United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, FRIDAY, SEPTEMBER 27, 1996 No. 136—Part II

House of Representatives

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1996

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to suspend the rules and pass the bill (H.R. 4139) to reauthorize and amend the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.

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

There was no objection.

The Clerk read as follows:

H.R. 4139

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 ''Atlantic Striped Bass Conservation Act Amendments of 1996''.

SEC. 2. REAUTHORIZATION.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking ''For each of fiscal years 1986,'' and all that follows through ''1994,'' and inserting ''For fiscal year 1997,''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMISSION MONITORING OF IMPLEMENTATION OF INTERSTATE PLAN.—Section 4(a)(1) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended in the material preceding subparagraph (A) by striking ''of fiscal year 1987, and of each fiscal year thereafter,'' and inserting ''of each fiscal year,''.

(b) REPEAL OF INOPERATIVE PROVISIONS.—Sections 8 and 10 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) are repealed.

SEC. 4. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

(a) IN GENERAL.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by section 3(b) of this Act, is further amended by adding after section 7 the following new section:

''SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

''The Commission shall establish standards and procedures to ensure that the Commission provides an adequate opportunity for public participation in the preparation of any plan for the management of Atlantic Striped Bass and any amendment to such a plan (including any amendment to the Interstate Fisheries Management Plan for Striped Bass, dated October 1, 1981), including public hearings and procedures for the submission of written comments to the Commission.''.

(b) DEADLINE.—Within 6 months after the date of the enactment of this Act, the Atlantic States Marine Fisheries Commission shall issue standards and procedures under section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by subsection (a) of this section.

SEC. 5. TRANSFER OF EXISTING PROVISION TO ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 6 of the Act entitled ''An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes'' (approved November 3, 1988; Public Law 100–589; 102 Stat. 2986)—

(1) is amended by striking subsection (g);

(2) as so amended, is transferred from that Act to the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note);

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record at Reporters.''

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

Printed on recycled paper containing 100% post consumer waste

(3) shall appear immediately after section 8 of the Atlantic Striped Bass Conservation Act, as amended by section 4 of this Act; and

(4) is redesignated as section 9 of the Atlantic Striped Bass Conservation Act.

SEC. 6. AMENDMENT AND EXTENSION OF AUTHORIZATION FOR ANADROMOUS FISH CONSERVATION ACT

(a) SCOPE OF STUDIES.—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended by striking ''and'' after the semicolon at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end following new paragraph:

''(4) the effects of water quality and other habitat changes on the recruitment, spawning potential, mortality rates, and population abundance of the Delaware River striped bass population.''.

(b) EXTENSION OF AUTHORIZATION.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking ''each of the fiscal years 1991, 1992, 1993, and 1994'' and inserting ''fiscal year 1997''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. SAXTON. Mr. Speaker, the Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. In fact, striped bass harvests dropped from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect the remaining stocks of Atlantic striped bass.

The resurgence of striped bass is a major fishery management success story. In fact, Maryland recently announced that a record-shattering number of young striped bass were found this year in the State's long-running annual striped bass survey. This survey is one of the most important barometers used to judge the health of the Atlantic coast striped bass stock. H.R. 4139 will ensure that this remarkable recovery continues.

This legislation will reauthorize both the Striped Bass Conservation Act and ongoing striped bass population studies. In addition, the bill focuses attention on stripers in the Delaware River and encourages greater public participation in the writing of management plans.

Mr. Speaker, let me just say also that we have done a lot of things on the Fisheries, Wildlife and Oceans Subcommittee, and, of course, previous to that we operated in the framework of the Merchant Marine Committee.

For the past 12 years, the years that I have been here, we have done a lot of things to try to conserve and protect and enhance fisheries populations, not only in the Atlantic Ocean, obviously, but in the Gulf and in the waters offshore of the west coast as well.

This effort, which, I must add, has been on a bipartisan basis, has been a real success story, and so early in 1995 we passed in this House a bill very similar to this to reauthorize the act for 1995 and 1996. The other body has failed to act.

This bill reauthorizes, therefore, the Atlantic Striped Bass Conservation Act with some very minor changes for the year 1997. We are hopeful that in the next 48 hours or so, the other body will see its way clear to take up this measure so that we can proceed to have an enhanced striped bass protection and enhancement effort ongoing in 1997.

Mr. Speaker, I urge all of my colleagues to support the continuation of this vital and highly successful conservation effort by voting in favor of what I consider to be very important legislation.

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

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

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

Mr. PALLONE. Mr. Speaker, I rise in support of the bill.

Twelve years ago striped bass stocks along the Atlantic coast had declined to very low levels as a result of overfishing and pollution. Fishermen and managers alike were concerned that this fishery would soon become an endangered species.

In an unprecedented move, Congress passed the Striped Bass Conservation Act designed to support State efforts to reverse this frightening trend. Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work.

The conservation management programs that have brought this fishery back from the crash of the 1980's must continue, and H.R. 4139 will ensure this is the case, and I enthusiastically urge Members to support it today.

I wanted to say I also am pleased that the gentleman from New Jersey [Mr. SAXTON], has included in the legislation public participation in preparation of plans and amendments to plans for Atlantic striped bass. This is something that the recreational fishermen along the Jersey coast have particularly been very concerned about, that there is sufficient public participation, and that provision is now in the bill.

In addition, if I could mention, I know today that since we need to move this bill, and it is important we move it, we can certainly not bring up the issue of the game status of striped bass or the ban or moratorium on the sale of striped bass caught in the EEZ. But I want to mention that I know Mr. SAXTON and I would like to see a continued ban or moratorium on the sale in the EEZ. Both of us have legislation that will either accomplish that or make striped bass a game fish.

I am hopeful in the next Congress we can work toward these goals. But today I am pleased to see this legislation, this reauthorization, is coming to the floor. It is very important, and I would again urge support of the bill.

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

□ 1615

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

I am told by my diligent staff that during my statement I said that we were reauthorizing for 1987, which is obviously only 10 years off and it is really 1997. I would also like to thank Mr. PALLONE for his cooperation here today. This was kind of a last minute thing that we decided to do for the reasons that I stated before, primarily because of its importance to the continuation of this extremely successful effort.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 4139.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. 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 the bill just passed.

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

There was no objection.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

The Clerk read as follows:

S. 1505

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 ''Accountable Pipeline Safety and Partnership Act of 1996''.

SEC. 2. REFERENCES.

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

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

''(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;''; and

(3) by adding at the end the following:

''(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

''(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

''(25) 'Secretary' means the Secretary of Transportation.''.

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting '', if appropriate,'' after ''Secretary'' the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking ''transporters of gas and hazardous liquid and to'' in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

''(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.''; and

(3) by striking paragraph (2) and inserting the following:

''(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.''.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

''(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

''(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

''(A) practicable; and

''(B) designed to meet the need for—

''(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

''(ii) protecting the environment.

''(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

''(A) relevant available—

''(i) gas pipeline safety information;

''(ii) hazardous liquid pipeline safety information; and

''(iii) environmental information;

''(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

''(C) the reasonableness of the standard;

''(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

''(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

''(F) comments and information received from the public; and

''(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

''(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

''(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

''(B) identify the costs and benefits associated with the proposed standard;

''(C) include—

''(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

''(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

''(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

''(4) REVIEW.—

''(A) IN GENERAL.—The Secretary shall—

''(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

''(ii) make that risk assessment information available to the general public.

''(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

''(i) an evaluation of the merit of the data and methods used; and

''(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

''(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

''(i) shall review the report;

''(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

''(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

''(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

''(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

''(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

''(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

''(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

''(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

''(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

''(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.''.

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting ''as required by the standards prescribed under this chapter'' after ''operating the facility'';

(2) by striking ''to provide the information'' and inserting ''to make the information available''; and

(3) by inserting ''as determined by the Secretary'' after ''to the Secretary and an appropriate State official''.

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking ''and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),''; and

(2) by striking ''transmission'' and inserting ''transportation''.

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

''(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

''(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

''(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart

pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.''.

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking ''(2) Not later than'' and inserting the following:

''(2) PERIODIC INSPECTIONS.—Not later than''; and

(B) by inserting '', if necessary, additional'' after ''the Secretary shall prescribe''.

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following:

''(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.''.

(g) MAPPING.—Section 60102(c) is amended by adding at the end thereof the following:

''(4) PROMOTING PUBLIC AWARENESS.—

''(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

''(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

''(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.''.

(h) REMOTE CONTROL.—Section 60102(j) is amended by adding at the end thereof the following:

''(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

''(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.''.

SEC. 5. RISK MANAGEMENT.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60126. Risk management

''(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

''(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

''(B) to evaluate the safety and cost-effectiveness of the program.

''(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

''(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

''(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

''(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

''(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

''(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

''(3) provide for—

''(A) collaborative government and industry training;

''(B) methods to measure the safety performance of risk management plans;

''(C) the development and application of new technologies;

''(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

''(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

''(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

''(G) the development of project elements that are necessary to ensure that—

''(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

''(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

''(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

''(i) changed circumstances; or

''(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

''(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

''(J) an opportunity for public comment in the approval process; and

''(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

''(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

''(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

''(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

''(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

''(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.''.

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60126. Risk management.''.

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking ''transporting gas or hazardous liquid or'' in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking ''NAVIGABLE WATERS'' in the heading for subsection (c) and inserting ''OTHER WATERS''; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

''(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.''.

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking ''a

navigable waterway (as the Secretary defines by regulation)'' and inserting ''waters where a substantial likelihood of commercial navigation exists''.

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

''(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

''(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

''(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.''.

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting '', if any,'' in the first sentence of subsection (b)(1) after ''circumstances'';

(2) by inserting '', operating, and maintaining'' in subsection (b)(4) after ''cost of installing'';

(3) by inserting '', maintenance, and replacement'' in subsection (c)(1)(C) after ''installation''; and

(4) by inserting after the first sentence in subsection (e) the following: ''The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.''.

