creek Sioux Tribe Infrastructure Development Trust Fund''.

(b) FUNDING.—Beginning with fiscal year 1997, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $27,500,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under such paragraph and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Crow Creek Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through existing facilities of the Indian Health Service on the Crow Creek Indian Reservation at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Crow Creek Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Crow Creek Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

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

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

Mr. GALLEGLY. Mr. Speaker, H.R. 2512, the proposed Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996, was introduced by our colleague, Mr. JOHNSON of South Dakota, last year. It would create a $27.5 million development fund to be used for the benefit of the Crow Creek Sioux Tribe.

This trust fund is being created to mitigate the effects of the Ford Randall water project and the Big Bend water project which inundated the lands of the tribe years ago.

This development fund would provide the tribe with resources for education facilities, health care facilities, a water system, and recreational facilities.

The moneys going into the development fund would be derived from the power program of the Pick-Sloan Missouri River Basin Program. The tribe would receive payments made on an annual basis derived from the interest earned on the development fund. H.R. 2512 is long overdue. It is a fair and just bill, and I urge my colleagues to support it.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to support this bill, which was introduced by my good friend, Representative TIM JOHNSON. This bill rights an old wrong by compensating the Crow Creek Sioux Tribe for the massive and devastating impact of the Pick-Sloan plan, which authorized the construction of two dams, the Big Bend and Fort Randall dams, on the best lands of the Crow Creek Tribe. The dams flooded the 15,000 acres of the tribe's best grazing and woodlands and displaced entire communities against their will. Although Congress was aware of the extent of the damage and passed legislation in 1962 to replace lost tribal infrastructure, buildings, and roads, the Army Corps of Engineers and the Bureau of Indian Affairs never fulfilled our responsibility and commitment under the provisions of the law.

I agree with Rep. JOHNSON of South Dakota that it is time we followed through on our promises to the tribe. It goes without saying that we have had a rather poor history of keeping our promises to the Indian tribes. For example, we broke the Fort Laramie treaties of 1851 and 1868, treaties which the Crow Creek Sioux Tribe signed. We made a promise to the Tribe almost 35 years ago that we would help them because of all the damage that we inflicted upon them. As the ranking member of the House Subcommittee on Native American and Insular Affairs, I am glad to see that we are finally following through on our promises to the tribe.

Mr. Speaker, the gentleman from South Dakota has worked diligently and tirelessly on behalf of the nine recognized tribes of South Dakota, including the Crow Creek Sioux Tribe, to get this legislation passed. Mr. JOHNSON has been a loyal and hard working member of the subcommittee, and I certainly enjoyed immensely working with him in working on other pieces of legislation. I urge my colleagues to support passage of this legislation.

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

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

I would just like to take a minute and thank my colleague from American Samoa, my good friend, ENI FALEOMAVAEGA, for the bipartisan way that we continue to work on this legislation makes it a real pleasure for me. I want to take this time to publicly thank him.

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

I, too, would like to reciprocate by adding my commendation to the distinguished gentleman from California, as the chairman of our subcommittee, who has worked quite diligently in the past several months in passing this legislation that affects the needs of our Native American communities throughout the country as well as the territories. I really would like to express my appreciation to him for the fine working relationship that we have had over the past several months and on a very bipartisan basis for a change, Mr. Speaker.

Mr. JOHNSON of South Dakota. Mr. Speaker, I want to thank my colleagues for moving forward on this innovative legislation which is particularly important to the Crow Creek Sioux Tribe and to my State of South Dakota. I have been privileged to work with the tribe and with Senator DASCHLE on this bill and its companion in the Senate, and I am confident that my colleagues will support H.R. 2512.

The Crow Creek Sioux Tribe Infrastructure and Development Act would establish a trust fund within the Department of the Treasury for the development of certain tribal infrastructure projects for the Crow Creek Tribe. These projects were outlined in previous legislation but were never completed due to limited funding sources. The Crow Creek Development trust fund would be capitalized from a small percentage of hydropower revenues and would be capped at $27.5 million. Language included in this bill would prohibit any increase in power rates in connection with the trust fund. The tribe would then receive the interest from the fund to used according to a development plan based on legislation previously passed by Congress, and prepared in consultation with the Bureau of Indian Affairs and the Indian Health Service.

The Flood Control Act of 1994 created six massive earthen dams along the Missouri River. Known as the Pick-Sloan plan, this public works project has since provided much-needed flood control, recreation, irrigation, and hydropower for communities along the Missouri. Four of the Pick-Sloan dams are located in South Dakota and the benefits of the project have proven indispensable to the people of my State.

Unfortunately, construction of the Big Bend and Fort Randall dams was severely detrimental to economic and agricultural development for the Crow Creek Tribe. Over 15,000 acres of the tribe's most fertile and productive land were inundated as a direct result of construction. The tribal community has still not yet been adequately compensated for the economic deprivation caused by Pick-Sloan.

Through the Big Bend Act of 1962, Congress directed the U.S. Army Corps of Engineers and the Department of the Interior to take certain actions to alleviate the problems caused by the destruction of tribal resources and displacement of entire communities. Yet, these directives were either carried out inadequately or not at all.

Congress established precedent for the Infrastructure and Development Act with the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act of 1992, which set up a recovery fund financed entirely from a percentage of Pick-Sloan power revenues to compensate the tribes for lands lost to Pick-Sloan.

The Crow Creek Sioux Tribe Infrastructure Development Fund Act of 1995 will enable the Crow Creek Tribe to address and improve their infrastructure and will provide the needed resources for further economic development at the Crow Creek Indian reservation.

I am proud to have introduced this legislation on behalf of the Crow Creek Tribe, and I urge my colleagues to support this important legislation and correct this historic injustice against the Crow Creek Sioux Tribe.

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

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for his comments, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 2512, as amended.

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

The title of the bill was amended so as to read: ''A bill to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the four bills just passed.

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

There was no objection.

EMERGENCY DROUGHT RELIEF ACT OF 1996

Mr. THORNBERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3910) to provide emergency drought relief to the city of Corpus Christi, TX, and the Canadian River Municipal Water Authority, TX, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3910

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

SECTION 1. SHORT TITLE

This Act may be cited as the ''Emergency Drought Relief Act of 1996''.

SEC. 2. EMERGENCY DROUGHT RELIEF

(a) CORPUS CHRISTI.—

(1) EMERGENCY DROUGHT RELIEF.—For the purpose of providing emergency drought relief, the Secretary of the Interior shall defer all principal and interest payments without penalty or accrued interest for the 5-year period beginning on the date of enactment of this Act for the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675 involving the Nueces River Reclamation Project, Texas: Provided, That the city of Corpus Christi shall commit to use the funds thus made available exclusively for the acquisition of or construction of facilities related to alternative sources of water supply.

(2) ISSUANCE OF PERMITS.—If construction of facilities related to alternative water supplies referred to in paragraph (1) requires a Federal permit for use of Bureau of Reclamation lands or facilities, the Secretary shall issue such permits within 90 days after the date of enactment of this Act, recognizing the environmental impact statement FES74–54 and the environmental assessment dated March 1991 (relating to the Lavaca-Navidad River Authority Pipeline permit).

(b) CANADIAN RIVER MUNICIPAL WATER AUTHORITY.—

(1) RECOGNITION OF TRANSFER OF LANDS TO THE NATIONAL PARK SERVICE.—All obligations and associated debt under contract No. 14–06–500–485 for land and related relocations transferred to the National Park Service to form the Lake Meredith National Recreation Area under Public Law 101–628, in the amount of $4,000,000, shall be nonreimbursable. The Secretary shall recalculate the repayment schedule of the Canadian River Municipal Water Authority to reflect the determination of the preceding sentence and to implement the revised repayment schedule within one year of the date of enactment of this Act.

(2) EMERGENCY DROUGHT RELIEF.—The Secretary shall defer all principal and interest payments without penalty or accrued interest for the 3-year period beginning on the date of enactment of this Act for the Canadian River Municipal Water Authority under contract No. 14–06–500–485 as emergency drought relief to enable construction of additional water supply and conveyance facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. THORNBERRY] and the gentleman from Texas [Mr. ORTIZ] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. THORNBERRY].

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

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

Mr. THORNBERRY. Mr. Speaker, at the outset, I would like to thank the full committee chairman, the gentleman from Alaska [Mr. YOUNG], and

the subcommittee chairman, the gentleman from California [Mr. DOOLITTLE], for their help on this measure.

As many of my colleagues know, we have had some severe drought conditions in the State of Texas and this bill helps to provide some relief to two areas that are particularly affected.

I also want to express my appreciation to the work of my colleague, the gentleman from Texas [Mr. ORTIZ]. He has been working on these issues for some time and I am certainly grateful for his willingness to work together to solve some very real problems that both of us have in our regions.

Mr. Speaker, H.R. 3910 is a bill that addresses some serious water problems in Texas. I will leave it to my colleague from Texas to discuss the portion of the bill that particularly affects the Corpus Christi area, but I know that that part of the State still suffers from the effects of drought and has a critical need to develop another water supply.

This bill will help them do that. The bill also allows the Canadian River Municipal Water Authority to develop alternative water supplies. This bill does not reduce the amount of money that the Canadian water authority owes to the Federal Government in the way of repaying the debt for construction of the dam for Lake Meredith, but it does postpone for 3 years our requirement to make payments and that deferment for the 3-year period allows the water authority to develop a field of water wells and construct an aqueduct that will get new well water to a location where it can be mixed with the water from Lake Meredith. That lake is the primary source of drinking water for more than 500,000 people in my area. It has not produced the amount of water expected and the severe drought earlier this year certainly caused additional problems. But the quality of the drinking water is also a problem.

The water from Lake Meredith does not meet the drinking water standards recommended by either the EPA or the Texas Department of Health. Only by mixing the lake water with well water is it really fit to drink.

This bill will allow that mixing which is required to be made by freeing up some funds to be used for the other project. The bill also reimburses the water authority for land which was transferred to the National Park Service several years ago. Every one, including the Bureau of Reclamation agrees that compensation is due for the loss of control of that land by the water authority. This was approximately 6 years ago when 43,000 acres was transferred from the water authority to create a national recreation area. This bill reimburses the acquisition costs which were way back in the early 1960's and relocations costs without any adjustment for inflation so that it is a truly minimal level of $4 million.

Mr. Speaker, of course, this bill does not offset all the problems that have been experienced because of the drought and other things; but it helps, and it does so in a fiscally responsible way. I urge my colleagues to approve it.

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

□ 1645

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

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

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 3910, which provides emergency drought relief for the city of Corpus Christi and 24 other cities in the surrounding area and the Nueces River Authority for the Canadian River Municipal Water Authority.

As many people know, Texas is suffering the effects of a very severe drought, and these two areas have been particularly affected.

Cities in my district have been restricting water use for months, and my constituents have lost many cattle and crops in these areas.

In fact it has been estimated that the drought has cost farmers and ranchers $2.4 billion in direct losses.

Without relief, we will soon be losing jobs and industries.

In my district, the city of Corpus Christi and the surrounding water service area are in an emergency situation.

Our available water supply is down over 70 percent in the last 36 months and is projected to be completely depleted within 24 months as the current drought continues.

Our water supply comes from the Nueces River project, a Bureau of Reclamation project which has cost considerably more than originally contracted and has produced much less water than local leaders were led to believe.

Because of this combination, the city is having trouble finding the resources needed to obtain more water reserves.

H.R. 3910 allows the city of Corpus Christi and the Canadian River Authority to defer their principal and interest payments, without penalty, on their Bureau of Reclamation water projects.

This bill will allow them to develop the funding necessary to build facilities for the necessary, additional water reserves.

The bill expedites the permitting process for facilities on Bureau of Reclamation property without bypassing the NEPA process.

It also requires the Bureau to recalculate the repayment schedule of the Canadian River Municipal Water Authority to allow for property and facilities transferred to the National Park Service.

I want to thank the chairman of the Subcommittee on Water and Power Resources, the gentleman from California [Mr. DOOLITTLE] and of course the ranking member, the gentleman from Oregon [Mr. DEFAZIO] and my good friend, the gentleman from Texas [Mr. THORNBERRY] and members of the staff for their work and help with this bill. I also want to thank the gentleman from Alaska [Mr. YOUNG] and the ranking member, the gentleman from California [Mr. MILLER] for their help in bringing this bill to the House in a bipartisan effort. I introduced this bill because of the importance of the situation in Texas, and I ask for the strong support of my colleagues.

Mr. ORTIZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 3910, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3910, the bill just passed.

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

There was no objection.

EXPORTS, JOBS, AND GROWTH ACT OF 1996

Mr. ROTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3759) to extend the authority of the Overseas Private Investment Corporation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3759

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Exports, Jobs, and Growth Act of 1996''.

TITLE I—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 101. INCOME LEVELS.

Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph—

(1) by striking ''$984 or less in 1986 United States dollars'' and inserting ''$1,280 or less in 1994 United States dollars''; and

(2) by striking ''$4,269 or more in 1986 United States dollars'' and inserting ''$5,556 or more in 1994 United States dollars''.

SEC. 102. CEILING ON INVESTMENT INSURANCE.

Section 235(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(1)) is amended by striking ''$13,500,000,000'' and inserting ''$25,000,000,000''.

SEC. 103. CEILING ON FINANCING.

Section 235(a)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)(A)) is

amended by striking ''$9,500,000,000'' and inserting ''$20,000,000,000''.

SEC. 104. ISSUING AUTHORITY.

Section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended by striking ''1966'' and inserting ''2001''.

SEC. 105. POLICY GUIDANCE.

Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended in the first paragraph—

(1) by striking ''To mobilize'' and inserting ''To increase United States exports to, and to mobilize'';

(2) by striking ''of less developed'' and inserting ''of, less developed''; and

(3) by inserting ''trade policy and'' after ''complementing the''.

SEC. 106. BOARD OF DIRECTORS.

Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended—

(1) by striking the second and third sentences;

(2) in the fourth sentence by striking ''(other than the President of the Corporation, appointed pursuant to subsection (c) who shall serve as a Director, ex-officio)'';

(3) in the second undesignated paragraph—

(A) by inserting ''the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and'' after ''including''; and

(B) by adding at the end the following: ''The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative.''; and

(4) by inserting after the second undesignated paragraph the following:

''There shall be Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.''.

TITLE II—TRADE AND DEVELOPMENT AGENCY

SEC. 201. TRADE AND DEVELOPMENT AGENCY AUTHORIZATION.

Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191(f)(1)(A)) is amended to read as follows:

''(1) AUTHORIZATION.—(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, $40,000,000 for fiscal 1997, and such sums as are necessary for fiscal year 1998.''.

TITLE III—EXPORT PROMOTION PROGRAMS WITHIN THE INTERNATIONAL TRADE ADMINISTRATION

SEC. 301. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

''SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Commerce to carry out export promotion programs $240,000,000 for fiscal year 1997 and such sums as are necessary for fiscal year 1998.''.

TITLE IV—TRADE PROMOTION COORDINATION COMMITTEE

SEC. 401. STRATEGIC EXPORT PLAN.

Section 2312(c) of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

''(6) identify means for providing more coordinated and comprehensive export promotion services to, and in behalf of, small- and medium-sized businesses; and

''(7) establish a set of priorities to promote United States exports to, and free market reforms in, the Middle East that are designed to stimulate job growth both in the United States and the region.''.

SEC. 402. IMPLEMENTATION OF PRIMARY OBJECTIVES.

The Trade Promotion Coordinating Committee shall—

(1) identify the areas of overlap and duplication among Federal export promotion activities and report on the actions taken or efforts currently underway to eliminate such overlap and duplication;

(2) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including co-location, cost-sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and

(3) by not later than September 30, 1997, include the matters addressed in paragraphs (1) and (2) in the annual report required to be submitted under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)).

SEC. 403. PRIVATE SECTOR DEVELOPMENT IN THE UKRAINE.

The Trade Promotion Coordinating Committee shall include in the annual report submitted in 1997 under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) a description of the activities of the departments and agencies of the Trade Promotion Coordinating Committee to foster United States trade and investment which facilitates private sector development in the Ukraine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] and the gentleman from Minnesota [Mr. PETERSON] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

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

Mr. Speaker, the title of this bill really says it all: exports, jobs, and growth. This is legislation that every Member can and should support. This is essential legislation.

Our bill reauthorizes three export agencies. They are the Overseas Private Investment Corporation, the Trade and Development Agency, and the U.S. Foreign Commercial Service. Each of these agencies is vital to U.S. exporters.

That is why our bill is supported by a broad national coalition of business leaders, exporters, and labor groups. We have some 15 different labor groups also backing this legislation. We have everyone from the Chamber of Commerce and NAM to the AFL–CIO.

Why have American businesses and American labor joined together in support of this bill? The real reason is that it creates jobs, good-paying jobs for our American workers.

Let me review the facts. OPIC provides the insurance and financing necessary for American companies to expand into the newly emerging markets in Eastern Europe, Asia, and Latin America. OPIC has generated $43 billion in exports. That translates into 200,000 jobs for American workers, 200,000 because of this one piece of legislation.

Our bill provides a 5-year plan to allow OPIC to grow, to serve more American exporters, and to add even more jobs for American workers.

OPIC does all of this without tossing one red cent to the American taxpayer. Let me repeat that again because there is a lot of misinformation and disinformation about this legislation by people who want to demagogue the legislation.

This legislation has not cost the American taxpayer one red cent. In fact, it has put into the American Treasury $2½ billion, and if this bill passes, if my colleagues join me in passing this legislation, we are going to add, as our placard says, $189 million every year to the U.S. Treasury for the next 5 years.

That is a replica of the check that was given to the U.S. Treasury by OPIC. OPIC is going to have some $5 billion in the U.S. Treasury in 5 years, and it is not going to cost the American taxpayer one single cent.

As we can see, on our chart the total exports that are going to be increased by this legislation are over $38 billion. The amount of jobs that are created, additional jobs in the next 5 years, are over 123,000 jobs.

This is a good piece of legislation, and I am asking my colleagues, I am appealing to their reason, not to their emotion, I am appealing to their reason to pass this legislation, yes, for our workers and for our companies, but also for the people in Latin America, some of the people in Africa, and in the Third World and also in Eastern European countries that we are trying to help. This legislation is going to put $2½ billion additional into the U.S. Treasury in the next 5 years, it is going to create over $38 billion in exports, and it is going to create over 123,000 jobs. Again I am appealing to my colleagues' reason to pass this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, we have a very diverse group that is opposing this bill. I would like to start off today by yielding such time as he may consume to the gentleman from Ohio [Mr. KASICH], the distinguished chairman of the House Committee on the Budget.

Mr. KASICH. Mr. Speaker, I think one of the best days that we had on this House floor during my 14 years in Congress was the day in which we reformed the welfare system in this country. We said that there should not be giveaway programs, that people in fact ought to go to work. Well, it was with great effort and with great inspiration that we moved forward to pass a bill to reform the welfare system in America as it relates to the poor, but now this is welfare Step Two.

This is now an effort to reform a welfare system that exists in America that does not benefit people who are poor. This is a welfare system that we have created in America that provides welfare to the rich and welfare to the well off.

Now let me just talk a little bit about the Overseas Private Investment Corporation and tell my colleagues that the people who are lined up against this bill come all the way from the left to the right. It is one of the most diverse coalitions I have ever seen in the House of Representatives, and I would like to talk about a few of the people who do know a little bit about economics and what they have to say about this program.

Milton Friedman, one of the foremost leading experts in economics in the world, had a comment that he wanted to make on OPIC. He said: I cannot see any redeeming aspect in the existence of OPIC. It is special interest legislation of the worst kind.

That is Milton Friedman from the Chicago School of Economics.

The National Taxpayers Union says that few other Federal programs can combine such undesirable elements as corporate welfare, wasteful spending, unneeded foreign aid, mismanagement and risk to taxpayers into one package, in referring to the Overseas Private Investment Corporation.

Now, when we take the National Taxpayers Union and Milton Friedman all saying that this program is a boondoggle, what are we attempting to do here today? Well, what we are attempting to do here today is not just to keep the Overseas Private Investment Corporation, which makes loans and loan guarantees and provides insurance out of the taxpayers' pocket to the largest corporations in America overwhelmingly, but now they want to come back and double, and double the amount of lending authority and risk-taking that they have as proposed in this legislation.

□ 1700

This is not just a continuation of a dubious program like OPIC, but frankly, it is a doubling of the amount of risk the taxpayers are being asked to burden.

Let me just tell the Members a little bit about OPIC. We hear about it and we hear about all the jobs that are created. The gentleman from New Jersey [Mr. ANDREWS] did an analysis, loan by loan and jobs by jobs. The Overseas Private Investment Corporation could never connect the loans that are being made to these giant corporations to the creation of American jobs in this country.

The gentleman from New Jersey [Mr. ANDREWS] wrote into the law a provision that said that the Overseas Private Investment Corporation ought to trace the loans directly to the creation of jobs, and that organization has failed to do so. They have failed to do so because, frankly, the numbers that get thrown around on the creation of jobs are dubious at best. Let me tell the Members about some of the projects that the Overseas Private Investment Corporation invests in, using taxpayer money and taxpayer-funded risk insurance.

We developed a soft drink bottling company in Poland and in Ghana, a travel agency in Armenia. We have magazine publishing in Russia, a lumber mill in Lithuania, a shrimp farm in Ecuador, probably a jumbo shrimp farm, but a shrimp farm in Ecuador, pension management in Colombia, a hotel in the Ukraine, and restaurants in Argentina, 16 restaurants in Argentina.

Here we have a host of investments that are going on overseas, not inside the United States, but overseas, financed by taxpayers and insured by taxpayers. Let us talk about the portfolio. We asked the Congressional Budget Office to give us a list of the quality of the portfolio; in other words, what kind of risk-taking is the OPIC investing in?

As Members can see when we look at the rating in fiscal 1995, the OPIC is consistently using the taxpayers' money to give large corporations the ability to take risks in operations that are defined with a D minus credit rating, an F double negative credit rating.

If you went into a bank, if you were a taxpayer in America and walked into a bank to get a loan to buy a house and you said to a banker that ''I have an F double negative rating,'' they would throw you out of the bank. But the Overseas Private Investment Corporation can march into these countries and they can get loans from the taxpayers, hardworking taxpayers, and then they can have those loans insured by hardworking taxpayers, the same taxpayers who do not have a prayer of securing a loan in regard to these kinds of credit ratings.

If we want to continue to debate this whole Overseas Private Investment Corporation, which, frankly, is welfare for the largest and most profitable corporations in this country, that is fine, we can debate it. But to come to this floor and argue that we ought to double the amount of loans and double the amount of risk-taking on the backs of the American taxpayers is wrong.

I would urge my colleagues to not permit, to not approve of a tremendous expansion in this program, when this Congress is engaged in trying to slow the growth of government. How much sense does it make to allow the largest corporations to use our money to invest in these kinds of investment opportunities that, in a normal American bank, you would not have a prayer of getting a loan. Let us defeat this Overseas Private Investment Corporation, take it back to the shop, try to fix the thing, and frankly, Mr. Speaker, try to phase it out. Less government is the motto of Congress.

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

Mr. Speaker, we just heard the gentleman from Ohio speak for 6 minutes and he did not say anything.

The truth of the matter is this program has not cost the American taxpayer one cent. In fact, there is $2.5 billion in the U.S. Treasury because of this program, and it will increase to $5 billion in 5 years. Those are the facts. That is not a bunch of demagoguery.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, I certainly rise in support of H.R. 3759. I want to speak a word of appreciation to the gentleman from Wisconsin, Mr. ROTH, and the gentleman from Connecticut, Mr. GEJDENSON, Mr. ROTH, the chairman of the Subcommittee on International Economic Policy and Trade, and Mr. GEJDENSON, the ranking minority member, for their very excellent work in producing this legislation.

All of these agencies that are involved here, the Overseas Private Investment Corporation and the Trade and Development Agency and the Internationational Trade Administration, are very cost-effective and very excellent organizations. They receive uniformly high marks from the people who know them best, their clients, the thousands of firms and workers whose exports they promote. The demand for the services of these groups keeps rising.

Let me just take a moment to respond to some of the charges that are made against OPIC. The usual charge is that this is corporate welfare. The fact of the matter is, however, that the programs here are fully paid for by the fees and the premiums it charges customers and by the interest that it has earned on the reserves. There is no welfare here. There is no drain on the taxpayers' dollars here.

The charge of corporate welfare is simply wrong. It is misguided. Corporate welfare would be an appropriate label if OPIC gave away something for free, but it does not. The programs are fully paid for by the corporations which participate through fees and through premiums. OPIC, as the gentleman from Wisconsin has pointed out, is of enormous benefit to the U.S. economy. Since 1971, it has generated $40 billion in exports. That means profits for companies, and it means jobs for American workers. The estimate is that it has supported about 200,000 jobs in this country. That explains why OPIC has the support not just of corporate America, but also for the union movement.

If there were in fact corporate welfare, does anybody in this Chamber believe that the American union movement would support it? Of course, they understand that they get jobs from it. So some critics say the foreign investment by OPIC costs American jobs, but OPIC is forbidden by law to back any foreign projects that are likely to adversely affect U.S. jobs and exports.

In addition, OPIC supports U.S. foreign policy interests. That is an important point to make her. Not only does it produce more jobs in this country, not only does it produce more profits,

not only is it not corporate welfare or any drain on the taxpayers' money, but OPIC supports American foreign policy interests. It uses the genius of the American private sector to promote the development of market economies in former Communist and other countries. It generates jobs and exports and growth in countries whose economic success is in our national interest. And, as has been pointed out, it helps reduce the Federal budget deficit.

The user fee, the premium, the interest earnings have enabled OPIC to turn over a profit to the United States Treasury every year of its existence. OPIC expects to contribute another $900 million to deficit reduction in the next 5 years. And OPIC has proven to be a safe investment for U.S. tax dollars. It has over a $2.5 billion reserve to cover loan defaults and insurance payouts. Yet, OPIC has historically paid claims for only 1 percent of the insurance it is provided, and fewer than 5 percent of the loans have defaulted.

OPIC does things for American exports and foreign policy that no private sector entity can do. It supports projects in places that are important to the United States, but where private firms are not ready to go. OPIC's unbroken record of profitability shows it can provide that support and still remain financially sound. This is a very small but very valuable agency. It has earned our support for more than two decades. It does not approach any definition of corporate welfare, and it deserves our continued support toady.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois [Mr. JACKSON], one of our newer Members.

Mr. JACKSON of Illinois. Mr. Speaker, I thank the gentleman from Minnesota for yielding time to me. Mr. Speaker, I rise today in strong opposition to H.R. 3759, a contentious bill which in my opinion is incorrectly being considered by the House today under suspension of the rules, a procedure normally reserved for noncontroversial measures. Just before we broke the August work period, a majority in this body voted to end Aid to Families with Dependent Children. This bill today will, in effect double one means of providing Aid to Dependent Corporations—the Overseas Private Investment Corporation—an agency of the Federal Government which provides welfare to America's largest corporations.

OPIC bestows corporate welfare upon multinational corporations through direct loans, subsidized loan guarantees, and political risk insurance. Secured by U.S. taxpayer dollars, OPIC provides American Fortune 500 companies with the incentive to enter into risky transactions from which conventional lenders have shied away. With the full faith and credit of the U.S. Government backing up their business ventures, OPIC's corporate clients have eliminated thousands of American jobs. With the destabilizing effects of corporate downsizing on American workers and their families, we should not be providing incentives for America's corporate giants to invest abroad, taking advantage of low-wage labor costs, lower standards, and often exploitive working conditions of Third World countries, rather than reinvesting and creating good jobs at home. We need to raise their standards toward ours, not lower ours to meet theirs in this increasingly global economy.