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: ''The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.''.

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting ''or risk management principles'' in paragraph (1) before the period at the end;

(2) by inserting ''or risk management principles'' in paragraph (2) before the period at the end;

(3) by striking ''4'' in paragraph (3)(B) and inserting ''5'';

(4) by striking ''6'' in paragraph (3)(C) and inserting ''5'';

(5) by adding at the end of paragraph (4)(B) the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).''; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.''.

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting ''including the risk assessment information and other analyses supporting each proposed standard'' before the semicolon in paragraph (1)(A);

(2) by inserting ''including the risk assessment information and other analyses supporting each proposed standard'' before the period in paragraph (1)(B);

(3) by inserting ''and supporting analyses'' before the first comma in the first sentence of paragraph (2);

(4) by inserting ''and submit to the Secretary'' in the first sentence of paragraph (2) after ''prepare'';

(5) by inserting ''cost-effectiveness,'' in the first sentence of paragraph (2) after ''reasonableness,'';

(6) by inserting ''and include in the report recommended actions'' before the period at the end of the first sentence of paragraph (2); and

(7) by inserting ''any recommended actions and'' in the second sentence of paragraph (2) after ''including''.

(d) MEETINGS.—Section 60115(e) is amended by striking ''twice'' and inserting ''up to 4 times''.

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking ''PAY AND'' in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting ''of a committee under this section'' after ''A member''.

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking ''person transporting gas'' and inserting ''owner or operator of a gas pipeline facility'';

(2) by inserting ''the use of a one-call notification system prior to excavation,'' after ''educate the public on''; and

(3) by inserting a comma after ''gas leaks''.

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: ''The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.'';

(2) by adding at the end thereof the following:

''(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.''; and

(3) by striking ''transporting gas or hazardous liquid'' in subsection (b) and inserting ''owning''.

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking ''transporting gas or hazardous liquid or'' in subsection (a); and

(2) by striking paragraph (1) and inserting the following:

''(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;''.

(b) Section 60118 (b) is amended to read as follows:

''(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.''.

(c) Section 60118(c) is amended by striking ''transporting gas or hazardous liquid'' and inserting ''owning''.

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

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

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

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

''(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

''§ 60124. Biennial reports''.

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: ''Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

''60124. Biennial reports.''.

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

''§ 60127. Population encroachment

''(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

''(b) EVALUATION.—The Secretary shall—

''(1) evaluate the recommendations in the report referred to in subsection (a);

''(2) determine to what extent the recommendations are being implemented;

''(3) consider ways to improve the implementation of the recommendations; and

''(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

''60127. Population encroachment.''.

SEC. 17. USER FEES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by

the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

"§ 60128. Dumping within pipeline rights-of-way

''(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

''(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking ''or 60118(a)'' and inserting '', 60118(a), or 60128''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

''60128. Dumping within pipeline rights-of-way.''.

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after ''and training activities'' the following: ''and promotional activities relating to prevention of damage to pipeline facilities''.

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting ''**pipeline safety program**'' after ''**State**''.

(b) SECTION 60106.—The heading for section 60106 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(c) SECTION 60107.—The heading for section 60107 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking ''60120, 60122, and 60123'' in subsection (a)(9) and inserting ''60120 and 60122'';

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting ''pipeline safety program'' in the item relating to section 60105 after ''State'';

(2) by inserting ''pipeline safety'' in the item relating to section 60106 after ''State''; and

(3) by inserting ''pipeline safety'' in the item relating to section 60107 after ''State''.

(f) SECTION 60101.—Section 60101(b) is amended by striking ''define by regulation'' each place it appears and inserting ''prescribe standards defining''.

(g) SECTION 60102.—Section 60102 is amended by striking ''regulations'' each place it appears in subsections (f)(2), (i), and (j)(2) and inserting ''standards''.

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking ''regulations'' in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting ''standards''; and

(2) by striking ''require by regulation'' in subsection (c)(4)(A) and inserting ''establish a standard''.

(i) SECTION 60109.—Section 60109(a) is amended by striking ''regulations'' and inserting ''standards''.

(j) SECTION 60110.—Section 60110 is amended by striking ''regulations'' in subsections (b), (c)(1), and (c)(2) and inserting ''standards''.

(k) SECTION 60113.—Section 60113(a) is amended by striking ''regulations'' and inserting ''standards''.

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

''(1) $19,448,000 for fiscal year 1996;

''(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

''(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

''(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

''(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.''.

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

''(D) $12,000,000 for fiscal year 1996.

''(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

''(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

''(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

''(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.''.

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

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

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be given to the gentleman from Colorado [Mr. SCHAEFER], and that he be permitted to control the time.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, my understanding, I could be wrong, is that those of us in opposition, which I am, are entitled to 20 minutes under the rules.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PALLONE. Mr. Speaker, unless there is some other Member in opposition, I would ask for the 20 minutes.

The SPEAKER pro tempore. Is the gentleman from West Virginia [Mr. RAHALL] opposed to the bill?

Mr. RAHALL. No, Mr. Speaker, I am in favor of the bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to vacate my unanimous-consent request and reclaim my time from the gentleman from Colorado [Mr. SCHAEFER].

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

There was no objection.

The SPEAKER pro tempore. If the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill, he can be recognized for 20 minutes.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that we extend the time here by an additional 10 minutes so that we are able to give 5 minutes to the gentleman from Colorado [Mr. SCHAEFER], 5 minutes to the gentleman from West Virginia [Mr. RAHALL], and 10 minutes to myself, which I will be liberal with for the first time in my life in order to share it with others who support this legislation.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will control 10 minutes, the gentleman from Colorado [Mr. SCHAEFER] will control 5 minutes, and the gentleman from West Virginia [Mr. RAHALL] will control 5 minutes, and the gentleman from New Jersey [Mr. PALLONE] will control 20 minutes in opposition.

Is there objection to the request of the gentleman from Pennsylvania [Mr. SHUSTER]?

There was no objection.

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

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

I rise in support of S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. The bill authorizes the pipeline safety program for 5 years. It ensures and oversees the safety of our Nation's gas and hazardous liquid pipelines. I certainly want to thank my colleagues for their support.

Pipelines remain the safest form of transportation in our country. Fatalities from pipeline accidents represent less than 0.003 percent of the total number of fatalities of all modes of transportation. The bill we are considering today is a new direction for pipeline safety. In the last decade, Congress has micromanaged the program. However, because of the outstanding safety record, we think it makes a lot of sense that the industry and the Department of Transportation now move away from a command and control approach to a risk-based approach and that is what the legislation does.

This has been bipartisan throughout. We have worked with colleagues on the other side of the aisle. Indeed we have worked with the Department of Transportation, with all parties who are interested. And we believe that this is a

strong safety bill in the right direction and we would urge its support.

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

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

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

Mr. PALLONE. Mr. Speaker, I rise in strong opposition to S. 1505, legislation that would roll back in my opinion the gains made by the pipeline safety improvement act of 1992, which was largely written by the former chairman of the Energy and Power Subcommittee, Phil Sharp. That law, which was passed a mere 4 years ago, made positive, significant public safety and environmental changes to our pipeline laws.

That law and the protections already on the books are important to me. About 2 years ago the residents of Edison, NJ, which is in my district, and communities across the country got a very loud wake-up call when a natural gas pipeline exploded, sending a fireball hundreds of feet into the air and destroying the homes of more than 1,000 people in my district.

This bill, which was drafted primarily with far more input from the industry than from the House Democrats, allows pipeline operators to decide for themselves what safety precautions to take and which to ignore while, making it even more difficult for Federal regulators to pass new safety requirements. However, as evidenced with the Iroquois pipeline in New York, there is an inherent conflict of interest that prevents companies from regulating themselves in a manner that provides maximum protection to the public.

Unfortunately, despite some lone cries from both parties, this Congress is set to let the industry govern itself and at the same time weaken protections in existing law. Right now the law requires that all individuals responsible for operating and maintaining pipelines be tested for qualifications and certified to operate and maintain those pipelines. But the bill before us removes the testing and certification requirement.

The 1992 act, which I mentioned, required the Department of Transportation to issue several new safety and environmental protection regulations. This bill, however, creates risk management demonstration programs, I will repeat that, risk management demonstration programs that allow pipeline companies to write their own rules.

Furthermore, the general language is written to give industry maximum wiggle room. The bill allows DOT to exempt pipelines from current regulations and forces DOT to release them from future regulations, including those based upon the public law of 1992 and essentially the rules that are still pending right now.

The bill is so poorly drafted that it allows pipeline operators who fail to comply with the plans that they themselves wrote to continue to regulate themselves. Instead of mandating that companies that are in substantial noncompliance be automatically kicked out of the program, it opens the door to allowing those bad actors to remain exempt from the rules that every one else has to play by.

This bill also deletes a requirement in current law requiring that pipelines be inch inspected at least once every 2 years. If you think about the Edison accident, after that accident the DOT and everyone who was involved thought the inspection should be more frequent. This bill says they do not even have to do it every 2 years.

The bill would undermine a DOT regulation that allows DOT to require companies to replace old pipes with new pipelines that are able to be inspected by an internal inspection device, also known as a smart pig. During the Edison accident aftermath there was much suggestion that smart pigs be used wherever possible. This does not require that anymore. By changing the underlying basis for the DOT rule, pipeline companies would now be able to successfully overturn current regulation in court.

The bill also removes a requirement in current law that DOT, when issuing a standard, has to consider the extent to which the standard contributes to safety and environmental protection. The bill replaces this with risk assessment and cost-benefit analysis. This is the Contract With America risk assessment and cost-benefit analysis that I thought that this Congress had rejected.

Furthermore, the bill would add more industry representation to the two committees that would serve to peer review the risk assessment/cost-benefits processes, while leaving in place weak conflict-of-interest provisions.