Mr. Speaker, at a time when our Government is calling upon the poor, children, and legal immigrants to make sacrifices in the name of balancing the Federal budget, I cannot imagine a more inappropriate climate in which to reauthorize—and, in fact, double—OPIC's financing authority from $9 to $20 billion and insurance ceilings from $13 to $25 billion. Under good circumstances, OPIC's corporate borrowers yield a private profit, boosting their bottomline and the dividends for their shareholders. Under bad circumstances, in the event that OPIC's multinational corporate borrowers default on their private obligation the burden becomes a public one. A private profit and a public loss—that's socialism for the rich. It is the U.S. taxpayer who will bear the burden of the risky or unstable conditions surrounding these investments.

It is true that OPIC has provided a vehicle for promoting investment in developing nations and regions previously ignored from projects in Sub-Saharan Africa, in Poland and to the now exploding investment opportunities in Russia and countries of the former Soviet Union. I support foreign aid and direct investment, both private and public, in developing nations. But OPIC is a bad vehicle because it privatizes the corporate benefits but potentially leaves American taxpayers vulnerable to corporate losses.

Have we not learned anything from the savings and loan debacle of the 1980's—just because there have not yet been huge losses associated with OPIC's investments, as its proponents claim, this does not guarantee future good fortune. The same claims of solvency were made by FSLIC, the Federal Savings & Loan Insurance Corporation until its crisis years. Hindsight is 20/20 one decade and $180 billion in taxpayer bailout dollars later.

OPIC has already placed $8.7 billion of the U.S. taxpayer dollars at risk. In 1995, OPIC made loan guarantees to DuPont for $200 million, and $165 million for CocaCola; and provided $842 million in investment insurance for Citicorp, a company with a net income of $3.5 billion in that same year. We cannot continue to underwrite the foreign investments of America's largest corporations. In doubling OPIC's corporate welfare, we are, in effect, aiding and abetting the downsizing of the American work force and the downsizing of the American dream.

Let me be clear * * * We just ended welfare—Government assistance to millions of poor people in our own communities, yet we are providing Government assistance to companies to invest in foreign countries. Before we take care of people in other countries we must take care of our people here at home.

Imagine what we could do if we invested the $120 million we're talking about today to leverage investments in our cities, our neighborhoods, and communities. It should not be used to make it easier for American companies to invest in Warsaw businesses when Polish-Americans on the southside of Chicago can't receive the same type of assistance.

Mr. Speaker, from the Congressional Progressive Caucus to the centrist Progressive Policy Institute to the conservative Progress and Freedom Foundation, opposition to this egregious form of corporate welfare spans the political and ideological spectrum. I urge my colleagues to end corporate welfare as we know it and vote ''no'' on H.R. 3759.

□ 1715

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

Mr. Speaker, let me just say to my good friend from Illinois who spoke that if we want to have jobs for those people we are taking off welfare, we have got to have good-paying jobs, and this bill provides that.

Incidentally, the Machinists Union sent me a letter and it says, ''Contrary to assertions of critics of OPIC, American workers also have a stake in OPIC's reauthorization. OPIC should be permitted to continue its work in creating jobs for American workers.''

Not only 1 union but 15 unions, I say to my friend from Illinois. Again OPIC has not cost the American taxpayer one red cent.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3759, the Exports, Jobs and Growth Act of 1996. This measure promotes U.S. exports, spurs U.S. investment in overseas markets and promotes economic development—all at minimal cost to the American taxpayer. It is supported by a broad-based coalition of 15 business organizations and labor unions and more than 150 individual companies.

Adopted by a voice vote on July 10, 1996, by the International Relations Committee, this measure provides a 5-year authorization of the Overseas Private Investment Corporation.

I want to pay tribute to my colleagues on the committee, on both sides of the aisle, who have worked long and hard on this legislation.

I congratulate the gentleman from Wisconsin, TOBY ROTH, the distingushed chairman of the International Economic Policy and Trade Subcommittee, who has taken a leading role in shaping this important legislation and bringing it to the House floor this afternoon.

Founded in 1971, OPIC is a U.S. Government agency that provides project financing, investment insurance, and other services for American businesses in developing nations and emerging economies.

Its consideration today is all the more important in so far as its operating authority expires on September 30 of this year.

In its 25-year history, OPIC has supported $43 billion in American exports and close to 200,000 jobs while building reserves of some $2.6 billion. Over the past 2 years for New York State companies alone, OPIC has provided insurance and financial support for more than 400 projects generating $4.5 billion in American exports and over 9,000 U.S. jobs.

This is one of the very few U.S. Government agencies that is self-supporting, returning money every year since its inception. Every dollar of its $189 million of net income last year was deposited in the U.S. Treasury.

OPIC has demonstrated an outstanding track record in avoiding claims and achieving recoveries: The Political Risk Insurance Program has had to pay only 1 percent in claims and has had a recovery rate of 98 percent.

In a February 1996 privatization study an outside consultant, J.P. Morgan, concluded that OPIC is adequately reserved for the business it has on the books and plans for the future.

This legislation does call for large increases in OPIC's operating ceilings for its insurance and finance programs. But these increases will be phased in over a time period of 5 years or more. In addition, there is a demonstrable need for OPIC programs from American companies in all of the emerging markets around the world.

Furthermore, the Congressional Budget Office, in its review of this bill, has concluded that even with these higher limits OPIC will make a positive contribution of some $600 million in reducing the size of the deficit.

By requiring OPIC to invest only in U.S. Treasuries, we are in effect reducing the amount that the U.S. Treasury has to borrow day-to-day to fund the deficit. As a result, the taxpayer benefits from the premiums paid by private companies who use OPIC's services. This is corporate ''workfare'' not ''welfare''.

The bill also provides a 2-year authorization for the export promotion programs of the International Trade Administration of the Department of Commerce as well as for the Trade and Development Agency.

Since its inception in 1981, TDA has provided feasibility studies, specialized training grants, and other forms of technical assistance to American businesses competing for infrastructure and other industrial projects overseas.

Finally, the bill requires the Trade Promotion Coordinating Committee to provide more comprehensive services to small- and medium-sized businesses.

In sum, this bill will support billions of dollars of U.S. exports, the creation of thousands of jobs at minimal cost to the taxpayer.

Accordingly, I urge its immediate adoption.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, we are talking today about the Exports, Job and Growth Act of 1996. Whenever supporters give a bill a motherhood and apple pie title like that, and who is not against exports, who is not for growth and jobs? But it is time to take a hard look when people give a title to a bill like that.

It should be called the doubling OPIC Act. That is what we are doing today. We are expanding and doubling a Government agency, the Overseas Private Investment Corporation, at a time when many on this floor have committed themselves to balancing the budget and encouraging the private sector by asking, Is this an appropriate role for government?

We have heard how OPIC does not give subsidies. We have heard that charge. But can anyone tell us how this is true? The fact is that not only does OPIC receive operating expenses from the U.S. Government, but most importantly what it does is it sells the full faith and credit of the U.S. Government. That is what it does.

Does that sound familiar? That is what the savings and loan industry did. It sold the full faith and credit of the U.S. Government.

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

Mr. ROYCE. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, how much money is OPIC going to cost the American taxpayer?

Mr. ROYCE. The answer, if it goes bust, about $25 billion.

Mr. ROTH. Has it cost the American taxpayer one red cent?

Mr. ROYCE. Let me respond to that. The savings and loan industry in the 1970's did not cost the taxpayer one red cent, but in the 1980's it certainly did.

Mr. ROTH. The gentleman has not answered the question.

Mr. ROYCE. Let me have my time; then you may have your time.

Mr. ROTH. The gentleman is yielding to my question, so I thought I would ask how much has it cost the American taxpayer. Not one red cent.

Mr. ROYCE. I just shared with you that it could cost the American taxpayer $25 billion because that is what you are putting the taxpayer on the hook for.

Mr. ROTH. That is not true.

Mr. ROYCE. Because you are ballooning this program up and, yes, it is the full faith and credit of the U.S. taxpayer that will be on the hook.

Mr. ROTH. That is not true.

Mr. ROYCE. There are no free lunches. As I said, this puts the American taxpayer on the hook. If we look at the countries that we are rating here, that we are insuring, some of them are rated as double F, double F by OPIC itself.

There is no end in sight to OPIC's expansion because OPIC has a good racket, because there is market value to Uncle Sam's backing, and that means OPIC discourages private sector competition.

The fact is that the private market in risk insurance will not reach its potential as long as OPIC is in business. Just read the recent J.P. Morgan report on OPIC. It does not make much of a case that private sector competitors are not being crowded out of the business. The J.P. Morgan report also says the demand for political risk insurance is growing.

So what is our response here today? Not faith that the market will expand to serve this new demand, but instead some say, Let's expand OPIC and deter private interests from taking this business.

There certainly are private alternatives to OPIC's latest and growing activity, and that is starting up investment funds for developing countries. Today there are hundreds of private developing country investment funds. Portfolio money is flooding into the developing world, all parts of the developing world.

Over the last several years several funds have started up to invest in Africa, long thought to be out of bounds for investors. Look them up, they are listed on the New York Stock Exchange. Individual Americans and institutions are buying these funds. So why is OPIC involved with the Africa Growth Fund or funds in Poland or Russia? The private sector responds; it does not need a government push.

Last, I will just say, what type of message are we sending to developing countries? We rightly preach privatization and the virtues of the free market, yet here we have OPIC giving Government subsidies. It sends the wrong message to the developing world.

Mr. ROTH. Mr. Speaker, just let me say so the American people know what is going on, there is not one red cent of Federal dollars involved in OPIC. OPIC is all private funds.

Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 3759. This legislation does not only deal with OPIC; it reauthorizes some of the most important export promotion programs including OPIC, the Trade and Development Agency, and the International Trade Administration.

I have heard some of my colleagues from Illinois, from Ohio, from California speak about this legislation. I would say I have always admired my colleague from Ohio. He is articulate. He is tenacious. He is also tenacious in holding onto a myth. Somebody has convinced him there is corporate welfare here. If you whisper, you shout that word, people get frightened. And, like mindless buffaloes, they stampede off the cliff or, like lemmings, they march into the sea.

We have to look out for what is in the best interests of the United States and our workers and our exporters. We have heard mention that OPIC might default. We have heard the old bugaboo raised about the savings and loan institutions. There is not a risk-free environment in the world.

But OPIC has been operating for 25 years. What kind of a record do you want? There has been no default. In fact, if you take a look at the conference report, I can tell you with verifiable numbers the following:

During the 25 years of its operation, OPIC estimates it has created $43 billion in exports to 140 countries. In direct jobs it has created at least 200,000 U.S. jobs, and they are good-paying jobs. And significantly, it is self-financing. There is no operation fund coming out of the U.S. Treasury. Through its own operations, it has funded them and it has built up in the process $2.5 billion in reserves to cover contingent liability, including deposits at the U.S. Treasury which of course we borrow because we are deficit financing government.

With a net income last year of $189 million, OPIC is able to cover, as it has always been, all of its own expenses and set reserves aside for insurance and financial risk through its own earnings.

For the U.S. economy to remain strong and vibrant in the 21st century, the U.S. Government must maintain and fund a comprehensive national export strategy. Exports currently account for nearly one-third of our Nation's reach growth. Yet stiff competition from export-driven economies in East Asia and the export-hungry countries of Europe constantly threaten the high-paying American jobs that are generated by these exports.

My colleague from Ohio mentioned the distinguished economist Milton Friedman. He is distinguished, but he is certainly not in the middle of the mainstream in the economists of the world or even the United States. He lives not apparently in a real world.

If we had a real world, we would not need OPIC, but we do not operate in a world in which other governments do not provide assistance to their exporters. They do. And more generously almost always than we do. If you want to retreat to an ivory tower. You can make a statement like the one quoted, but it is not realistic, ladies and gentlemen.

As the chairman of the Asia and the Pacific Subcommittee, this member witnessed firsthand how foreign governments take high-paying export jobs away from American workers. If this was bad for American workers, the first people here complaining about it would be organized labor and they are not here. They are supportive of this program.

Unclassified U.S. intelligence reports reveal that federal governments have stolen approximately $25 billion in recent years in potential U.S. contracts overseas by their generous assistance programs. How do these foreign governments take our jobs? Most importantly, they do not call export promotion corporate welfare. Political leaders in Germany, France, Japan, Canada, and all the industrialized countries of the world do not hesitate to give their exporters the tools necessary to win bids for lucrative infrastructure contracts in the world's developing countries.

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No, they are out there working and financing it.

Today in my office, this very day, I was visiting with a senior official from Japan's Export-Import Bank, the largest by far in the world. One can be sure that if this body fails to pass this legislation, he will be back in Tokyo and declare that 6 percent of the world's population, that is everybody that lives outside the United States, as Japan's markets, only to be shared with Europeans and the new tigers of Asia. And, he can report that America's political leaders have decided not to challenge Japan's aggressive pro-export government policies.

In a perfect world, government should not be required to assist their exporters, investors or their workers. But we do not have that situation. The lucrative rewards in jobs of gaining contracts in the developing world are simply too great for those countries to resist.

That is why Japan supports over 36 percent of its total exports with some form of export credit. That's right, Japan supports over 36 percent of its total exports with some form of export credit. Compare that to the United States paltry figure of 2 percent of total exports.

Mr. Speaker, the U.S. Congress will severely disadvantage U.S. exporters and investors if we choose to unilaterally disarm. In the highly competitive race for global markets, OPIC and TDA are to American jobs what missiles and tanks are to our national security.

Therefore, this Member urges his colleagues to support H.R. 3759, the Exports, Jobs, and Growth Act of 1996.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there has been a lot of talk on this floor about how this program does not cost any money. I would just like to read out of the committee report here, page 11, where it has got the Congressional Budget Office cost estimate. ''For 1997 through 2001, the net budgetary impact of title I is the increased cost by $120 million a year over current law.''

That is just in black and white.

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

Mr. PETERSON of Minnesota. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, not only does it cost the American taxpayers and come out of the budget to a tune of $120 million, I am not sure if my colleagues understand what a loan guarantee is. A loan guarantee by the Federal Government means if the loan goes bad, the Government makes the loan good. That is the direct liability by the taxpayers of this country involved in these programs.