Finally, perhaps most egregiously, this bill completely changes environmental language in current law to benefit the oil industry. It undermines wetlands protection and removes the requirement to identify pipelines in earthquake zones. And, to add insult to injury, it removes a mandate for regular inspection of pipelines in environmentally sensitive areas.

I just have to say, Mr. Speaker, I am very happy that the New Jersey delegation has worked hard to improve this bill. On the Senate side, amendments were added by Senators LAUTENBERG and BRADLEY that would require DOT to study effectiveness of remote shutoff valves, and if the study finds them technically or economically feasible, would require DOT to publish standards for their use where they would reduce risk.

It also contains language requiring criminal penalties for dumping in pipeline rights-of-way. That is something that Mr. SCHAEFER put in at my request, and I appreciate that. And it retains a House Democratic amendment authorizing DOT to engage in public education to promote One-Call and pipeline damage prevention, again something that Mr. SCHAEFER put in the bill at my request, and I appreciate that.

These are poison-coated carrots, I think, meant to entice us into supporting a bill that will ultimately undermine the very protections we support. Even with these additions by the New Jersey delegation, this is a bad bill.

None of this bill's provisions have ever been the subject of legislative hearings in either the House or the Senate. Last year, as part of their Contract With America, the House Republicans rammed a dangerous industry-drafted bill through two committees without significant Democratic input. That bill has been sitting in limbo for well over a year.

But because the original bill contained risk assessment language that condemned it to a near certain Presidential veto, Republicans finally sat down with us and other Democrats to negotiate a new bipartisan bill. But Republicans broke off negotiations, for example, after only one session because they realized that they could get a better deal by forcing the Senate bill on the Democrats. That is what we are getting here today. That is wrong.

We went to the table in good faith. We were prepared to make a deal and help move it through the House and Senate on a truly bipartisan and inclusive basis, which is what should happen. Instead we have this: broken-off negotiations and a bill that we are being denied our right to amend. The process stinks. It is unnecessary process.

If it was brought under normal circumstances, this would be subject to a point of order because it has a $6 million pay-as-you-go violation. No amendments. It undermines safety and environmental protection. It is opposed by the Natural Resources Defense Council, the American Oceans Campaign, and the Center for Marine Conservation.

I urge my colleagues, before you vote, think about this. Do you really know what you are getting into in this Senate bill? I am here to tell you that this is not what you think. This is not something that is going to move forward on protections for pipelines. It is harmful. It deserves to be defeated. It is really backtracking on the issue of pipeline safety in this country. It deserves to be defeated.

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

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

I am astonished at the gentleman's comments when he says the House Democrats did not have an opportunity to participate. I recognize that his committee does not have primary jurisdiction and they may be very upset about that, but the facts are the Committee on Transportation and Infrastructure has primary jurisdiction over

this, and the Democrats on our committee were full partners throughout the process when this legislation was crafted.

Further, there were hearings held on this legislation and, further, this legislation passed the Senate unanimously, passed our Committee on Transportation and Infrastructure, which has primary jurisdiction, unanimously.

Indeed, the distinguished Senator from New Jersey, Senator LAUTENBERG, said this on the floor of the Senate: ''The bill before us enhances our existing pipeline safety program in a number of ways.'' He goes on to list those ways. He also goes on to say that the bill would also increase funding for pipeline safety programs and make other improvements.

It passed the Senate unanimously; passed our committee unanimously. Now at this 11th hour suddenly we find that the committee which does not have primary jurisdiction, but I guess would like to have jurisdiction, is on the floor opposing this legislation. I regret that.

□ 1630

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

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

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

Mr. SCHAEFER. Mr. Speaker, S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996 reauthorizes the Natural Gas and Hazardous Liquid Pipeline Safety Acts both of which expired in September of last year.

Natural gas and oil pipelines play a vital role in getting energy to market. In the United States there are approximately 280,000 miles of natural gas transmission lines and 1.5 million miles of gas distribution lines. Hazardous liquid pipelines consist of over 200,000 miles of pipeline. Even with this extensive pipeline network, oil and gas pipelines have maintained a remarkable safety record. However, because of the enormous potential for loss of life or harm to the environment from a pipeline rupture, it is important that we make sure our national pipeline system operates as safely as possible.

The bill we are considering today, S. 1505, is a compromise version of a bill passed last year by the Commerce Committee, Like the House bill, H.R. 1323, S. 1505 changes the way pipelines will be regulated in the future. In the past, Congress responded to specific accidents by creating inflexible, one-size fits all mandates which were applied to all pipelines. The result has been a layering of congressional mandates, which don't necessarily lead to improved safety, and in some instances may even divert limited resources away from more promising safety measures.

S. 1505, like its House predecessor, gets away from the old approach, by requiring the Department of Transportation to conduct a risk assessment for new pipeline safety regulations. In addition, S. 1505 establishes a voluntary, 4-year risk management demonstration project at DOT's Office of Pipeline Safety.

Under this demonstration program, pipeline operators would be allowed to assess the unique safety risks associated with their pipelines, create specific safety measures tailored to a pipeline or a segment of pipelines, and implement these measures subject to DOT approval and management. DOT would have the responsibility of ensuring that the risk management proposal contains provisions designed to provide an equal or greater level of safety than currently exists under the statute.

S. 1505 also makes a number of smaller and technical changes. Among other things, pipeline operators must now be qualified rather than certified to operate a pipeline, the definition of environmentally sensitive areas is clarified, and DOT is given authority to enter into agreements with States and other entities to promote pipeline safety.

S. 1505 lowers the user fees pipelines must collect to pay for the pipeline safety program. The improvements made to the pipeline safety program by this bill will result in less costly and more effective regulation of pipelines. Importantly, the user fees, while lower than DOT's original request, are significantly higher than the amounts authorized in the House bill. Keeping pipeline safety user fees at a reasonable level will assure that consumers can afford to purchase clean burning, environmentally friendly natural gas and will help keep the cost of heating oil and gasoline at reasonable levels.

I believe DOT can run an efficient and effective Office of Pipeline Safety with the money authorized in S. 1505, given the fact that more emphasis will be placed on risk management and risk assessment as opposed to command and control regulation. S. 1505 is the kind of innovative solutions we need to ensure responsible regulation while controlling the cost of government.

Overall, I believe S. 1505 will improve an already high level of safety on our Nation's interstate pipelines. I urge its adoption.

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

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

Mr. Speaker, I come from an area of the country where, at times, terror springs forth from deep within the Earth. The ground shakes, fire and smoke belch forth, the siren wails, and then the process of counting the dead begins.

It is unfortunate, but true, that this is part of the legacy of underground coal mining in Appalachia. For deep within many of these mines stalks a silent killer: It is known as methane gas. As it accumulates, it takes just one spark to set off a disaster that leaves many families without a father, son, or daughter.

In many parts of the country, another potential silent killer lies beneath the ground. It is the natural gas that flows through the 1.6 million miles of pipelines which run through rural and urban areas alike. A natural gas pipeline, lying beneath the Earth, can explode, and it can cause the same terror, the same trauma, and the same consequences to life and property as occurs with mine disasters.

It is from this perspective that I approach the pending measure, and it is from this perspective why I am pleased to rise in support of the pending legislation, Mr. Speaker.

The basic purpose of this bill is to reauthorize the natural gas and hazardous liquid pipeline safety programs through the year 2000. In this regard, the pending legislation provides authorization levels that are consistent with the administration's budget request for the Office of Pipeline Safety.

The bottom line is that this legislation would not diminish pipeline safety whatsoever.

At the same time, it provides the necessary authorization for the Office of Pipeline Safety to continue with its very important work of ensuring the safety of the American public as their safety relates to potential hazards associated with gas and liquid pipeline.

I would note as the gentleman from Pennsylvania [Mr. SHUSTER] noted, that this bill passed the Senate in a bipartisan fashion, and it is generally supported by the Office of Pipeline Safety at the Department of Transportation.

In this body, the Committee on Transportation and Infrastructure reported a reauthorization, as has already been stated bill on May 1, 1995. We did so in a bipartisan fashion.

Under a sequential referral, the Commerce Committee reported its version on June 1, 1995. It did not do so in a bipartisan fashion, and that is where we find ourselves today.

The Transportation and Infrastructure Committee is bipartisan in its support of the pending measure. In fact, from my perspective, the Senate version is superior to what the Transportation Committee Democrats agreed to last year.

This is because the risk assessment provisions of the Senate bill are far more flexible than what was in the House bill, and basically comports with what the Office of Pipeline Safety is already undertaking. Further, the Senate bill has a higher authorization level than what is in the House measures.

I see my very good friend from Michigan, the ranking Democrat on the Committee on Commerce, on the floor at this moment, and I realize fully that my distinguished friend from Michigan and his Committee on Commerce views itself rather as being second to none. Indeed our friendship is probably second to none in this body.

It is a powerful committee, and it deserves our respect with all due respect to my friend. But in this case, in this particular piece of legislation, it is the Committee on Transportation and Infrastructure which has the primary jurisdiction in this body, and we are united in our support thereof, Democrat and Republican alike.

So I would urge my Democratic colleagues to support the pending measure and certainly realize that this came out of the bipartisan Committee on Transportation and Infrastructure.

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

Mr. PALLONE. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, I want to express my affection and respect for the gentleman from West Virginia [Mr. RAHALL] and also the gentleman from Pennsylvania [Mr. SHUSTER], and I want to point out that we on the Committee on Commerce have no concerns about the jurisdiction or jurisdictional questions or the referrals of these matters. I want to talk a little about the history of how this bill came to be and what is in it and why, perhaps, it ought to be rejected.

First of all, the bill was only voted out of the Senate last night. No legislative hearings were held upon this bill either in the House or in the Senate. The bill, if my colleagues will read it, is poorly drafted and it is ambiguous. The Committee on Transportation and Infrastructure broke off discussions and negotiations with the other committees last week, so there have been no real discussions during that time.

The threat to communities from unsafe pipelines is real. In 1994, a gas pipeline explosion destroyed an apartment complex in Edison, NJ. In 1993, a leak in the Colonial Oil Pipeline in Fairfax County, VA, caused extensive property and environmental damage, and other events of this kind are waiting to happen.

The bill allows, in a rather curious provision, the Department of Transportation to substitute a voluntary demonstration project for real regulation. That is hardly protecting the public safety or public interest. It does not ensure public participation when the Department of Transportation considers whether or not a pipeline should be exempt from regulation. That is possible even for pipelines which go through heavily settled metropolitan areas where some fine, fine explosions could occur. The bill discontinues the existing requirement that pipelines be inspected every 2 years, even in high density communities or in environmentally sensitive areas.

Now, there are a lot of questions about this bill: Does the bill undermine rulemaking protections under the Administrative Procedure Act? The language of it indicates yes, that it does undermine the Administrative Procedure Act's requirements.

The bill also raises questions of whether the APA applies or not. I do not believe that any member of the Committee on Transportation and Infrastructure can tell us whether in fact it applies or not.

The question arises are the safety standards referred to in section 60102 required to be set by rulemaking? Are they going to be done publicly? Or will they be done in some curious, sneaky, dishonest, underhanded fashion in the dark of night without public participation?

Another question: What is going to happen to existing and pending pipeline safety standards? How will this requirement affect DOT's pending rule for replacing pipelines to facilitate better safety inspections? What kind of delay is this going to introduce in finalizing that rule?

Now, there is a question of demonstration projects in public participation. The bill permits DOT to set up demonstration projects for pipelines in lieu of existing regulation.

What does that mean?

Question: Does DOT consider an application under this type of exemption? If it does, can local citizens participate? Are exemptions done through rulemaking where they can be challenged in court? Are citizens' comments to be a part of the public record, or will we hear only from pipeline executives? Will pipeline executives function in some kind of a curious darkened place where there is no public participation?

The bill significantly alters wetland protections. It sets up some new category of critical wetlands. These are not defined in the bill. Question: What are these curious types of wetlands? Are they better or worse? Are they entitled to different protections than other wetlands? And what does this all mean?

Now there is one other little item that is in this: peer review. The question here is, does the secretary have to put a peer review panel above the other rulemaking process? Does he bring into the peer review process ordinary citizens? Who is to be on this peer review panel? Are they going to be pipeline lobbyists or pipeline lawyers or pipeline executives or will ordinary citizens be permitted to participate in this? Is the mayor of a community that a major pipeline goes through going to be involved in this, or will there be representatives of cities and counties and local governments and safety authorities and fire insurance people and specialists in public safety of all kinds?

The hard fact here is this bill drips questions, this bill raises more questions than it answers. It puts in place loopholes which raise questions about public safety. It was done in a very curious fashion. There have been no hearings. Nobody of the Transportation Committee can tell us what is in the bill. The Transportation Committee endorses it with great enthusiasm, and perhaps that is because they do not really know what is in the bill.

The bill raises the fine question then of whether we should perhaps reject it because we are supposed to pass a bill on which there can be no amendments, without adequate discussion, in a period of 40 minutes which is going to raise fine questions later as to public safety.

I would remind my colleagues that in the 1940's there was a natural gas explosion in the City of Cleveland which cost the citizens of Cleveland better than $300 million. That was in 1940's dollars; that was a huge sum. Enormous numbers of buildings were destroyed, citizens were destituted, and the consequences were horrible to see.

The pipeline explosion which occurred in New Jersey was a spectacular event. It was reminiscent of an atom bomb going off.

I would say that in the addressing of questions of pipeline safety we should consider the need to be concerned about the well-being of the pipelines. We also should be aware of the need to be concerned about the safety of citizens and about the mechanisms that government has to assure the safety of citizens from risks of leaking or exploding pipelines or fires which are associated with leaks in these pipelines.

I urge the rejection of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin [Mr. PETRI].

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

Mr. PETRI. Mr. Speaker, I would urge my colleagues to follow the unanimous lead of the Senate and of the Committee on Transportation and Infrastructure in adopting the measure before us. I would like to be clear that the Senate bill we are currently considering is based on a House bill that was favorably reported last year by both the Transportation and Infrastructure Committee and the Committee on Commerce. The Committee on Transportation and Infrastructure approved the bill by a unanimous voice vote.

□ 1645

The only significant differences between the Senate bill that is before us and the bill approved by our committees are less prescriptive risk assessment provisions and increased authorization levels. The risk assessment provisions were developed with the United States Department of Transportation and reflect the current practices of the Office of Pipeline Safety, in accordance with President Clinton's executive order regarding cost-benefit analysis.

This risk assessment approach is particularly suited to the pipeline safety program, as facts clearly show that pipelines remain the safest form of transportation. Fatalities from pipeline accidents represent only three one-thousandths of 1 percent of the total number of annual transportation fatalities.

The second major new initiative in the bill before us, which was also included in the bill that our committees earlier adopted, is a pilot project to demonstrate the safety and cost-effectiveness of risk management.

This provision gives statutory authority to a program already under development by the department. The goal of risk management is to focus resources on the greatest risks and improve protection of the public, rather than proposing a one-size-fits-all regulatory straitjacket and wasting resources and endangering the public by not focusing on where we can do the most good.

A participant may submit a risk management safety plan for approval by the Secretary that would achieve a level of safety that is equal to or greater than that which would be achieved by following existing regulations. So we give them flexibility to improve safety, not to lower safety. I think it is something we should be encouraging.

In return, the pipeline owner or operator would be allowed to operate free of the regulations that may be proved unnecessary based on the safety plan submitted.

Mr. Speaker, I would note, as I said before, that the Senate passed this legislation by unanimous consent. We have worked for 18 months to reach the point we are today. Because this bill will improve pipeline safety by allowing the Department of Transportation and pipeline owners and operators to focus and allocate resources on the greatest risks to public safety and environment, I would urge the House to pass the bill before us.

In conclusion, I would like to thank our colleagues, the gentleman from West Virginia, NICK RAHALL, the ranking minority member of the Subcommittee on Surface Transportation, as well as the gentleman from Pennsylvania, Mr. SHUSTER, and the gentleman from Minnesota, JIM OBERSTAR, for their support in the past, and their hard work on this important legislation.

The gentleman from New Jersey, Mr. BOB FRANKS, a member of the Committee on Transportation, has worked diligently on this issue for a number of years, and so has the gentleman from Colorado, Mr. SCHAEFER, and the gentleman from Virginia, Mr. BLILEY, of the Committee on Commerce, which shares jurisdiction over the pipeline safety program.

Finally, I would like to recognize the many hours that the Department of Transportation has devoted to this legislation. I think it is a good, worthwhile product, and we should adopt it today.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, I ask that this bill be rejected. Let me just give the Members the very simple five-step program to understanding this bill.

Step No. 1: The Department of Transportation finds a very serious problem in pipelines across the United States. They might explode, for some reason or another, because of some defect which they have found in pipelines nationally, a very serious problem, a great public safety problem in community after community across the United States.

Step No. 2: The Department of Transportation decides to promulgate a rule in order to ensure that the public safety will be protected against the defects which have been created in pipelines in neighborhoods near where children play all across the United States.

Step No. 3: The bill, as constructed by the authors, then forces an extremely complex risk assessment cost-benefit analysis of whether or not these pipelines should in fact be repaired or the changes made in the methodology that in the future will ensure that all of the citizens, all of the children that live in these neighborhoods, will be protected.

Step No. 4: An industry-dominated peer review panel reviews the rule and then dissents from it. It says to the Department of Transportation, as the peer review panel we really do not think that this rule is necessary.

The interesting thing is that under the bill, the peer review panel that has this right to dissent is packed with, guess what, pipeline company officials, who will have to change the way in which they make these pipes that are endangering the children in the neighborhoods. Now, with this peer review panel packed with pipeline officials that make their living off of these pipes, they say no, we dissent. We do not think the rule should go into place.

Then, step No. 5: The lawyers for the pipeline companies then use the dissent of the peer review panel at the Department of Transportation as the basis for their lawsuit, which keeps the rule from going on the books for years in this country. Meanwhile, the pipelines continue to exist or continue to be built that endanger the children in the neighborhoods of this country.

Mr. Speaker, how in the world can we in good conscience, with less than 1 day left to go in the Congress, with so little understanding of what this impact could be, cater to the special interests of pipeline companies and give them this opportunity of railroading through here this inoculation against the guarantee that the people of this country will be protected?

Mr. SCHAEFER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. HALL].

The SPEAKER pro tempore. The gentleman from Texas [Mr. HALL] is recognized for 3 minutes.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise in strong support of S. 1505, the Pipeline Safety Reauthorization Act. This legislation is not really a stranger to this House. In fact, it is similar to the legislation that passed the Committee on Transportation and Infrastructure over a year ago.

Mr. Speaker, the bill reaches some important compromises on several issues that were contentious in the House. If I recollect, the gentleman from New Jersey had some problems with some of those. Frankly, I had thought the gentleman had done such a good job representing the people of New Jersey that he had had his problems solved over there. I am surprised to find out today that he has not. I admire his spunk in standing up and taking the positions he has taken.

I think we have reached out the hands to try to take care of the problems that were set forth. If not, had I known so 2 weeks ago, we would have done our best to have addressed them.

Really and truly, Mr. Speaker, the bill reaches all types of important compromises. I think first, the risk assessment cost-benefit analysis in the Senate bill is significantly less prescriptive than last year's regulatory reform legislation.