If you have got an F minus-minus rating and you go under, guess who picks up the bill? The barber in Westerville picks up the bill, the beautician in Wheeling, WV, picks up the bill.

Look at this loan portfolio. We not only have direct costs of running this program, but tremendous liabilities to the taxpayers involved in loan guarantees from the Federal Government.

Mr. PETERSON of Minnesota. Mr. Speaker, reclaiming my time, we went through this with the savings and loan situation. I would like to know, the statement was made earlier this is all self-financing. What do you charge an F minus-minus company to make it a viable situation? How much do you have to charge a company like that? If you went into a bank and had an F minus-minus credit rating, you would not get a loan at all. So I think we need to get the whole facts of this out.

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

Mr. PETERSON of Minnesota. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Ohio, in the 25-year history of OPIC, have they ever failed to generate a net operating surplus? Have they ever?

Mr. KASICH. Mr. Speaker, if the gentleman will yield, let me just say to the gentleman, I will get you the loan portfolio chart. No banker that I have ever met in my lifetime would make these kinds of loans to somebody trying to go in and borrow money to build a house or create a small business. The simple fact of the matter is, is that this portfolio and the studies indicate that this portfolio is so risky you could not even privatize this operation, for the simple fact that people know that they would stand to lose billions and billions of dollars if these loans go bad, and I will anticipate that some of them in fact will.

If this is such a wonderful program, creating all these jobs that are so profitable, my question is why do you need the taxpayers to bail you out?

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I would like to thank my colleague for yielding me time.

Mr. Speaker, my colleague from Ohio just hit the nail on the head in this entire thing. What we are talking about, for folks at home who may be confused about this debate, is an insurance program run by the Federal Government for corporations who want to invest in risky political situations. They want to invest in risky political situations. We are running an insurance program for major corporations.

Now, the argument you will hear from supporters of this program is if we did not run OPIC, there would not be any U.S. exports and American companies would not invest overseas without OPIC's insurance program.

The fact of the matter is, that is not true. Of the $612 billion currently invested in developing countries, a third of them are insured by private companies who provide private insurance. You do not have to have the Government run it, they provide private insurance.

Of the 10 leading countries that the United States does export programs with, OPIC is not involved whatsoever. There is not a single OPIC dollar involved. So there are going to be export jobs out there whether or not OPIC exists, whether or not OPIC invests this money.

Listen to the irony. Here is what we are doing with OPIC. We are investing money in Eastern Europe that involves risky business deals. What we are doing in Eastern Europe is to try to help government-run corporations to make the transition to a private sector. In order to do that, we have to run a government corporation. We are trying to end government subsidies in Eastern Europe by running government subsidies right here in Washington, DC.

The bottom line is what this is about is the taxpayers' exposure for risky loans overseas. We are going to double it, in fact, up to $25 billion for one program, and $20 billion for the other program.

Who is going to get the money? Well, Coke, Union Carbide, Motorola. Last year Citicorp had income of $3.5 billion, and OPIC guaranteed $842 million. Citicorp is a bank, they do loans, they do investments. If they are coming to us to ask for insurance, does not that tell you maybe they are not too certain this portfolio is going to pay off?

It is bad deals for the taxpayers. We may not have lost money, but $20 billion, $25 billion, is at exposure for U.S. taxpayers. We should be ending OPIC, not doubling it.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Washington, DC [Ms. NORTON].

Ms. NORTON. Mr. Speaker, let me try to rebut two points that have been made here.

Makes money. First of all, we lose right off the top. OPIC pays no taxes, pays no dividends, and two-thirds of its income comes from Treasury securities, from us to us. Second, unions who support it, there are always some unions who profit from exports. The real question for us is do we make up in the loss of jobs here?

For example, let me take four of the large OPIC users. Ford, minus 160,000 jobs here; Exxon, minus 83,000 jobs here; AT&T, minus 127,000 jobs here, General Electric, minus 185,000 jobs here.

When you show me they are making up for that kind of loss of jobs, you will get me.

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

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 15 seconds.

Mr. ROTH. Mr. Speaker, they say reason cannot beat emotion. I think reason can beat emotion. I am appealing to your reason. What other bill have we brought on the floor of this House that creates 123,000 good paying jobs? None. In 5 years, this bill will create $38 billion in exports. This OPIC has not cost the American taxpayer one red cent, but in the Treasury we have $2.5 billion because of this bill.

Mr. Speaker, this is a good bill. I appeal to your reason to pass this bill for the American people.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 3759, the Exports, Jobs and Growth Act of 1996. This measure reauthorizes the Overseas Private Investment Corporation [OPIC], the Trade Development Agency [TDA], and the International Trade Administration [ITA].

Over the past 20 years our Nation's trade deficit has ballooned to over $100 billion, eliminating thousands of jobs and lowering standards of living for many Americans. Ironically, as the world economy becomes more globalized due to the North American Free-Trade Agreement [NAFTA] and the General Agreement of Tariffs and Trade [GATT], other governments have increasingly subsidized their companies' operations and have gained larger market shares with their respective products. Consequently, many American companies are left at a competitive disadvantage.

To meet this challenge we need to maintain agencies, like OPIC, TDA, and ITA, that promote and strengthen our Nation's trade goals and objectives. According to the General Accounting Office [GAO], OPIC is a ''net negative'' program. In other words, OPIC pays for itself. OPIC has successfully operated for 25 years and its programs are user-fee based, not taxpayer financed. Nationally, the Overseas Private Investment Corporation supported 200,000 American jobs and generated $43 billion in exports. Small and medium size American companies are direct beneficiaries of this program.

Through the ITA and TDA, companies from Hawaii are able to obtain market data and initiate contacts with foreign firms. Moreover, small businesses have increased their share of the TDA awards from 22 percent in 1992 to 40 percent in 1995. In addition, this bill ensures a better coordinated export promotion service to small and medium-size businesses. The TDA supported 140,000 jobs and generated $7 billion and the ITA supported 92,000 jobs and generated $5.4 billion in 1995.

In the State of Hawaii, an estimated 230 exporting companies depend on these agencies for support. As Hawaii continues to diversify its economy, these agencies will play a greater role in the overall trade growth and investments in the islands. In 1992, Hawaii exports totalled $15.3 million, 50.5 percent of the Gross State Product [GSP].

The services OPIC, TDA, and ITA provide to America's small and medium size businesses is essential to gaining access to foreign markets, continued growth of the export market and is the catalyst to U.S. competitiveness in a global economy.

We are starting to make some headway in the battle to decrease our trade deficit. In June, the Department of Commerce reported that our trade deficit fell to $8.1 billion, a 23 percent decrease from the month of May. Overall, the U.S. trade deficit $8.7 billion less than last year. With the help of all these agencies, foreign markets once closed to American products and services are now more open than ever. Unless we provide trade assistance to our small and medium size businesses, our trade balance with other countries will continue to soar and many more American jobs will be lost.

I urge my colleagues to support H.R. 3759.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of this important legislation. These programs are vital for maintaining our international competitiveness. The expansion of OPIC's insurance and finance authority is desperately needed to meet the demands of American businesses' increasing foreign investment. TDA is also important for providing American engineering firms the level playing field they need to compete in providing infrastructure to the developing world. As we know, this investment produces American exports, and these exports produce jobs. And the Foreign Commercial Service works directly with American exporters, both in this country and abroad, to assist them in dealing in foreign markets.

I am especially pleased that this legislation provides for special emphasis for assistance to small businesses. The export market is a key untapped resource for many American small businesses. They need the assistance of OPIC and especially the Foreign Commercial Service both in its American offices and at our embassies overseas.

Finally, I would like to refute the claims of those who say that this is corporate welfare. It is rather the Government performing its legitimate function of assisting American citizens in their dealings with foreign countries. In many countries, foreign trade and investment is still heavily regulated by the government. The only institution that can deal with those foreign government agencies as an equal is one affiliated with our Government. OPIC and TDA do not use taxpayer money to give one American business an unfair advantage over another American business, they use user fees to give American businesses an equal shot at competing with foreign businesses—all of which have equal or greater support from their own governments.

I hope this bill can be quickly enacted into law.

Mr. ANDREWS. Mr. Speaker, today the House will vote on H.R. 3759, to reauthorize one of the most egregious examples of corporate welfare in the Federal Government, the Overseas Private Investment Corporation

[OPIC]. OPIC provides subsidized loans and insurance to large corporations for overseas investments, backed by the full faith and credit of the United States. OPIC gives corporations risk insurance at bargain-basement prices, to promote their expansion in unstable regions around the world, where private markets would be unwilling to lend at such low rates.

OPIC has placed at risk over $8.7 billion of taxpayer money. OPIC's generosity is extended to many Fortune 500 companies. DuPont received $200 million in loan guarantees. Coca-Cola obtained a loan guarantee of $165 million. Citicorp, with a net income of $3.5 billion in 1995, received $842 million of OPIC insurance. US West received $100 million in financing last year, while making a $1.3 billion profit. OPIC has helped other profitable companies, including McDonald's, Motorola, and Pepsi Cola.

H.R. 3759 doubles this corporate welfare, by increasing OPIC's ceilings for insurance and subsidized loans. H.R. 3759 doubles OPIC's cap on investment insurance, from $13 billion to $25 billion, and doubles OPIC's financing authority from $9 billion to $20 billion. Recently, we reduced welfare for the poor. We should not now double welfare for rich companies.

OPIC's corporate welfare hurts American workers. In 1994, Kimberly-Clark obtained $9.27 million from OPIC; the same year, the Labor Department certified that 600 of Kimberly-Clark's U.S. employees were adversely affected by the company's increased imports. Similarly, Levi-Strauss obtained $1.8 million in OPIC insurance, while the Government stated that 100 Levi-Strauss workers in the United States were hurt by the company's overseas trade. We should not encourage the largest corporations in America to invest abroad rather than reinvesting in America and creating jobs here at home.

OPIC puts taxpayer dollars at risk. OPIC obligates American taxpayers to underwrite the insurance for the possible loss of private investments by America's richest companies. OPIC has risked over $8.7 billion of U.S. taxpayer money in these markets. If there is political turmoil in an unstable country, and large companies lose their assets, the American taxpayers will have to bail them out. Taxpayers have already paid $80 billion to bail out Savings and Loans—we should not ask them to pay if OPIC's projects go bust.

OPIC wastes scarce Federal dollars. Proponents of OPIC claim that it has actually brought $2 billion to the Treasury. But OPIC does not generate income. Rather, OPIC generates reserves against possible potential insurance claims, which is not income to the Treasury and will not help offset the deficit. If there are claims against OPIC's outstanding insurance, these reserves could be wiped out. And OPIC gives loan guarantees, as well as insurance. If borrowers default on OPIC's outstanding loan guarantees, taxpayers will have to bail it out.

OPIC supports unnecessary projects. McDonald's received $14 million in loan guarantees to build 16 fast food restaurants in Brazil. OPIC guaranteed $27 million in loans for the renovation of a luxury hotel in Jamaica. OPIC even gave loan guarantees to a Costa Rican banana plantation, an Ecuadorian shrimp farm, and an art gallery in Haiti!

I urge my colleagues to join me in opposing the massive expansion of corporate welfare in H.R. 3759.

Mr. MANZULLO. Mr. Speaker, do you want to do something about improving wages and job security for your constituents? Then, support this bill.

As chairman of the Exports Subcommittee on Small Business, I held eight hearings on Federal export promotion programs. I've come away convinced that these programs are very helpful to small- and medium-sized firms, especially those new to exporting. What I discovered at these hearings is that the main problem facing small business is a lack of timely, accurate, and cost-effective information in finding potential customers overseas. This bill authorizes the trade functions of the Department of Commerce, including export assistance centers like the one headed by James Mied in Rockford, which small business exporters can use to find this information.

Many pundits have directed low wage growth and company downsizing. But several academic studies point to a growing correlation between companies that decide to export and higher wages, benefits, increased productivity, and more jobs. A study sponsored by the respected Institute for International Economics and the Manufacturing Institute concluded that:

First, firms that export grow jobs almost 20 percent faster than comparable nonexporting firms; second, exporting plants are 9 percent less likely to shut down than similar nonexporting plants; third, exporters pay their workers up to 10 percent more than nonexporting firms; and fourth, worker productivity is 20 percent higher at exporting firms.

What many do not realize is that these amazing statistics apply equally to small firms located in the heartland of America. During the early 1980's, Rockford led the Nation in unemployment at 26 percent. Now, thanks to an export-driven recovery over the past decade, Rockford has now one of the lowest unemployment rates in the country at 4 percent. During my visits to the 16th District, I am constantly amazed at the number of small firms engaged in world trade. RD Systems of Roscoe manufactures assembly machinery. Six years ago, they employed 11 people and only 5 percent of their business went overseas. Now, they employ 30 people and 60 percent of their business are exports, including a $1.7 million sale to China of a machine to manufacture cellular phone batteries. I find this repeated over and over throughout the 16th District where a little help from the Rockford export assistance center was the difference in making an overseas sale. If we want small firms to stay alive and grow, then looking to foreign markets should be one tool in their arsenal. I ask unanimous consent to insert in the RECORD a story from Business Week detailing this nationwide phenomena and an article from the Rockford Register Star providing local examples.

The Federal Government can serve as a helpful partner through OPIC, TDA, and the Department of Commerce International Trade Administration division in encouraging more and more small businesses to enter the global marketplace. This is not corporate welfare. This one important way we can grow jobs and increase job security in this country. And, H.R. 3759 raises revenue from corporations for the Government because OPIC's political and commercial risk insurance premiums brought in $122 million into the Treasury last year.

That's why the title of this legislation, the Exports, Jobs, and Growth Act of 1996, is aptly named. I also appreciate the willingness of Chairman ROTH to accede to my request to place in the statutory mandate of the Trade Promotion Coordinating Committee a requirement that they identify more ways they can coordinate export promotion services to work for small- and medium-sized businesses. Big companies have their own sources of information and more resources at their disposal. Encouraging more small business to become ready to export must be a top priority of the TPCC.