Senators JOHN GLENN and CARL LEVIN, the senior Democrats on the Senate Government Affairs Committee, agree. According to these two Senators, I understand that their position is that the risk assessment provision in S. 1505 is carefully tailored to the pipeline safety program at the Department of Transportation, and represents a fair and reasonable approach, so they said. This provision has the support of the Department of Transportation.

Second, S. 1505 contains a risk management demonstration project which is virtually identical to a provision in the House legislation. Some have suggested that this program will exempt pipeline operators from existing pipeline safety regulations. Of course that is not so. Under the voluntary demonstration program, pipeline operators would be given the opportunity to submit alternative safety plans to the Department of Transportation which address the unique safety concerns of that pipeline system.

The Department of Transportation would have to certify that the risk management plan provided an equal or greater level of safety than existing regulations before the plan could be approved. This is not a plan for thwarting regulations, it is a way of providing an even higher level of safety than simply sticking to minimum safety standards.

Last, this bill provides a more than adequate budget for DOT to carry out its pipeline safety program. The authorization figures in S. 1505 are significantly higher than those contained in last year's bill, and have the support of both DOT and the regulated industry.

Mr. Speaker, this legislation enjoyed unanimous bipartisan support in the other body just yesterday. It is not anything new. They passed it unanimously over there, Republicans and

Democrats alike. I do not see any reason why, Mr. Speaker, it should not be approved today and receive the same overwhelming support in this Chamber today.

I am really a little surprised that there is even any opposition to it. The bill is going to continue to provide the Department of Transportation the necessary tools to continue to protect the public safety and the environment. I urge Members' support.

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

Mr. Speaker, I just wanted to mention, because I know different statements were made, that there is no administration position on this legislation. To characterize it and say that the President has said whether he will support this bill or not is simply not accurate. There is no position at this time.

In addition, I would like to point out again that we are talking about a bill that passed the Senate and that came over here today. There was no conference on this bill. In fact, the House versions of the bill, even though they passed the two committees, the Committee on Commerce and the Committee on Transportation and Infrastructure, never were reconciled and never came to the floor of the House. So there was no hearing on the Senate bill, and the Senate bill is very different in many respects from the House versions in both of the two committees.

Mr. Speaker, I am very concerned, because 2 years ago when the explosion occurred in my district, in Edison, NJ, there were officials who came in from the Office of Pipeline Safety. There was an investigation by the National Transportation Safety Board. They made a series of recommendations as to what should be done in the future with pipeline safety.

Unfortunately, Mr. Speaker, a lot of those recommendations have not been met. Essentially what came out of the Edison explosion, I feel, was a feeling nationally that was expressed by many organizations that more needed to be done to protect residents, to protect the average American from the dangers of pipelines that were not properly inspected or that were subject to risks for various reasons.

We have had many incidents since that time, and in fact, I was given a press article that was actually in the Associated Press just a couple of weeks ago, September 26, 1996: ''U.S. orders Colonial to test entire pipeline, from Dallas. The Nation's biggest petroleum pipeline is hazardous, and its owners have been ordered to test the entire 1,500 mile line, from Texas through to the Carolinas to New Jersey,'' a Federal official said. I mentioned the Iroquois pipeline before.

The bottom line is that there is every reason to believe that there needs to be more protection because of problems with pipelines. Yes, what do we get instead? We have a Congress now that, instead of reacting to that in a progressive way, instead puts in place a regressive, if you will, method of essentially downgrading and turning the clock back, if you will, on the way we go about pipeline inspections right now.

The germ of all this is that risk assessment procedure. What we have essentially, and I listened to some of the comments made by my colleague on the other side of this issue, what we have essentially here is an effort to put into this bill the risk assessment ideology, if you will, that existed in the Contract With America, that says that industry knows best; that industry, through demonstration programs, should be allowed to get out of existing rules or existing requirements and basically do what they want: set up their own safety standards, do their own testing, do their own investigation. That is not the way it should be. There is too much of a conflict of interest here.

Mr. Speaker, this is going to be a prime example of how the Gingrich Congress, the 104th Congress, basically lets industry write the laws. Those industry laws, those laws are written in a way that hurt the average American, do not provide protection, safety protections for the average American.

Mr. Speaker, I had hoped that this Congress had learned a lesson, that that was not the way to go. But this legislation if it passes today is going to be a prime example of exactly the type of legislation that we passed under that risk assessment procedure, under that procedure that says that we need to downgrade regulations, we do not need to protect the average American, we need to let industry do its own investigation, its own enforcement, as it sees fit.

□ 1700

I see a basic conflict of interest there. I think if you look at the explosions and you look at what has been happening with pipeline safety over the last few years, you can tell that that is not the way to go, and yet that is what we have in this instance.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill. The fact of the matter is this legislation has been hanging around, dragging along, whatever, for a long, long time.

The natural gas industry, though, is an industry that is rapidly developing. That is one bright spot as we try to become energy dependent. Natural gas is the way that we achieve a lot of that, and so it is very important that we have some rules of the road. That is why this bill is so important.

It seems to have been worked out in a bipartisan compromise. That is the way that we ought to be doing that, and we ought to give those in the natural gas industry and those who also make their living from the natural gas industry and those who live in the gas fields, we ought to give them that predictability.

Mr. Speaker, I urge support for this legislation.

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

Mr. Speaker, I say to the gentleman from New Jersey [Mr. PALLONE] that I never said the President supported this bill. I said the Office of Pipeline Safety within DOT supports this legislation.

In regard to the risk assessment provisions, we did not and we have not in this bill taken the risk assessment language of the Contract With America word for word. We have made it more flexible. We have actually improved the risk assessment language, and the Senate bill went even further than our original House legislation.

We made it more flexible. We have increased the authorization levels for the Office of Pipeline Safety. So we have dramatically improved this bill over what it was originally, and it is not the prescriptive language that the gentleman from New Jersey would ascribe to it. I would say in addition to that, we have had hearings on this issue. It has gone on for well over 18 months as we have heard now. We have not had hearings on the Senate bill precisely but we have had hearings on this issue and it has been dealt with quite a bit.

We asked the gentleman from New Jersey early on in the process, throughout the process, what are his recommendations for improving the bill, what are his amendments, please present them in the process and we will talk further with you and negotiate further with you. We received no such process. So yes, I guess in that sense the process did break down.

Mr. Speaker, I urge support of the legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am proud to rise in support of this measure today, a measure that was supported by both U.S. Senators from my home State of New Jersey. I do so because the impact of this bill will be to focus additional resources on areas that present the greatest potential risk. For a highly developed, densely populated State like New Jersey, with hundreds of miles of pipeline and densely populated areas, this approach will have a positive impact, leading to more frequent inspections and greater use of safety enhancing technologies.

Instead of spreading out resources to provide for the same level of safety for every mile of pipeline, whether it is located in the wilderness or next to an apartment complex, the provisions of this bill will allow pipeline companies greater flexibility in defining a program to enhance safety, not less safety

but equal and enhanced safety measures.

Mr. Speaker, let me finally point out that the existing command and control structure did not help the residents of Durham Woods. It is under the old system of command and control that that explosion took place. We need to invest greater resources in areas that present the greatest risk.

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

Mr. Speaker, frankly, I was quite surprised to hear this legislation attacked by my good friend from New Jersey when indeed both New Jersey Senators not only support this legislation, but Senator LAUTENBERG, who has dedicated his life to transportation safety, has been a vigorous supporter of this legislation and, indeed, has put an extensive statement in the CONGRESSIONAL RECORD in support of this legislation.

Further, I am surprised to hear attacks on risk assessment, because the risk assessment in this legislation starts with the position the administration has taken on risk assessment and in fact toughens it up.

We all know, nobody disputes, that pipeline is the safest form of transportation we have. Indeed, I think at bottom, what this really boils down to, this debate, is a debate between the old command and control, ''Washington knows best'' point of view and the point of view which says let's modernize, let's look to the future instead of the past, let's put our focus in those areas where we need the most emphasis and not try to micromanage an industry.

So for all of those reasons, I believe that this bipartisan legislation should be vigorously supported, and I would urge its passage.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 1505, the Accountable Pipeline Safety Act. This bill is a modified version of H.R. 1323 which was passed out of the Commerce Committee last year. It is a good bill and will protect the public and the environment from hazards posed by natural gas and hazardous liquid pipelines. And it will do so in a more cost-effective manner.

I have long been concerned with the safe operation of natural gas and hazardous liquid pipelines. Since 1980, there have been at least seven pipeline ruptures in the State of Virginia. The most recent occurred in Fairfax County, VA, when approximately 9,000 gallons of diesel was spilled due to third party damage to a pipeline. Another accident in 1989 forced the city of Fredericksburg to shut down its city water intake when 5,000 gallons of kerosene were spilled.

I believe it is vitally important that our natural gas and oil pipelines are operated in as safe a manner as possible. S. 1505, like H.R. 1323, takes a new and better approach to pipeline safety. In the past, the Congress approached pipeline safety by requiring the Department of Transportation to implement Federal minimum standards which all pipelines are required to meet. Both industry and DOT agree that this is not an efficient use of resources.

The risk assessment and risk management approach taken in S. 1505 will result in improved safety at lower costs. The Commerce Committee is committed to the concept of risk assessment and I believe it is appropriate to apply it to pipeline safety regulations. In this case, this modified risk approach will benefit those living or working near pipelines by making them safer, as well as benefit consumers who pay for the cost of the pipeline safety program by lowering user fees.

I commend the subcommittee chairman and the chairmen from the Transportation and Infrastructure Committee for their hard work on this bill and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken.

Mr. PALLONE. Mr. 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. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 15045, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4000; and S. 1505.

The Chair will reduce to 5 minutes the time for the second vote in this series.