Finally, Mr. Speaker, I could not let this opportunity pass without a salute to the magnificent work of the chairman of the International Economic Policy and Trade Subcommittee, Mr. ROTH of Wisconsin. TOBY, this may be the last time, as a manager of a bill on the floor, that we can formally thank you for your service to this House. We will all miss your leadership next year.

Thank you, Mr. Speaker, for your indulgence, and I urge the adoption of this bill. The U.S. Chamber of Commerce; the Coalition for Employment Through Exports; the National Foreign Trade Council; and the United States-Russia Business Council are but a sample of the organizations in support of this legislation. Let's pass this bill on suspension today so that the other body can act expeditiously before OPIC expires at the end of this month.

[Special Report from Business Week, Apr. 17, 1995]

IT'S A SMALL (BUSINESS) WORLD

(By Amy Barrett in Washington)

For 102 years, Bicknell Manufacturing Co. has made industrial drill bits for construction equipment at its modest plant in Rockland, Me. For most of that time, the family-owned concern thrived, with growth of about 8% a year in the late 1980s. Then came the 1990 recession. The construction market withered—and with it demand for Bicknell's products. As sales stalled, the company scrambled for new business. ''We had to change course,'' says John E. Purcell, Bicknell's general manager.

With little likehood of a quick turnaround at home, Bicknell set its sights on markets abroad. ''There was much trepidation, with a capital T.'' says Purcell, 38, recalling that none of the 65 employees at the $4 million company had had any foreign experience. Still, with construction booms in Brazil, Colombia, and Mexico, the foreign market was beckoning. After Purcell found a distributor while visiting Mexico on a trade mission sponsored by the Small Business Administration, Bicknell began exporting to Latin America two years ago. And Purcell couldn't be more delighted with the results. He has just signed a deal to begin selling in China and Vietnam. This year, Purcell expects international sales to grow 20%, for 15% to 20% of the company's total revenue. ''We're starting to see it pay off,'' he says.

Purcell's enthusiasm is just one case of a new global fever to hit U.S. business. This time, instead of afflicting the goliaths of Corporate America, it's sweeping through the ranks of U.S. entrepreneurs. Whether they're seeking to escape sluggish markets at home or build on their successes, more small companies are looking beyond the local and regional markets that have long nurtured and sustained them.

A survey of almost 750 companies by Arthur Andersen & Co. and National Small Business United, a trade group, found that 20% of companies with fewer than 500 employees exported products and services last year. That's up from 16% in 1993 and 11% in 1992, the first year the survey was conducted.

And many experts expect that the trend will continue as more and more small businesses plumb the potential of foreign markets. ''It presents a huge growth opportunity,'' says David L. Birch, president of economic researcher Cognetics Inc.

The push abroad by a whole new stratum of U.S. companies is having a profound impact on the trade front. True, the $200,000 in foreign sales that Bicknell chalked up last year is nothing compared with Boeing Co.'s $11.4 billion in exports. But together, small companies are helping fuel an export explosion that has more than doubled total overseas sales since 1986, to $696 billion last year. While service sector exports are difficult to measure, DRI/McGraw-Hill figures that small businesses could account for 50.8% of the $548 billion worth of manufactured goods that the U.S. will likely export this year, up from 45.5% a decade ago.

Entrepreneurial success overseas is bound to produce other economic benefits. Bountiful markets abroad could insulate small companies from periodic downturns at home. And as it carves out more foreign business, small business could enhance its reputation as the job generator of the 1990s. ''A lot of small businesses adding five or six people may not sound like much,'' says Donald T. Hilty senior fellow at the Economic Strategy Institute in Washington. ''But when you add it all up, there's real potential for job creation.''

Tiny Lucerne Farms in Fort Fairfield, Me., is certainly doing its part on the job front. Thanks to the dollar's precipitous drop against major currencies in recent months, George A. James, president of the $350,000 horse-feed company, says his products are 25% cheaper in yen terms compared with a year ago. That drew an inquiry from a Japanese distributor. Now, orders from Japan could double his total revenue this year. To keep up with the flood of business, James is planning to take on five new employees on top of his current eight-person team. ''Without this international business, we could never expect to grow as rapidly and add these jobs,'' he says. ''This is a real shot in the arm.''

High-profile pacts such as the North American Free Trade Agreement and the General Agreement on Tariffs & Trade have also accelerated the march by small business into the global arena. Both agreements have gone a long wait toward lowering barriers to imports in foreign countries, while alerting entrepreneurs to opportunities abroad.

Jeff A. Victor, for one, credits NAFTA for his surging export volume. The general manager of $6 million Treatment Products Ltd., which makes car cleaners and waxes, had been trying to expand his small presence in Mexico since 1990. But stiff Mexican tariffs that ran as high as 20% made that impossible for the Chicago-based company. Six months after NAFTA went into effect in January, 1993, and tariffs started gradually dropping, Victor says he landed contracts with almost every major retail chain in Mexico, including Futurama, Gigante, and Soriana. His shipments to Mexico have tripled, to roughly $300,000, about 20% of the company's total exports. Victor concedes that Mexico's financial meltdown has hurt. One retailer has put a big order on hold. But he's sticking it out. To make his car wax more affordable to Mexican consumers, he's considering selling it in smaller bottles. ''After selling in Mexico for five years, I'm not going to pack my bags and leave,'' he vows.

RISKY SHORES

The threat of a Mexican-style calamity in other countries isn't the only thing that makes venturing abroad so risky and complicated. Lining up customers and distributors—tough enough at home—becomes an enormous challenge when a market is a continent away. And then there's financing. Lenders are already leery of small companies. But the thought of a pint-size outfit venturing into uncharted markets is enough to give some bankers the vapors.

They have reason to be worried, because plenty of small companies are innocents abroad. Many entrepreneurs get their first taste of global markets by filling stray foreign orders that come their way. Often generated by referrals or chance meetings at domestic trade shows, these orders are quick and painless to fill—and can give the false impression that exporting isn't so tough. ''A lot of small businesses export opportunistically,'' says Abby K. Shapiro, chairman of International Strategies Inc., a trade consulting firm. ''The problem is not enough of them do it thoughtfully.''

Lack of proper preparation can lead to costly mistakes. John P. Woolley, general manager of PC Industries, recalls how he shipped a $10,000 replacement computer component to a French customer six months ago and was stunned when he was billed $2,500 for value-added tax. Woolley's company had to absorb the unexpected bill. He says such expensive lessons are causing his $3 million Glenview (Ill.) company to rethink its overseas commitment. ''The jury is still out on how strongly we'll pursue it,'' he says.

For small companies that decide to persevere with their export strategies, identifying suitable markets is generally the first step. Many turn to federal and state agencies for market information (page 101). The U.S. Commerce Dept., for instance, has a trade database available through its 73 field offices and public libraries. The database has research reports on 117 industries in 228 countries.

It's a good starting point for figuring out what's hot and what's not. Right now, environmental companies—those specializing in everything from waste-water treatment gear to landfill management—are finding opportunities in the newly industrialized markets of South Korea, Indonesia, Malaysia, and Taiwan. And in Latin America, a growing middle class is fueling a new wave of health consciousness. Companies making cholesterol-testing equipment, for instance, may find eager customers in Brazil and Mexico.

Some entrepreneurs display a lot of ingenuity when scoping out markets. Harden H. Wiedemann, chairman of Assurance Medical Inc., a $2 million Dallas company that sells alcohol- and drug-testing services, uses the Internet. He says he has found voluminous online information on the growing concern with alcohol-related problems in Argentina. ''Some of the best information we fund we just stumbled on as we were surfing around,'' he says

FARTHER AFIELD

Not surprisingly, most first-time exporters head north of the border. With few language barriers, a similar business culture, and now NAFTA. Canada is the most appealing market for small companies. But entrepreneurs, emboldened by past trade triumphs or tempted by flourishing markets, are setting their sights on more distant climes. Fully 12% of those responding to the Arthur Andersen/Small Business United Survey say they export to Western Europe in 1994, while 11% targeted fast-growing markets in the Asia-Pacific region.

Heather Stone has certainly expanded her horizons. Last year, she began selling her invention— a scooter for people with leg or foot injuries—to a distributor in Canada. Then last fall, Stone was invited by the Japan External Trade Organization to display her product, called Roller-Aid, at a Japanese trade show. She now expects her company, Stoneheart Inc. in Cheney, Wash., to start shipping to Japan this summer. She figures exports will generate about 20% of her company's $500,000 in sales this year. ''This international business just kind of fell in my lap,'' she says with a smile ''For me, it wasn't as difficult as I expected.''

Chasing emerging markets requires something many entrepreneurs already have: a stomach for risk. Like his counterparts at much bigger companies, Robert A. Giese of RGdata Inc. was quick to set his sights on untapped markets in the then-Soviet Union—as early as 1989. The Rochester (N.Y.) computer-net-working company that he founded in 1974 hadn't done any serious exporting. But he felt the opportunities in Russia and nearby countries were overwhelming. True, shipping was a nightmare, and phone communication was in the dark ages. But he says waiting until a market is stable makes no sense: ''By then, everyone already has a dance partner.'' In 1989, he teamed up with three other small companies to pay for a $25,000 booth at a Commerce Dept.-sponsored trade show in Moscow. Last year, 20% of his $19 million in business came from former Soviet countries.

Some entrepreneurs have turned themselves into globe-trotting promoters to drum up business. Katherine Allen, who with her mother runs Allen Filters Inc., figures she spends almost a third of her time abroad, schmoozing with potential customers for her oil-cleanup products and services. Allen reckons that, of her yearly $4 million in sales, half comes from exports, thanks to her network of contacts from Singapore to São Paulo. And now—two years and numerous cocktail parties after her first visit to Beijing—she has potential customers in China. Allen Filters may not have the marquee value of big U.S. exporters, but Allen says her journeys have convinced her that a small company can make it if it understands markets and customers. ''If they have a good foundation, I think the world is open to most small businesses,'' she says.

For the typical small company, however, a foreign partner or distributor is the only access to a new market. It's a crucial relationship. Lazy distributors won't do much for business, while inept or unsavory ones can ruin a small company's reputation in a new market. Two years ago, computer maker WIN Laboratories Ltd. in Manassas, Va., pulled out of a joint venture in Chile, blaming its Chilean partner for customs delays and weak sales. ''It hasn't soured the outlook on exporting here,'' says Mark H. Magnussen, WIN's director of business development, who is considering joint ventures in Brazil and Mexico. ''But in the future, we'll do a lot more legwork.''

FISH STORY

Such research doesn't have to mean frequent trips to far-flung ports of call. One gold mine of information: U.S. companies that sell related products. Fred Hansen, vice-president for marketing at Mardel Laboratories Inc. in Glendale Heights, Ill., which makes water conditioners and other supplies for tropical-fish aquariums, hired a distributor in Hong Kong after contacting Penn Plax Plastics Inc., a Garden City (N.Y.) company that sells plastic underwater plants. The company didn't compete with Mardel, but it knew both the distributor and the industry well.

Small companies with bigger budgets can participate in trade shows sponsored by state and federal agencies. The Commerce Dept.'s Gold Key program, for example, can arrange for a small-business executive to meet with prescreened potential partners in a foreign country. Jim DeCarlo, president of Phenix

Technologies, based in Accident, Md., met his Spanish distributor on such a jaunt. He spent three days in Madrid in 1993, meeting with potential partners at the U.S. embassy. The trip cost the company, which makes electrical testing equipment, roughly $3,500—a wise investment, says DeCarlo. ''I wouldn't have known where to start'' to look for a partner, he concedes.

Like their bigger brethren, some small businesses are establishing overseas arms. Eli E. Hertz, founder of Hertz Computer Corp. in New York, bought a small distributor in Israel in 1990 to sell his equipment. He says being nearby to handle his clients' servicing needs gives him an edge over rival exporters. Today, Israeli customers account for 25 percent of his $10 million in sales. ''Being there is a huge advantage,'' Hertz says. His customers agree. ''When they get a call, they're here in four hours,'' says Shlomo Stern, the head of systems operations for OFEK Securities & Investments Ltd.

Whatever their strategy for penetrating foreign markets, small companies inevitably find that lining up trade financing to pay for manufacturing or to extend credit to customers is the stiffest challenge of all. Many U.S. banks abandoned trade financing in the 1980s after the Latin American loan debacle. Even banks though to be entrepreneur-friendly shy away from tiny, complex, labor-intensive trade finance deals. Jeanne A. Hulit, vice-president for international banking at Key Bank of Maine, a unit of KeyCorp, says one recent small trade loan—less than $100,000—took so much time and energy that she might require an up-front fee from exporters in the future. ''It was way too much work for a small loan,'' says Hulit.

Some small companies have benefited from trade finance programs sponsored by government agencies. Phenix Technologies' DeCarlo recently lined up a $400,000 revolving credit for his export business with the help of a guarantee from the Maryland Industrial Development Financing Authority. But such programs are poorly funded. Though the Small Business Administration and the Export-Import Bank have doubled the size of their financing programs since 1991, together they guaranteed only $253 million in export-related lending for small businesses in 1994.

And entrepreneurs still complain about excessive paperwork. Last fall, Thomas Parks, chairman of 423 million Quickway Industries, applied for a line of credit backed by the ExIm Bank to boost his company's auto machine-tool exports. The bank wanted to see audited financial statements for the past three years from Parks' customers. When Quickway asked six big foreign customers for such documents, all but one flatly refused, Parks says. ''They said: 'It's just too complicated dealing with you guys,' '' he recalls. In the end, Parks continued to draw on his company's own limited cash flow to finance his export expansion. But he says he hasn't grown nearly as fast as he had hoped.

Unfortunately for small companies, there's plenty more red tape awaiting them overseas. Foreign governments impose standards for imported goods that are often intended as barriers to imports. The Commerce Dept. figures that for the typical U.S. machine manufacturer, the cost of additional paperwork and certification can add up to $100,000 a year. That's a big bite for any company and potentially crushing for a small one. On top of that, importers often insist that suppliers meet guidelines set by the International Organization for Standardization. The group, representing 91 countries, sets quality measures on manufacturing procedures, design, and servicing. Many small companies find the certification too costly and time-consuming.

Of course, no one said that exploring exotic markets would be easy. It never has been—neither for caravan drivers plying the Silk Road nor for sailors seeking the Spice Islands. But like them, today's entrepreneurs know that playing it safe by staying at home may be the riskiest strategy of all.

WANT TO GO GLOBAL: HERE'S WHERE TO FIND HELP

At one time or another, many small businesses have toyed with the idea of going global. But just understanding the paperwork and bureaucracy associated with exporting can be daunting. Information is hard enough to come by. Even though the Commerce Dept. is more supportive of small business these days, it's still widely viewed as an advocate of big companies. And many entrepreneurs have given up in sheer frustration. Joel Krieger, head of marketing for Taub Floor Coverings Inc., a $3 million company based in Staten Island, N.Y., put his global plans on hold three years ago when he realized he didn't have the time or the staff to devote to coping with the complexity of foreign markets. ''Just gathering the information available was staggering,'' he recalls.

Yet for small businesses willing to do their homework, there are a number of excellent resources to help them get started. They are relatively low-cost services; many are free of charge. In the long run, the guidance these services offer can speed up a new exporter's entry into foreign markets while helping to sidestep many of the most common—and costly—blunders. Here are just a few places to go when developing an export strategy.

Commerce Dept. Hot line

A good starting point. Specialists can provide details on different federal programs details on different federal programs that will help new exporters tap foreign markets, as well as general information on state export promotion programs. The Commerce Dept. can also offer guide sheets on a number of tricky exporting problems; including how to handle the paperwork required to qualify for the low tariffs under NAFTA. Consultations and information are free. Call 800 USA-TRADE.

Export opportunity hot line

Run by the Small Business Foundation of America, a nonprofit organization based in Washington. Calls are handled by trade experts. Tips include how to find a foreign distributor and cheap ways to test-market a product overseas. Companies that are exporting for the first time can also get advice on how to research potential markets. And exporters who have hit snags can get help in solving their problems. No charge. Call 800 243–7232. In Washington, call 202–223–1104.

Service Corps of retired executives

Working on conjunction with the Small Business Administration, SCORE serves to match up small businesses with mentors who have experience in foreign trade—at no cost. These volunteer business veterans can assist new or troubled exporters in putting together a strategy for succeeding abroad. SCORE has 370 chapters throughout all 50 states and roughly 500 seasoned exporting counselors.

Access to export capital

The AXCAP program is run by the Bankers' Association for Foreign Trade, a trade group. Small exporters who don't know where to go for financing can contact AXCAP specialists. Searching their national database, the group provides a small business with a list—usually within 24 hours—of banks in its area that handle various types of transactions. The searches are all free. Call 800 49AXCAP.

Export legal assistance network

Like it or not, small exporters will probably need a good attorney. A lawyer with experience in foreign trade can give new exporters advice on everything from protecting patents and trademarks to drafting contracts with new partners. This network provides free referrals to local attorneys with trade experience who provide one free counseling session for new exporters. Contact either the Commerce Dept. hot line or Judd L. Kessler, the national coordinator for the network, at the law firm of Porter, Wright, Morris & Arthur in Washington. Call 202 778–3000.

American society for quality control

This not-for-profit trade association offers free advice to companies that want to meet manufacturing standards set by the International Organization for Standardization, a group representing 91 countries. While the standards are fairly general, companies hoping to win substantial overseas business may have to adjust their operations to pass a certification test conducted by an accredited examiner. The society can also put callers in touch with other companies that have already gone through the process.

[From the Rockford Register Star, Aug. 13, 1995]

GLOBAL ECONOMY HITS HOME—LOCAL INDUSTRY CASHES IN ON GAINS IN AMERICAN EXPORTS

(By Georgette Braun)

ROCKFORD.—Mark Ellis figured it cost RD Systems less than $10,000 to land a $1.7 million contract last week to build four machines for a Chinese company that manufactures batteries for cell phones.

That one order represents a third of the company's $5 million in annual sales.

''It was mostly faxes, phone calls. I have 150,000 miles on my frequent flier card,'' said Ellis, sales manager for RD. ''I know my way around Hong Kong better than I know my way around Rockford.''

Selling overseas has become a bigger part of Ellis' job at the Roscoe company that employs 30 workers. Five years ago, exports were about 5 percent of RD Systems' sales. Today, it's 60 percent.

RD Systems is not alone in its reliance on exports to keep sales growing. Big export gains are being made on a national and local level.

In the second quarter, exports of U.S. goods and services grew at an annual rate of 7.2 percent, the Department of Commerce reported last month. That was much faster than the economy's 0.5 percent annual growth rate.

One reason for the export increase was the decline in the value of the dollar, which made U.S. products a better buy. Another reason was growing demand for U.S. products in the Asia/Pacific market.

Exports of manufactured goods, as a percentage of the gross domestic product, climbed to 10.7 percent last year from 7.5 percent in 1984.

In Illinois, exports grew by 99 percent between 1987 and 1993, exceeding the 90 percent increase recorded by the nation as a whole.

During the same period, export sales from the 611 zip code, which encompasses Winnebago County, grew 51.1 percent.

LOCAL EXPORTERS

Large local employers are among the top exporters in Illinois, according to Crain's Chicago Business. Sundstrand Corp., a Rockford-based aerospace and industrial parts maker, ranked 12th in last year's listing; Newell Co., a Freeport-based housewares, hardware and office suppliers maker, was 20th; and Woodward Governor Co., a Loves Park-based aircraft and industrial controls maker, ranked 23rd.

Manufacturers aren't the only ones growing because of an increase in international business.

Lorna Flores started AMCORE Bank's international services program six years ago. It now serves 28 companies.

The volume of transactions made through the program has more than tripled, she said.

One of the bank's most popular services helps companies obtain letters of credit that assure payment from foreign companies through a U.S. bank.

The letters are especially important in countries ''where there is a lot of political risk,'' such as in Brazil or Mexico, she said.

Steven Morreim, president of QED Dryer Sales and Mfg., said he uses the bank's services ''to keep us straight on paperwork.''

The Rockford company is in the process of shipping a grain dryer worth more than $100,000 to a company in Russia. QED has done business in Nigeria, Turkey and Colombia.

Exporting makes up about 10 percent of the company's sales. Morreim expects to at least double that in five years. The company employs eight full-time workers.

LEGISLATION, EDUCATION

Local legislators and educators are also looking at how local companies can increase their exports.

Rep. Don Manzullo, R-Egan, is trying to reorganize U.S. trade agencies within the Department of Commerce to save money without hurting business exports.

Manzullo has been holding hearings on trade promotion and the function of various programs. He is working on trying to reorganize trade promotion efforts and cut duplication.

''The future of trade promotion must be easily accessible to the entire U.S. business community,'' he said in a statement earlier this month before testifying to the House International Relations Committee on the future of the Department of Commerce.

Rock Valley College, with other economic development groups, hopes to help small businesses through an ''export clinic'' to be held at the college Thursday, Aug. 24. The college next month will begin a three-month-long, once-a-week class on how to sell overseas.

Small companies are ''the ones that need (help) most,'' because of limited resources, said Thomas de Seve, coordinator of international programs.

Getting into the business of exporting is not as hard as it seems, according to those who have done it.

''It's not intimidating,'' said Larry Lewis, owner and president of National Metal Specialists Corp. ''The first time you go through it, it might be, but after you start repeating it, it's not bad.''

Exports at National Metal make up about $300,000 of the company's $4 million in annual sales. The company ships to countries in Central America and South America.

National Metal's 60 employees manufacture mops and parts for mops.

Lewis said the company made inroads in exporting by making contacts at international trade shows. So far, profit margins made on exports has eclipsed those made domestically.

''Overall, it's 20 to 30 percent better,'' he said.

''The people are so happy to find the product. You don't have the intense retail pressure.''

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ROTH] that the House suspend the rules and pass the bill, H.R. 3759, as amended.

Mr. ROTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

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

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RETIREMENT OF REAR ADMIRAL THOMAS F. HALL, U.S. NAVY, CHIEF OF NAVAL RESERVE

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

Mr. MONTGOMERY. Mr. Speaker, I rise today to recognize the dedication, public service, and patriotism of Rear Adm. Thomas F. Hall, U.S. Navy, Chief of Naval Reserve. Admiral Hall retires from the Navy on October 1, after a distinguished 37-year career of service to our Nation.

A native of Barnsdall, OK, Admiral Hall reported to the U.S. Naval Academy in 1959, graduated in 1963 and was designated a Naval Aviator in 1964. After earning his wings of gold, Admiral Hall joined the maritime patrol forces flying the new P–3 Orion. During flight training, he was named the outstanding student, and graduated No. 1 in his class. Admiral Hall continued to distinguish himself throughout his flying career amassing almost 5,000 pilot hours.

His initial fleet assignment was with Patrol Squadron Eight, flying combat missions in Southeast Asia. Subsequent tours included the U.S. Naval Academy, as a company officer and executive assistant to the commandant of midshipmen, Patrol Squadron Twenty-Three, completion of the command and staff course at the Naval War College, graduating with distinction, and assignment to the Bureau of Naval Personnel, where his billets included aviation staffs placement officer, head of air combat assignment. Admiral Hall returned to VP–8 as executive officer and then assumed duties as commanding officer. Admiral Hall also completed the course of instruction at the National War College, again graduating with distinction, and served on the staff of the Chief of Naval Operations where he served as head of the program objective memorandum development section, as chief of staff to Commander Fleet Air Keflavik, and as a fellow to the CNO's strategic studies group. In addition to command of VP–8, Admiral Hall has also served in command of Naval Air Station Bermuda, the Icelandic defense forces, and most recently, command of the Naval Reserve.

Since September 1992, Admiral Hall has been the Chief of Naval Reserve, guiding the Naval Reserve force through its largest drawdown, while maintaining readiness and significantly increasing contributory support to the fleet. Under Admiral Hall's leadership, the total force policy was realized—Regular Navy and Navy Reservists working side-by-side, meeting forward presence requirements in operations worldwide.

In August 1989, Admiral Hall was promoted to rear admiral (lower half) and in July 1992 to his present rank of rear admiral (upper half). Admiral Hall wears the Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, Meritorious Unit Commendation, and various unit and campaign awards, holds a masters degree in management from George Washington University and attended Harvard University senior executive program. In July 1992, Admiral Hall was awarded the Icelandic Order of the Falcon, Commander's Cross with Star, by the President of Iceland.

Our Nation, his wife Barbara, and his son Tom, can be immensely proud of the admiral's long and distinguished career and his service to our country. I wish Admiral Hall and his family best wishes in his retirement.

AFL–CIO ATTACK ADS ON REPUBLICANS

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

Mr. RIGGS. Mr. Speaker, I wanted to follow up on some remarks I made on the floor earlier today during the course of the debate on one of our suspension bills, and that is the reference that I made to the new round of attack ads, because I do not think you call them anything but, the new round of attack ads being aired on television stations around the country and paid for by the AFL–CIO. These are television ads orchestrated by the big labor bosses of the AFL–CIO in Washington, airing exclusively in the congressional districts of incumbent Republicans, and they are part and parcel of an orchestrated campaign by the AFL–CIO to help the National Democratic Party win back control of the House of Representatives.

These new ads follow on the heels of their MediScare ads, where they distorted our efforts to preserve and to strengthen Medicare and protect it from bankruptcy by increasing annual spending for the program at a rate of 7 percent as opposed to the 14-percent

annual growth rate of Medicare in recent years. That is to say, increasing spending for Medicare at twice the rate of inflation as opposed to three times the rate of inflation.

□ 1745

And of course those Mediscare television ads nor the fact that President Clinton, after much procrastination and foot dragging, has finally submitted his own proposal for saving Medicare from bankruptcy. That would grow the program. That would increase annual spending for Medicare benefits at 7.8 percent annually as opposed to our 7-percent growth rate.

Now the AFL–CIO has come on the air with ads claiming, using the big lie technique, that the Republican Congress voted to cut student loans. Well, let us go back and take a look at the record. In fact, the Republican majority in Congress last year as part of our 7-year plan for balancing the budget in H.R. 2491 increased funding for student loans by $12 billion, from $24 billion today to $36 billion in the year 2002. That is a 50-percent increase in Federal taxpayer benefits for student loans.

Under our proposal, which the President vetoed, a record 8.4 million student loans would be made in the year 2002 up from 6.7 million student loans in 1995. There simply are no cuts, yet the AFL–CIO insists on misrepresenting and deliberately distorting our record.

Second, Pell grants will increase this year to a maximum of $2,500 per student, the highest level of Pell grants in our country's history. That is the highest maximum award of a Pell grant for a college student in the history of our country. So we are supporting better education, especially for those who need it most.

We have attempted to begin slowly but surely transferring power and control over education back to local school districts and parents across the country. It does not belong back here in Washington under the control of bureaucrats because, after all, decision-making in public education is by a longstanding American tradition a decentralized custom.

So we have been working hard, Mr. Speaker, and we continued that work today with the passage, actually, I guess the vote was postponed until tomorrow, but we did today introduce legislation which will pass by an overwhelming bipartisan margin when we take this recorded vote tomorrow to reduce loan fees for students. That is the Student Debt Reduction Act of 1996 that we had on the floor earlier today.

We are not decreasing student loans, we are in fact increasing the accessibility and affordability of student loans. This follows on the heels of a doubling, a 100-percent increase, in taxpayer funding for public education in this country between 1945 and 1965, another 100-percent increase from 1965 to 1985, and a 20-percent increase in taxpayer funding for public education since 1985.

We Republicans are committed to improving education for our Nation's youth and saving them from a failed education system run by bureaucrats, which has too often not given them the hope and the opportunity and promise for a better future that a public education, which is the cornerstone of equal opportunity in a Democratic society, should provide.

So I will be speaking on this, I am sure again, as we proceed to conclude our legislative business over the next few weeks, but I wanted to take this opportunity, Mr. Speaker, to follow up on the debate we had today, particularly after the gentleman from Michigan [Mr. KILDEE] challenged my remarks and we were not able to debate it at that time. I would dearly like for one or more of my Democratic colleagues to come to the floor so that we could have a very legitimate, genuine, bipartisan debate on education funding and the right education policies for the future of our children.