RESTORATION OF CERTAIN POW/MIA AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4000, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE] that the House suspend the rules and pass the bill, H.R. 4000, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 449]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)

Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Barrett (WI)
Boucher
Chapman
Chrysler
Collins (MI)
Dellums
Durbin
Ensign
Filner
Forbes
Fowler
Frost
Green (TX)
Hayes
Heineman
Hobson
Hoekstra
Hyde
Jackson-Lee (TX)
Kasich
Kennedy (MA)
King
Lewis (GA)
Peterson (FL)
Quillen
Riggs
Thompson
Torricelli
White

□ 1727

Mr. YATES changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 449, I was unavoidably detained. Had I been present I would have voted ''yea'' for this important legislation.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1505.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 276, nays 125, not voting 32, as follows:

[Roll No. 450]

YEAS—276

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—125

Abercrombie
Ackerman
Andrews
Becerra
Beilenson
Bevill
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Cummings
Davis
DeFazio
DeLauro
Deutsch
Dingell
Engel
Eshoo
Evans
Fattah
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Gilman
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jacobs
Johnson (CT)
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Rangel
Reed
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wolf
Woolsey
Yates
Zimmer

NOT VOTING—32

Barrett (WI)
Berman
Boucher
Chapman
Chrysler
Collins (MI)
Dellums
Dixon
Durbin
Filner
Forbes
Fowler
Fox
Frost
Green (TX)
Hayes
Heineman
Herger
Hoekstra
Hyde
Jackson-Lee (TX)
Kasich
Kennedy (MA)
King
Lewis (GA)
Moorhead
Peterson (FL)
Quillen
Radanovich
Thompson
Torricelli
White

□ 1736

Mrs. MORELLA and Mr. SHAYS changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Speaker, on rollcall No. 450 I was called away from the House floor and therefore was not recorded on rollcall No. 450. Had I been present, I would have voted ''yea.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3937

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3937.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Vermont?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, this is the last vote of the evening. Following this discussion we will return to regular order. Pending a further unanimous-consent request, 9 a.m. tomorrow will be the point at which we will reconvene. I would expect no votes before 11 o'clock tomorrow.

We may be putting a few more suspension bills on the floor and, should that be the case, we certainly would notify the minority as soon as possible as to which bills those might be.

Mr. Speaker, as the Members know, there have been trilateral negotiations between the two bodies of Congress and the White House regarding the continuing resolution by which we would complete our spending program and the year's work and allow us to move on to sine die adjournment. These have been going very slow, as they tend to do. That is all very understandable.

If I may just take a moment, Mr. Speaker, I would certainly like to express my commendation for the long hours of work that have been devoted to this task by Members from both bodies and the White House. We have had people that worked here as late as 4:30 this morning and were back on the job early today and have been at it again, continuing to continue on continuing resolution. They have shown enormous resolve in this matter.

Nevertheless, we have just been informed that there are further complications in the process because the White House has indicated that they are not willing to accept an agreement reached last night by the gentleman from Texas, Congressman LAMAR SMITH, the gentleman from California, HOWARD BERMAN, the gentleman from Wyoming, Senator SIMPSON, and the gentleman from Massachusetts, Senator KENNEDY, on the immigration bill.

The White House has indicated that they are not willing to accept title V, even within the context of the negotiated revisions offered by that working group. This has been a very disappointing turn of events for all of us. Perhaps Senator SIMPSON has expressed his disappointment in the most sincere terms.

This, obviously, means that we will spend more time on that since the White House wishes to connect the immigration bill with the continuing resolution and is not prepared to agree on the continuing resolution until we reach some agreement on the immigration bill. All this, obviously, leaves things a bit more tenuous, but still I remain confident and hopeful that we will be able to pick up our work tomorrow morning as scheduled and move on with it, hopefully for a fairly early afternoon adjournment.

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

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

Mr. BILBRAY. Mr. Speaker, I appreciate the majority leader yielding.

Those of us in California are aware of this issue. Would you explain what is in title V so this body realizes what the administration is opposing?

Mr. Leader, my question is this: Does the administration realize that the reimbursement for emergency health care that we have is in that package?

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. BILBRAY. Mr. Speaker, we are talking about $375 million for the people of California. I think there should be an answer.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. ARMEY. Mr. Speaker, reclaiming my time from the gentleman from California, I think it is fairly clearly known by all of us concerned that title V has to do with the question of welfare benefits for illegal aliens and the enforcement of the sponsorship provision on legal immigrants so that they too would be kept off the rolls. And that, obviously, has been a matter of concern and we will have to go back and work on that.

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

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding and for informing us what the schedule is for the remainder of the afternoon and for tomorrow.

I would just say to my friend from California that I have just been advised by my friend, the gentleman from California [Mr. BERMAN], that the administration is indeed in favor and supportive of reimbursements to hospitals in the situation that the gentleman has described.

And while I do not want to get into a full-fledged debate here tonight on the immigration piece, the gentleman should rest easy tonight that that will be taken care of.

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

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

Mr. BILBRAY. Mr. Speaker, there are millions of people, over 5 million people voted for an initiative that says we need to stop giving benefits. I just want to know, does that include the benefit packages that were all in this?

We cannot ask those of us in California to walk away.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. ARMEY. Reclaiming my time, Mr. Speaker, it has, in fact, been rather commonplace and, I think, quite frankly a good time has been had by all on many occasions when difficult questions have been put to me while announcing the schedule. The colloquies have lasted sometimes, it seemed, well into the night.

□ 1745

The gentleman from California wishes to express his concern and his anxiety related to his State, and it does not seem to me it would be fair, in the respect that has been given to me in the past as we have dealt with these fascinating discourses, that we let the gentleman from California proceed without the catcalls.

Mr. BILBRAY. Mr. Speaker, I am sorry if I ask questions on this. We disagreed on certain elements of the immigration bill across the aisle. There are those of us that tried to find a compromise and felt that this body went too far. I am sorry if I am saying now that those of us that went to the compromise and agreed now feel the goal post has been moved. I have got to go back to California and explain this to the people of San Diego County. I apologize for asking questions.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to point out, if we are going to debate this, let us do it. The provisions we are talking about do not just deal with illegal immigrants but the medical and other benefits that do to legal immigrants. If we are going to ask questions, we ought to have the accurate premises. Some of us have objected to restrictions on the ability of legal immigrants to get medical care. I think it ought to be accurately phrased.

Mr. ARMEY. Mr. Speaker, I just want to say to the gentleman from Massachusetts, his points are well taken, very fast and very rapidly, and some of us are still trying to understand them.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield for a simultaneous translation?

Mr. ARMEY. I would be happy to yield to the gentleman, my good friend from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no objection to the gentleman from California doing this, although he says he has to go back to California and he is, of course, delaying the moment when that will happen. But if we are going to debate the immigration bill, it should not be as part of this measure. Let us have more time to debate it tomorrow morning. I object to a one-sided discussion of the issues.

Mr. ARMEY. Mr. Speaker, if I may reclaim my time, I think the gentleman from Massachusetts has made the point. The House has, in fact, debated this bill, has, in fact, passed it by over 390 votes. We are waiting to complete the conference work on it, and I think the gentleman from Massachusetts makes a good point that we ought to have the debate at the time we deal with the conference.

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

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

Mr. BERMAN. Mr. Speaker, I want to clarify two issues. No. 1, the administration wants the provision in title V that reimburses hospitals, public and private, nonprofit and proprietary, who treat illegal immigrants in emergency

care. They want that reimbursement. They think that is the Federal obligation and they support it. Let there be no more fuzzing over that issue.

Second, before we all get too high and mighty about what is happening, remember the Republican conference committee, where no one was allowed to offer an amendment, where the bipartisan relationships in both the Senate and House to put together a bill that passed the House and Senate were totally violated, where months went by without a conference committee, where things were changed so far beyond the scope of either House's bill that the Committee on Rules had to grant a waiver of that and where no amendment was made.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his first point. I think it is helpful and encouraging.

I can only say that the Members of this body, as I pointed out, voted by a vote of over 390 votes for this, and we do need to work on that. I expect and feel somewhat encouraged by the gentleman from California that we must get back to these negotiations.

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

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, my question to the gentleman from Texas is this, we would like to have a list of the bills that you propose to put on suspension tonight so that the membership will have the opportunity, if we are going in at 9 a.m. and going to vote at 11 a.m., we need some notification of what we will be discussing. I hope you could accommodate us there.

I might also say, I understand the difficulty of putting these schedules together, but I would hope that we could have come in a little bit later. I suspect we are going to have more than just a few suspensions, and we would have time to debate that. It seems to me noon or 1 p.m. would be a more convenient time for us to debate fully these resolutions.

Mr. ARMEY. Mr. Speaker, if I may, I would ask my colleagues on this side of the aisle, please do not further provoke the gentleman from Massachusetts. I cannot listen that fast.

Mr. Speaker, I think the gentleman's point is well taken. We have delivered to the minority leader's office a list. While it may not be necessarily complete, the gentleman is absolutely right; we should get any further additions to you as quickly as possible this evening.

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

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, on the schedule, approximately how many do we have, 8 or 10 suspensions for in the morning?

Mr. ARMEY. Mr. Speaker, I thank the gentleman. We have, as the gentleman has indicated, 8 or 10. As the gentleman from Michigan expresses his concern about having time to debate them, and I can only express to the body it is my firm hope, and all consideration to those who may be disappointed, that we will wrap up our negotiations and come back with the continuing resolution in such a timely fashion that there will not be time to consider everything that is on the list.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, the gentleman has been here before. I have been here before. From what I understand is going on in the negotiations, very little was done today. There is a good likelihood that we are going to do these suspensions tomorrow and whatever few you have left over, and then we are not going to have anything to do, because I understand Puerto Rico has pretty much dropped by the wayside. We are going to sit, and we are going to sit, and we are going to sit, and we are going to sit, and we are going to sit, and we are going to sit.

Let us say we are here by tomorrow evening and that conference still is going on. Do we come in Sunday?