JOB CREATION AND JOB LOSS IN AMERICA

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

Mr. MICA. Mr. Speaker, I come before the House tonight to talk about issues that I think are important to me, not only as a Member of Congress but also as a father and a parent and someone who is concerned about the future for my children and the future for all children in America. It is good to get away from Congress and to go out and talk to people in the district, and it has been great to have a congressional work period where I have had a chance to talk to folks and hear their concerns.

I come from central Florida. It is basically a pretty prosperous area. We do not have some of the problems of the urban areas, but one of the concerns that I hear repeated and that I personally have been concerned about is job creation.

Now, we have heard the President lauding some of the economic figures and unemployment figures, and we have heard touted the creation in this administration of 10 million jobs. So I thought I would look into these 10 million jobs and see what has been created, what has been done and what the future is for our children.

One of the interesting statistics, although 10 million jobs have been created in this administration, the bulk of those jobs are part-time jobs, they are low-paying jobs, they are contract jobs, and they are service jobs. In fact, I was startled to find that during just a 2-year period, from 1993 to 1995, that in fact a startling 8.4 million Americans lost their jobs, and that is the concern that I heard out there, is people fear losing their jobs.

What is interesting about 8.4 million people, Americans, losing their jobs during this 2-year period of the 4-year job expansion is the majority of those 8.4 million people who lost their jobs lost a good paying job, a high-technology job, or a job that was in a sophisticated area, and the majority of that 8.4 million had to take a job in a lower paying, a lower level, a less sophisticated job. And, really, that is the question that I heard asked of me and the question that I asked myself: What about the future? What about jobs for our children, when half of those jobs that are lost, that 8.4 million, we relegate our citizens to lower paying jobs?

Now, in 1989 there were 1 million more jobs in manufacturing than there were in Government. This is an alarming figure in what has happened since 1989. And listen to this: Last year there were 1.5 million jobs more in Government than there were in manufacturing in this country. So we are employing more people on the Government rolls.

And this story about ending big Government as we know it and the era the big Government is over, it just does not hold water because we have more people on public payrolls and less in manufacturing than we have ever had.

I had a conversation with a mother whose daughter was one of the few students in advanced physics, during the past weekend, and some time ago she told me about her daughter at the University of Florida, one of the few students in advanced physics. The next area after nuclear physics is the area she is in, advanced physics studies. Now she has transferred to Northwestern University and she is the only American student in her class in advanced physics. This is scary for the future. Her choices are going to be to work probably in Tokyo and Geneva when she finishes. What kinds of jobs are we creating?

And then we look at the job and education programs and they are a total failure. In my State we spent $1 billion on job training in the State of Florida, and a State report recently released said that less than 20 percent of those students who entered the job training program completed the program. Of that, only 19 percent, 19 percent of the 20 percent, ever got a job. So we are paying much more and we are getting less. We are not giving good opportunity for the future. We are replacing good paying jobs with jobs that do not pay much.

And the debate in this chamber has been about whether we pay people $5.15. That is not acceptable to me. That is not acceptable to the future. We can and we must do much better.

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. PETERSON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. RIGGS) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes each day, today and on September 12.

Mr. METCALF, for 5 minutes, on September 11.

Mr. BURTON of Indiana, for 5 minutes each day, on September 11, 12, and 13.

Mr. MICA, for 5 minutes, today.

Mr. RIGGS, 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. PETERSON of Minnesota) and to include extraneous matter:)

Mr. STARK.

Mr. ANDREWS.

Mr. NEAL.

Ms. HARMAN.

Mr. MONTGOMERY.

Mr. LIPINSKI.

Mr. BONIOR.

Mrs. SCHROEDER.

Mr. BARCIA.

Mr. FAZIO of California.

(The following Members (at the request of Mr. RIGGS) and to include extraneous matter:)

Mrs. MORELLA.

Mr. MARTINI.

Mr. FIELDS of Texas.

Ms. PRYCE.

Mr. CUNNINGHAM.

Mr. SPENCE.

Mr. SMITH of New Jersey.

Mr. DORNAN.

Mr. BURTON of Indiana.

Mr. BEREUTER.

Mr. HASTERT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1324. An act to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes; to the Committee on Commerce.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Wednesday, September 11, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of September 9, 1996]

4892. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Assessment Rate [Docket No. FV96–948–1 FIR] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4893. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—United States Standards for Grades of Frozen Cauliflower [FV–91–329] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4894. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Establishment of Handler Reporting Requirements and Interest Charges on Overdue Assessment Payments [FV96–956–1 FR] received August 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4895. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Idaho-Eastern Oregon Onions; Assessment Rate [Docket No. FV96–958–2 FIR] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4896. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Horses [Docket No. 95–079–2] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4897. A letter from the Administrator, Food and Nutrition Service, transmitting the Service's final rule—Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors and Free and Reduced Price Meals by Child and Adult Care Food Program Institutions (RIN: 0584–AB17) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4898. A letter from the Chief, Natural Resources Conservation Service, transmitting the Service's final rule—Wetlands Reserve Program (RIN: 0578–AA16) received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4899. A letter from the Secretary of Agriculture, transmitting the authorization of implementation of the Northeast Interstate Dairy Compact, pursuant to Public Law 104–127, section 147; to the Committee on Agriculture.

4900. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Coast Guard's AC&I appropriations for fiscal years 1992 and 1993, pursuant to 31 U.S.C. 1417(b); to the Committee on Appropriations.

4901. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–04, in the Standard Missile Medium Range Program, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4902. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–10, in the Phalanx close-in weapons system, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4903. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–01, in the fiscal year 1995 operation and maintenance, Navy [O&M,N] appropriation at the suballotment level, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4904. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 94–08, in the fiscal year 1990 operation and maintenance, Navy Reserve appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4905. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 95–01, in the fiscal year 1990 operation and maintenance, Navy [O&M,N] appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4906. A letter from the Principal Deputy Under Secretary of Defense (Comptroller), Department of Defense, transmitting notification that the Secretary has invoked the authority granted by 41 U.S.C. 3732 to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, pursuant to 41 U.S.C. 11; to the Committee on National Security.

4907. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

4908. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 16th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

4909. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Loans in Areas Having Special Flood Hazards [Regulation H, Docket No. R–0897] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4910. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk Based Capital Standards: Market Risk [Regulations H and Y; Docket No. R–0884] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4911. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Risk-Based Capital Standards: Market Risk [Docket No. 96–18] (RIN: 1557–AB14) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Finanical Services.

4912. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Loans in Areas Having Special Flood Hazards [Docket No. 96–20] (RIN: 1557–AB47) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4913. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loans in Areas Having Special Flood Hazards (RIN: 3052–AB57) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4914. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report on the low-income

housing and community development activities of the Federal Home Loan Bank System for 1995, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4915. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's 1995 annual report, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4916. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Delivery of Checks and Warrants to Addresses Outside the United States, its Territories and Possessions (RIN: 1510–AA55) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4917. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3734, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4918. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rural—Indian Fellowship and Professional Development Programs (RIN: 1810–AA79) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4919. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Final Policy on Examination of Working Places (30 CFR Parts 56 and 57) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4920. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Patent Waiver Regulation (10 CFR Part 784) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4921. A letter from the Deputy Administrator, Drug Enforcement Administration, transmitting the Administration's final rule—Removal of Exemption for Certain Pseudoephedrine Products Marketed Under the Federal Food, Drug, and Cosmetic Act (FD&C Act) [DEA–138F] (RIN: 1117–AA32) received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4922. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''Assessment of International Air Pollution Prevention and Control Technology,'' pursuant to Public Law 101–549, section 901(3) (104 Stat. 2706); to the Committee on Commerce.

4923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: General Conformity Rules [FRL–5549–9] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Louisiana: General Conformity Rule [FRL–5549–7] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of PM10 State Implementation Plan for Colorado; Telluride; Revisions to the Maintenance Demonstration [FRL–5607–6] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4926. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dearing, Kansas) [MM Docket No. 95–121] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4927. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended [CC Docket No. 96–61] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4928. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Macomb, Illinois) [MM Docket No. 96–87] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4929. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Apalachicola, Monticello, Perry, Quincy, Springfield, Trenton, and Woodville, Florida) [MM Docket No. 95–82] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4930. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services [CC Docket No. 94–54] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4931. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992; Cable Pricing Flexibility [MM Docket No. 92–266; CS Docket No. 96–157] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4932. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hopkinsville, Kentucky) [MM Docket No. 96–106] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4933. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hartfield, Arkansas) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4934. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Burlington, Colorado; Brewster, Kansas) [MM Docket No. 94–134 received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4935. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate the 29.5–30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92–297] received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4936. A letter from the Chairman, Federal Communications Commission, transmitting the 61st annual report of the Commission including information required by the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, pursuant to 47 U.S.C. 154(k); to the Committee on Commerce.

4937. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986 (16 CFR Part 307) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4938. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Sugar Alcohols and Dental Caries [Docket No. 95P–0003] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4941. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the third quarter of fiscal year 1996, April 1, 1996, April 1, 1996–June 30, 1996, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

4942. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Brunei for defense articles and services (Transmittal No. 96–73), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4943. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Turkey (Transmittal No. DTC–36–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4944. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–56–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4945. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–59–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4946. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled ''Physicians Comparability Allowances,'' pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform and Oversight.

4947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–392, ''Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections

Temporary Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–374, ''Public Assistance Fair Hearing Procedures Temporary Amendment Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–384, ''Preservation of Residential Neighborhoods Against Nuisances Temporary Act of 1996'', received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–381, ''District of Columbia Housing Authority Temporary Amendment Act of 1996'', received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–380, ''Real Property Tax Reassessment Temporary Act of 1996'', received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–391, ''Drug Paraphernalia Amendment Act of 1996'', received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4953. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–386, ''Cable Television Franchise Amendment Act of 1996'', received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4954. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–389, ''Health and Hospitals Public Benefit Corporation Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4955. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–340, ''Alcoholic Beverage Underage Penalties Amendment Act of 1996'' received September 6, 1996, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4956. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–348, ''Emergency Assistance Clarification Amendment Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4957. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–371, ''Lottery Games Amendment Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4958. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–372, ''Testing of District Government Drivers of Commercial Motor Vehicles for Alcohol and Controlled Substances Temporary Amendment Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–378, ''Paternity Acknowledgment and Gas Station Advisory Board Re-establishment Temporary Act of 1996'' received September 6, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4960. A letter from the Director of Central intelligence, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4961. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Handicapped, transmitting the Committee's final rule—Additions to the Procurement List [96–003] received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4962. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 96–001] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4963. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 96–002] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4965. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Payment by Electronic Funds Transfer [FAC 90–42; FAR Case 91–118] (RIN: 9000–AG49) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4966. A letter from the Director, Office of Management and Budget, transmitting the Office's final rule—Executive, Management, and Supervisory Development (RIN: 3602–AF96) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4967. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled ''The Information Resources Management (IRM) Plan of the Federal Government'' for fiscal year 1995, pursuant to 44 U.S.C. 3514; to the Committee on Government Reform and Oversight.

4968. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Marion, IN, Nonappropriated Fund Wage Area (RIN: 3206–AH60) received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4969. A letter from the Secretary of Labor, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4970. A letter from the Secretary of Transportation, transmitting the Secretary's Management Report, October 1, 1995—March 31, 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4971. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4973. A letter from the Vice Chairman, Federal Election Commission, transmitting proposed regulations governing electronic filing of reports by political committees, pursuant to 2 U.S.C. 438(d)(1); to the Committee on House Oversight.

4975. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1994 and 1995, pursuant to 30 U.S.C. 237; to the Committee on Resources.

4976. A letter from the Deputy Associate Director for Compliance, Minerals Management Service, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4977. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes and Avacados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements [Docket No. FV–95–911–2 FIR] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4978. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1996–97 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018–AD76) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4979. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Lassen Volcanic National Park (National Park Service) (RIN: 1024–AC52) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4980. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996–97 Early Season (RIN: 1018–AD69) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4981. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Addition of Ten National Wildlife Refuges to the List of Open Areas for Hunting and/or Sport Fishing in Arkansas, Illinois, Indiana, Louisiana, Missouri, Mississippi, and Nebraska (RIN: 1018–AD77) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4982. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018–AD69) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4983. A letter from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Occupancy and Use; Alaska Homestead Settlement (RIN: 1004–AC90) received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4984. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Fisherman's Protective Act Guaranty Fund

Procedures [Public Notice 2425] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4985. A letter from the Director, Minerals Management Service, transmitting the decision document for the proposed 5-Year Outer Continental Shelf [OCS] Oil and Gas Leasing Program for 1997–2002, pursuant to Public Law 91–190, section 102(s)(c); to the Committee on Resources.

4986. A letter from the Acting Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery Off the Southern Atlantic States; Initial Regulations; OMB Control Numbers [Docket No. 950316075–6222–03; I.D. 022696A] (RIN: 0648–AH86) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4987. A letter from the Acting Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Amendment 8 [Docket No. 960520141–6221–02; I.D. 042696A] (RIN: 0648–AH05) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4988. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 950725189–5260–02; I.D. 082096G] received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4989. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Fishery Closure [I.D. 081596C] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4990. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—The Fishing Capacity Reduction Initiative (FCRI); Final Program Notice and Announcement of Availability of Federal Assistance [Docket No. 95106161159–6230–04; I.D. 082096I] (RIN: 0648–ZA16) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4991. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Ohio Regulatory Program [OH–238–FOR, No. 72] received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4992. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Utah Regulatory Program [SPATS No. UT–034] received August 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4993. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Virginia Regulatory Program [VA–108–FOR] received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4994. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Service of Process; Testimony by Employees and the Production of Documents in Legal Proceedings (RIN: 0651–XX07) received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4995. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Motor Vehicle Theft Prevention Act Program Regulations [OJP No. 1081] (RIN: 1121–AA38) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4996. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of Federal electronic surveillance laws, pursuant to Public Law 104–132, section 810(b) (110 Stat. 1312); to the Committee on the Judiciary.

4997. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Grants To Encourage Arrest Policies [OJP No. 1019] (RIN: 1121–AA35) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4998. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Introduction of New Employment Authorization Document [INS No. 1399–96] (RIN: 1115–AB73 received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4999. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the association's financial audit for the period ending March 31, 1996, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

5001. A letter from the Secretary of Transportation, transmitting the Department's study on tanker navigation safety standards: Evaluation of Oil Tanker Routing, pursuant to Public Law 101–380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

5002. A letter from the Secretary of Transportation, transmitting the Department's overview to the report of the commercial feasibility of high-speed ground transportation, pursuant to Public Law 102–240, section 1036(c)(1) (105 Stat. 1983); to the Committee on Transportation and Infrastructure.

5003. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Intermodal Transportation (Federal Highway Administration) [FHWA Docket No. MC–93–17] (RIN: 2125–AD14) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5004. A letter from the Administrator, Federal Aviation Administration, transmitting the supplemental report to Congress on 1993 DOD military base closures and realignments, pursuant to Public Law 102–581, section 107; to the Committee on Transportation and Infrastructure.

5005. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees for Service Performed in Connection With Licensing and Related Services—1996 Update (STB Ex Parte No. 542) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5006. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Respiratory System (RIN: 2900–AE94) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5007. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [Department of the Treasury Circular, Public Debt Series, No. 2–86] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5008. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 96–43) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5009. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications of Bad Debts and Dealer Assignments of National Principal Contracts (RIN: 1545–AT14) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5010. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans and Exempt Organizations; Requests for Certain Determination Letters and Applications For Recognition of Exemption (Announcement No. 96–92) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5011. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1996 Section 43 Inflation Adjustment (Notice 96–41) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5012. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1996 Marginal Production Rates (Notice 96–42) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5013. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Revenue Ruling 96–44) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5014. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Living in the Same Household and the Lump-Sum Death Payment (RIN: 0960–AE20) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5015. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 86 quarterly report on trade between the United States and China, the successor states to the former Soviet Union and other title IV countries during January-March 1996, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

5016. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Harvest Information Program (RIN: 1018–AD08) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5017. A letter from the Secretary of Energy, transmitting a report on the reasons why it will require more than 1 year to implement plans that are responsive to Defense Nuclear Facilities Safety Board recommendations with respect to public health and safety at DOE defense nuclear facilities, pursuant to 42 U.S.C. 2286d(f); jointly, to the Committees on Commerce and National Security.

5018. A letter from the Secretary of Defense, transmitting notification that the Department proposes to obligate up to $20 million of the fiscal year 1994 cooperative threat reduction [CTR] funding for the Defense Enterprise Fund and up to $29.0 million of the fiscal year 1996 CTR funding for a missile material storage facility [FMSF], pursuant to 22 U.S.C. 5955; jointly, to the Committees on International Relations and National Security.

5019. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, certification that Honduras has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Resources and Appropriations.

5020. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program: Special Enrollment Periods and Waiting Period (RIN: 0938–AH33) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

5021. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Requirements for Physician Incentive Plans in Prepaid Health Care Organizations [OMC–101–FC] (RIN: 0938–AF74) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

5022. A letter from the Deputy Secretary of Defense, transmitting a report on Improved Access to Military Health Care of Covered Beneficiaries Entitled to Medicare, pursuant to Public Law 104–106, section 746; jointly, to the Committee on National Security, Ways and Means, Commerce, and Government Reform and Oversight.

[Submitted September 10, 1996]

5023. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Black Hills, South Dakota, Marketing Area; Termination of the Order [DA–96–12] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5024. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Assessment Rates for Specified Market Orders [Docket No. FV96–927–2 IFR] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5025. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Scrapie Indemnification Program [Docket No. 96–042–1] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5026. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting the Department's final rule—Native American Programs (RIN: 0970–AB37) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5027. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5028. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations, Uniform Tire Quality Grading Standards (RIN: 2127–AF17) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Grande Fiesta Italiana Fireworks, Hempstead Harbor, New York (U.S. Coast Guard) [CGD01–96–109] (RIN: 2115–AA97) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modernization of Examination Methods (U.S. Coast Guard) [CGD 94–029] (RIN: 2115–AE94) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Abatement of Highway Traffic Noise and Construction Noise (Federal Highway Administration) [FHWA Docket No. 96–26] (RIN: 2125–AD97) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5032. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pilot State Highway Safety Program (National Highway Traffic Safety Administration) [NHTSA Docket No. 93–55, Notice 4] (RIN: 2127–AF94) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5033. A letter from the Deputy Secretary, Securities and Exchange Commission, Transmitting the Commission's final rule—Technical Amendments to Rule Relating to Payments for the Distribution of Shares by a Registered Open-End Management Investment Company (RIN: 3235–AG59) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5034. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for Certain Open-End Management Investment Companies to Impose Deferred Sales Loans (RIN: 3235–AD18) received September 10, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5035. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Order Execution Obligations (RIN: 3235–AG66) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5036. A letter from the Comptroller General, transmitting a list of all reports issued or released in July 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5037. A letter from the Executive Director, Assassination Records Review Board, transmitting the JFK Assassination Records Review Board's compliance with the Freedom of Information Act for 1995, pursuant to 5 U.S.C. section 552; to the Committee on Government Reform and Oversight.

5038. A letter from the Acting Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1996–1997 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018–AD42) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5039. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Listing of the Umpqua River Cutthroat Trout in Oregon (RIN: 1018–AD96) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5040. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 1 [Docket No. 960409106–6207–02; I.D. 031196A] (RIN: 0648–AG26) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5041. A letter from the Acting Director, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Scallop Fishery; Closure in Registration Area D [Docket No. 960502124–6190–02; I.D. 083096D] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5042. A letter from the Director, Bureau of Prisons, transmitting the Bureau's final rule—Education Tests: Minimum Standards for Administration, Interpretation, and Use [BOP–1031–F] (RIN: 2129–AA44) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5043. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the joint U.S. Department of Justice/Federal Trade Commission ''Statements of Enforcement Policy Relating to Health Care and Antitrust''; to the Committee on the Judiciary.

5044. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Immigration and Nationality Forms (INS No. 1638–95] (RIN: 1115–AD58) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5045. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Removal of Obsolete Sections of the Regulation Concerning Temporary Protected Status for Salvadorans [INS No. 1612–93] (RIN: 1115–AE43) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5046. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Children Born Outside the United States; Application for Certificate of Citizenship [INS No. 1712–95] (RIN: 1115–AE07] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5047. A letter from the Assistant General Counsel, U.S. Information Agency, transmitting the Agency's final rule—Exchange Visitor Program (22 CFR Part 514) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5048. A letter from the Secretary of Transportation, transmitting the Department's study on tanker navigation safety standards: Evaluation of Oil Tanker Routing, Part 2—Atlantic and Florida Gulf Coasts, pursuant to Public Law 101–380, section 4111(b)(7) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

5049. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Container Integrity (National Highway Traffic Safety Administration) [Docket No. 93–02; Notice 14] (RIN: 2127–AF14) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5050. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hilton Head, SC (U.S. Coast Guard) [CGD07–96–051] (RIN: 2115–AE46) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5051. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Bellingham Bay, Bellingham, WA (U.S. Coast Guard) [CGD13 96–028] (RIN:

2115–AA97) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5052. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Delta County Airport Escanaba, MI (Federal Aviation Administration) [Airspace Docket No. 96–AGL–3] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5053. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–264–AD; Amendment 39–9746; AD 96–18–19] (RIN: 2120–AA64) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5054. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Piaggio Model P–180 Airplanes (Federal Aviation Administration) [Docket No. 95–NM–256–AD; Amendment 39–9747; AD 96–18–20] (RIN: 2120–AA64) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5055. A letter from the Technical Advisor to the Assistant Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Notice of Public Hearing; Interest Netting Study (Announcement 96–75) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5056. A letter from the Technical Advisor to the Assistant Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–39) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5057. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Section 355 Distributions By U.S. Corporations to Foreign Persons [TD 8682] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5058. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–46) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5059. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies (Revenue Ruling 96–42) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5060. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters (Revenue Procedure 96–47) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5061. A letter from the Under Secretary of Defense for Acquisition and Technology, Department of Defense, transmitting amount of DOD purchases from foreign entities in fiscal year 1995, pursuant to Public Law 103–335, section 8058(b); jointly, to the Committees on National Security and Appropriations.

5062. A letter from the Administrator, Agency for International Development, transmitting the Agency's annual report to Congress on activities under the Denton Program for fiscal year 1996, pursuant to 10 U.S.C. 402; jointly, to the Committees on National Security and International Relations.

5063. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for Vietnam, pursuant to 22 U.S.C. 2318(a)(1); jointly, to the Committees on International Relations and Appropriations.

5064. A letter from the Chair, Civil Tiltrotor Development Advisory Committee, Department of Transportation, transmitting the report of the Civil Tiltrotor Development Advisory Committee [CTRDAC], pursuant to Public Law 102–581, section 135; jointly to the Committees on Transportation and Infrastructure and Science.

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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3535. A bill to redesignate a Federal building in Suitland, MD, as the ''W. Edwards Deming Federal Building'' (Rept. 104–780). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3576. A bill to designate the U.S. courthouse located at 401 South Michigan Street, in South Bend, IN, as the ''Robert Kurtz Rodibaugh United States Courthouse''; with amendments (Rept. 104–781). Referred to the House Calendar.

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. BUNNING of Kentucky (for himself and Mr. JACOBS):

H.R. 4039. A bill to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL):

H.R. 4040. A bill to amend title 49, United States Code, relating to intermodal safe container transportation; to the Committee on Transportation and Infrastructure.

By Mr. CONDIT:

H.R. 4041. A bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Agriculture.

By Mr. NADLER:

H.R. 4042. A bill to designate the U.S. courthouse located at 500 Pearl Street in New York City, NY, as the ''Ted Weiss United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ROBERTS:

H.R. 4043. A bill to establish the Tallgrass Prairie National Preserve in the State of Kansas, and for other purposes; to the Committee on Resources.

By Mr. SCHUMER (for himself, Mr. REED, Ms. LOFGREN Mr. ACKERMAN, and Mr. HASTINGS of Florida):

H.R. 4044. A bill to encourage States to regulate the sale and use of certain handguns, and to gather information on guns used in crimes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4045. A bill to provide for parity in the treatment of mental illness; 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. FLANAGAN (for himself, Mr. BRYANT of Tennessee, Mr. CANADY, Mr. HEINEMAN, Mr. HOKE, and Mr. HYDE):

H.J. Res. 191. Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojahiu, also known as Mother Teresa; to the Committee on the Judiciary.

By Mr. WALKER:

H. Con. Res. 211. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

[Omitted from the Record of September 9, 1996]

240. By the SPEAKER: Memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 96–1022 extending condolences to the people of the Ukraine on the 10th anniversary of the Chernobyl disaster; to the Committee on International Relations.

241. Also, memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 96–1006 designating John L. ''Jack'' Swigert be honored and memorialized by a statue in the U.S. Capitol; to the Committee on House Oversight.

ADDITIONAL SPONSORS

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

H.R. 195: Mr. HOLDEN.

H.R. 488: Mr. LIPINSKI.

H.R. 903: Mr. TORRICELLI.

H.R. 969: Mr. BALDACCI.

H.R. 1099: Mr. LEVIN.

H.R. 1462: Mr. KIM, Mr. LUCAS, Mr. DOOLITTLE, Mr. HEFLEY, Ms. FURSE, Mr. ZIMMER, Mr. EHRLICH, Mr. ENSIGN, Mr. HAYWORTH, Mr. CAMP, Mr. PETRI, Mr. REED, Ms. MILLENDER-MCDONALD, Mr. BARCIA of Michigan, and Mr. DICKS.

H.R. 1568: Ms. NORTON, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.

H.R. 1950: Mr. ROEMER.

H.R. 2138: Mr. SHAYS.

H.R. 2152: Mr. ANDREWS and Mr. RICHARDSON.

H.R. 2209: Mrs. VUCANOVICH and Mr. DEFAZIO.

H.R. 2270: Mr. BARCIA of Michigan.

H.R. 2480: Mrs. MEYERS of Kansas.

H.R. 2757: Mrs. MORELLA, Ms. DELAURO, Mr. FLANAGAN, Mr. LEWIS of Georgia, and Mrs. LOWEY.

H.R. 2877: Mr. SANDERS.

H.R. 2976: Mr. BARCIA of Michigan, Mr. BLUTE, Mr. CHABOT, Mr. EHLERS, Mr. FILNER, Mr. LEWIS of Georgia, and Mr. SAXTON.

H.R. 3002: Mr. DREIER, Mr. MCCOLLUM, and Mr. BAKER of Louisiana.

H.R. 3117: Mr. OLVER.

H.R. 3119: Mr. OLVER.

H.R. 3389: Mr. DAVIS.

H.R. 3445: Mr. ACKERMAN.

H.R. 3454: Mr. ACKERMAN.

H.R. 3556: Ms. NORTON and Mr. BAKER of Louisiana.

H.R. 3757: Mr. MCDERMOTT.

H.R. 3817: Mr. ROSE, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. NETHERCUTT, Mr. MCINNIS, Mr. CHABOT, Mr. COX, Mr. MCCOLLUM, Mr. TEJEDA, Mr. ALLARD, Mr. MICA, and Mr. ZIMMER.

H.R. 3905: Mr. HEINEMAN and Mr. MCKEON.

H.R. 3937: Mrs. MYRICK, Mr. SAXTON, Mr. LIPINSKI, Mr. SHADEGG, Ms. DUNN of Washington, Mr. BRYANT of Tennessee, Mr. CHRISTENSEN, Mr. PARKER, Mr. COMBEST, Mr. SMITH of New Jersey, and Mr. ZIMMER.

H.R. 3942: Ms. MCKINNEY and Mr. LIGHTFOOT.

H. Con. Res. 10: Mrs. MORELLA.