Mr. ARMEY. Mr. Speaker, reclaiming my time, again, I thank the gentleman from Missouri. We, in our offices, every now and then have in the past historically seen that blue screen, and it does bother us. It is not our intention to do that. We think these negotiators are approaching a conclusion of their work.

I frankly am anxious to go back and join them with it. Again, I think we need to appreciate how hard they have worked, how clearly they have shown their resolve to complete this work. And I do believe that, if the gentleman from Missouri will just bear with everybody who sits at that table, we will find ourselves tomorrow able to complete our work here.

I think we should entertain only the greatest expectations born out of appreciation for the effort already made. If, in fact, there are disappointments, I will certainly be the one to come back and share that information later. At this point I do believe that between 1:00 and 2:00, maybe 3:00 tomorrow, we will be able to complete that work.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, let us say, 3:00 or 4:00 tomorrow, perhaps we could know at that time whether there is a likelihood we will finish up tomorrow, or we will be back Sunday or be back Monday. Can I get that from the gentleman?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's point. I am sure that, if we are back in these circumstances conducting a colloquy at 3:00 or 4:00 or 5:00 tomorrow, the gentleman from Missouri will want me to yield time for the purpose of telling me he told me so. And I will be happy to yield time for that purpose at that time.

Mr. VOLKMER. Mr. Speaker, I am looking at Sunday and for all Members. There are a lot of Members here that have a lot of things scheduled Sunday. I do not have much scheduled Sunday. My big day is tomorrow. That is gone. There are Members here, and I think everybody would like to have some idea, if we can, whether we are going to be here Sunday.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I think we really need to go back to our work. We are working, and I have to say there are a good many of our Members that have been working and continue to work tirelessly. We want to go back and complete that work.

The fact of the matter is, we all know how difficult it is to finish up under these circumstances. It is not a new way. It always happens. We do have Members working, I believe, in good faith with one another. We need to encourage that work through our appreciation, and I think it will be done soon.

Finally, Mr. Speaker, if I may for one last final time—and then I will have to close this out—I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the majority leader for yielding. We are now getting down to a time when, of course, the fiscal year ends on Monday at 12 midnight. I would hope the majority party, along with the leadership in the minority party, is considering the contingency to ensure the operations of Government for Monday and Tuesday, maybe only 48 hours or 72 hours.

I know; I have been in some of these negotiations. They are tough. Everybody has an opinion. I think everybody is working honestly and hard to try to get to resolution. I would hope that we are providing for the contingency that for whatever reasons we do not get to closure prior to midnight on Monday.

Mr. ARMEY. Mr. Speaker, I thank the gentleman. I do feel obliged, and I think it is of due consideration that I fulfill that sense of obligation, to yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, on today's list of suspensions was House Concurrent Resolution 218 dealing with instructions to the President concerning pardons. Will that be on the list for tomorrow?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. Let me say that is one of the items that is under consideration. I am sorry to say I have no announcement to make at this time.

Mr. BACHUS. Mr. Speaker, I would urge the gentleman to consider that we work on this very important matter.

Mr. BONIOR. Mr. Speaker, if the gentleman will continue to yield, would it be possible for the distinguished majority leader, on the CR vote itself, to provide us with two or three hours', preferably, notice so that Members could be here for that important vote?

Mr. ARMEY. Mr. Speaker, let me say to the gentleman, his point again is well taken. Once the work is completed

on filing, we will try to give Members as much notice as possible. If I may ask the Members, if they will check the whip notice, perhaps even before they retire for the evening, we will certainly make every effort. Some folks will be driving and traveling. We want to be sure that everyone has an opportunity to make that vote. I do appreciate the gentleman's inquiry.

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

Mr. ARMEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, if I might remind the Members that we are going to have a Committee on Rules meeting right now to deal with some procedure resolutions so we can get out of here tomorrow, if possible, right away.

Mr. ARMEY. Mr. Speaker, I thank the Chair.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to call up the conference report to accompany the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, for a brief explanation of the item concerning tort reform. Is the final language what we had agreed upon subsequent to the conference?

Mr. SHUSTER. Mr. Speaker, that is my understanding. This is the conference report that we agreed upon.

Mr. OBERSTAR. Mr. Speaker, so I have that language. We are comfortable with it, and with the gentleman's assurance that that is the language.

Mr. SHUSTER. Mr. Speaker, that is correct.

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

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

□ 1800

Mr. NADLER. Reserving the right to object, Mr. Speaker, could I ask is there any language in this bill regarding Governors Island?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. No, it is not in this conference report.

Mr. NADLER. Mr. Speaker, I thank the gentleman from Pennsylvania very much.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

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

There was no objection.

(For conference report and statement see immediately preceding proceedings of the House.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBERSTAR] will be recognized for 30 minutes.

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

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

Mr. Speaker, I rise in strong support of the conference report, Bipartisan Authorization Act of 1996. I want to thank all the conferees as well as the Senate conferees for their cooperation in reaching a fair compromise on this important legislation.

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

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

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

Mr. OBERSTAR. Mr. Speaker, this is a landmark day. It has been 5 years since the House has had a Coast Guard authorization bill ready to be sent to the President. This bill does that.

Mr. Speaker, this is a landmark day. It has been 5 years since the House has had a Coast Guard Authorization bill that is ready to be sent to the President.

S. 1004, the Coast Guard Authorization Act of 1996, authorizes funding for the Coast Guard for fiscal years 1996 and 1997 for their many missions: search and rescue; providing aids-to-navigation; drug interdiction; fisheries enforcement; icebreaking; marine pollution prevention and response; and commercial and recreational vessel safety.

The House first passed its version of this legislation, H.R. 1361, way back in May of 1995. The Senate passed S. 1004 in November 1995. The House requested a conference on the Senate bill in February 1996 and the Senate finally agreed to go to conference in July. Mr. Speaker, it has been a long and arduous process. Everyone has had to reach deeply to achieve a compromise that a consensus of the Members can support. On balance, this is a very good piece of legislation.

Not only does it provide funding for the Coast Guard, but it improves their personnel management system, improves our marine safety laws, provides clear authority for the Coast Guard Auxiliary, implements the administration's proposal for streamlining the Coast Guard's regulatory system for commercial vessels, provides for the safer operation of towing vessels, conveys many lighthouses whose grounds will no longer need to be maintained by the Coast Guard, decreases the cost of financing U.S.-flag ships which will benefit both our vessel owners and our shipyards, and many other programmatic improvements to our Coast Guard laws.

I would like to thank the leadership of our committee, our distinguished chairman, Mr. SHUSTER, as well as Mr. COBLE and Mr. CLEMENT for their outstanding work on this bill and for their dedication to improving the Coast Guard and all of our maritime programs.

Mr. Speaker, I strongly urge my colleagues to support passage of the conference report on S. 1004, the Coast Guard Authorization Act of 1996.

Ms. HARMAN. Mr. Speaker, included as a provision in the Coast Guard Authorization Conference Report is the California Cruise Ship Act, which I and other members of the California delegation re-introduced earlier this Congress to help our State's tourism industry.

Currently under the Johnson Act, a cruise ship that makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. Using this loophole and its authority to regulate gambling, States like California prohibit gambling aboard these ships.

The provision included in this conference report, and which passed both the House and Senate in our respective Coast Guard authorization bills, would allow gambling on internationally-bound cruises and cruises bound for another State. It does not result in the expansion of gambling on the mainland, which remains under State control. Instead, the provision simply amends the Johnson Act to allow Federal control over voyages that begin and end in the same State so long as part of the voyage is to another country or another State within 3 days of leaving State waters.

This issue is of great interest of the citizens of San Pedro and Catalina Islands whom I represent. According to Catalina's Chamber of Commerce, the city of Avalon itself loses $1.5 million annually in canceled port visits because of the existing restriction.

Similarly, the city of San Diego, from which many cruises originate, is affected. That's why Lynn Schenk, my friend and colleague who was elected with me in 1992, introduced the original California Cruise Ship Act. Her measure passed the House in the 103d Congress, but was not considered in the other body.

Today's action, and the final enactment of the California Cruise Ship Act, is a tribute to her dedicated efforts and perseverance.

I strongly support this provision and thank the members of the Transportation Committee and the Coast Guard Subcommittee for their help in moving this important change forward toward enactment.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

The motion to reconsider was laid on the table.

MAKING IN ORDER THE CALL OF THE PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order at this time.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the unanimous-consent agreement, this is the day for the call of the Private Calendar.

The Clerk will call the first individual bill on the Private Calendar.

OSCAR SALAS-VELAZQUEZ

The Clerk called the bill (H.R. 1031) for the relief of Oscar Salas-Velazquez.

There being no objection, the Clerk read the bill, as follows:

H.R. 1031

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

SECTION 1. WAIVER OF GROUNDS FOR DISAPPROVAL OF REQUESTS FOR CLASSIFICATION AND ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Immigration and Nationality Act, the Attorney General may not disapprove a petition for classification of Oscar Salas-Velazquez under section 201(b)(2)(A)(i) of such Act, or an application for adjustment of the status of Oscar Salas-Velazquez under section 245 of such Act, on any ground relating to a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws.

(b) WAIVER OF INADMISSIBILITY.—Notwithstanding subparagraphs (A), (B), and (C) of section 212(a)(6) of the Immigration and Nationality Act, Oscar Salas-Velazquez may not be considered to be within a class of excludable aliens at any time on or after the date of the enactment of this Act on any ground relating to—

(1) a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws; or

(2) the deportation of Oscar Salas-Velazquez on February 9, 1995.

With the following committee amendment in the nature of a substitute:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert;

SECTION 1. WAIVER OF GROUNDS FOR DISAPPROVAL OF REQUESTS FOR CLASSIFICATION AND ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Immigration and Nationality Act, the Attorney General may not disapprove a petition for classification of Oscar Salas-Velazquez under section 201(b)(2)(A)(i) of such Act, or an application for adjustment of the status of Oscar Salas-Velazquez under section 245 of such Act, on any ground relating to a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws.

(b) WAIVER OF INADMISSIBILITY.—Notwithstanding subparagraphs (A), (B), and (C) of section 212(a)(6) of the Immigration and Nationality Act, Oscar Salas-Velazquez may not be considered to be within a class of excludable aliens at any time on or after the date of the enactment of this Act on any ground relating to—

(1) a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws; or

(2) the deportation of Oscar Salas-Velazquez on February 9, 1995.

(c) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Oscar Salas-Velazquez shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Oscar Salas-Velazquez, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The Committee amendment in the nature of a substitute was agreed to.

Mr. RAMSTAD. Mr. Speaker, the purpose of this legislation, H.R. 1031, is to reunite a family that has been ripped apart.

This bill is not about policy or politics. It is about bringing back a father for two adorable little boys, ages 3 and 6, who have missed their dad so much that they have cried every day for almost 2 years.

It is about bringing together a loving husband and wife who have been devastated for almost 2 years.

Mr. Speaker, this bill deals with the human side of government—the side that directly impacts families, mothers, fathers, and children.

Mr. Speaker, my staff and I have worked to help the Oscar and Sharron Velazquez family of Plymouth, MN, for more than 3 years.

For the past 2 years, we have worked to reunite Sharron Velazquez and her two young sons, Rico, 6, and Nicolas, 3, who have been separated from their husband and father, Oscar Velazquez. Oscar was deported in early 1995 and has been forced to live far away from his family in Mexico.

Mr. Speaker, this is truly a case of undue hardship that justifies the return of Oscar Velazquez.

Because Sharron Velazquez has a special medical condition that predisposes her to Reiter's Syndrome, a crippling disease with no cure, doctors have forbidden her from joining or even visiting her husband in Mexico.

According to medical experts who have examined Sharron Velazquez extensively, she has the antigen for Reiter's Syndrome, which would be triggered by organisms in the food and water in Mexico.

The unique circumstances facing this family certainly merit passage of this bill. This has been a long and tortuous struggle for the Velazquez family and their extended family, Jim and Julie Libby, Karen and Ron LePage, Ted and Therese Salonek, Rich and Becky Farniok and Patricia Morrison, and their many wonderful friends who have never lost faith that justice and fairness would prevail.

Mr. Speaker, I want to express my gratitude, on behalf of the Velazquez and Libby families, to several people whose assistance was crucial in moving this bill.

Our colleagues from the Judiciary Committee, especially Chairman HYDE, Chairman LAMAR SMITH and Mr. SENSENBRENNER, were key in moving this bill through the Immigration and Claims Subcommittee and the full Judiciary Committee. On the other side, ranking member BRYANT was also very supportive.

Also, special thanks to Cindy Blackston of the Immigration and Claims Subcommittee and Karin Hope of my staff, who worked so hard on this bill and whose expertise and counsel have been invaluable.

Finally, I am grateful to Senator HATCH and his staff, who have also been very helpful.

Mr. Speaker, a loving family awaits Oscar Velazquez, his employer eagerly awaits his return, and the members of this church, who have been holding nightly vigils, are praying for Oscar's return.

Let us put politics totally aside here and do the right thing for the Velazquez family.

Let us right a wrong. Let us reunite the Velazquez family by passing H.R. 1031.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NGUYEN QUY AN AND NGUYEN NGOC KIM QUY

The Clerk called the bill (H.R. 1087) for the relief of Nguyen Quy An and Nguyen Ngoc Kim Quy.

There being no objection, the Clerk read the bill as follows:

H.R. 1087

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

SECTION 1. PERMANENT RESIDENT STATUS FOR NGUYEN QUY AN AND NGUYEN NGOC KIM QUY.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nguyen Quy An and Nguyen Ngoe Kim Quy shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nguyen Quy An or Nguyen Ngoe Kim Quy enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nguyen Quy An and Nguyen Ngoe Kim Quy, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

With the following committee amendment in the nature of a substitute:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR NGUYEN QUY AN.

(a) IN GENERAL.—Notwithstanding the inability of Nguyen Quy An to meet the requirements of section 316 of the Immigration and Nationality Act that relate to having the status of an alien lawfully admitted for permanent residence, and residence and physical presence in the United States, if otherwise qualified he shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEE.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

Ms. LOFGREN. Mr. Speaker, as Members of Congress we are often called upon to enact sweeping legislation that will have a substantial impact on millions of people. However, I think most of us realize that many times we can take smaller, more limited actions that will have an enormous effect on the lives of only a few. Often, it is these actions that are most fulfilling and most meaningful.

Today, I am hopeful that the House will pass legislation that exemplifies such an endeavor, and which also honors a man whose bravery saved the lives of American servicemen, and cost him dearly in his service to our country. This bill, H.R. 1087, will secure the immigration status of Major Nguyen Quy An by allowing him to apply for U.S. citizenship without waiting an additional 5 years. However, in actuality I believe it is we who would be honored by the naturalization of this courageous man.

Major An is a genuine hero who, as a pilot in South Vietnam's elite "King Bee" helicopter group, flew numerous combat missions in support of U.S. troops during the Vietnam war. In one particularly notable act of heroism, he risked his own life in order to save the lives of four American servicemen. On January 17, 1969, he led a combined American-South Vietnamese flight to insert American Special Forces troops deep into an enemy-held, sniper-infested jungle along the Ho Chi Minh Trail in Laos. After one of the U.S. Army helicopters in the flight was hit by enemy fire, Major An maneuvered his ship to a position next to his American comrades and led them to a clearing in the jungle. With complete disregard for his own safety, and under incessant, intense enemy fire, he landed his helicopter next to the crippled American ship and waited for the four crew members to make their way to him.

Major An was cited for the Silver Star and the U.S. Government awarded him the Distinguished Flying Cross for heroism in combat for his courage in this incident. He later lost his arms when he was severely burned after his helicopter was downed in a similar U.S. cobat rescue mission.

Our Government, recognizing the heroism and service that he has given to the United States, granted Major An "humanitarian parole" so that he and his daughter could come to the United States in 1994. They were granted a 1-year extension of their humanitarian visas last December, but H.R. 1087 would allow Major An to quickly become an American citizen, and to promptly file for his daughter to become a permanent U.S. resident. A similar bill has been introduced in the Senate by Senator BENNETT JOHNSTON and has been cosponsored by former Senator Dole, as well as Senators BENNETT, HATFIELD, NICKLES, SHELBY, SPECTER, BROWN, and INOUYE. It is my understanding that the Senate is prepared to pass our bill quickly once we send it to them.

Without passage of this bill, Major An will not be able to resolve his immigration status and could ultimately be forced to return to Vietnam where he would face an uncertain future. Even if he is allowed to remain here, the uncertainty of his status prevents him from obtaining employment, and creates terrible concern and anguish for him and his daughter.

Private bills are certainly an extreme measure, and should be given close scrutiny. However, in this case, I believe a private bill is clearly warranted. The Immigration and Naturalization Service has found that, other than enactment of this bill, Major An and his daughter have no other options. The House Judiciary Committee unanimously approved this measure by voice vote.

This country owes Major An a debt of gratitude. He is a decorated war veteran who risked his own life to save the lives of four American servicemen, and lost his arms during a U.S. combat mission. The least that our country can do to honor his service to America is to secure his place here in America, and to help him to quickly become a citizen of his adopted country.

Mr. Speaker, I urge my colleagues to support this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nguyen Quy An."

A motion to reconsider was laid on the table.

GAIL E. DOBERT

The Clerk called the bill (H.R. 4025) for the relief of the estate of Gail E. Dobert.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

COMMENDING OPERATION SAIL

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 64) to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Ms. DELAURO. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN] for an explanation of the legislation.

Mr. GILMAN. Mr. Speaker, this resolution commends Operation Sail for its advancement of international cooperation among nations, for its continuing commemoration of the history of the United States and its contribution to the training of young cadets in the skills of seamanship.

The bill encourages all Americans and citizens of the world to join in the celebration of the 224th birthday of the United States.

Equally important, it encourages continued American participation in the international tall ship community and in tall ship events across the United States and the world.

Ms. DELAURO. Mr. Speaker, I rise in support of my Republican colleague's request to pass Senate Joint Resolution 64 by unanimous consent request. Senate Joint Resolution 64 is a bipartisan resolution honoring the Operation Sail Organization and OpSail 2000, an international gathering of tall ships that will take place in New York Harbor to celebrate the 224th birthday of the United States and to welcome the new millennium.

This glorious event follows the tradition of the previous OpSail events: OpSail '76 which celebrated the bicentennial of the Nation; OpSail '86 which celebrated the centennial of the Statue of Liberty; and, OpSail '92 which celebrated the 500th anniversary of Columbus' discovery of North America. Operation Sail has worked in cooperation with every President of the United States since John F. Kennedy, and all OpSail events have been endorsed by the President of the United States at that time.

OpSail 2000 is expected to be the largest gathering of tall ships in history, and it will foster international good will and the advancement of brotherhood among nations. In addition, OpSail 2000 will showcase the beautiful Connecticut coast of the Long Island Sound for all the world to see. We look forward to this exciting even of which all Americans can be proud.

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

Mr. SHAYS. Mr. Speaker, just to add my voice to this resolution, it is truly bipartisan, Mr. DODD and Mr. D'AMATO in the Senate and others, and just to say that this is an exciting opportunity for this country.

Operation Sail expects the largest gathering of tall sailing ships ever to be assembled, and I thank my colleague from New York for helping to bring this out.

Ms. DELAURO. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Whereas Operation Sail is a nonprofit corporation dedicated to building good will among nations and encouraging international camaraderie;

Whereas Operation Sail has represented and promoted the United States of America in the international tall ship community since 1964, organizing and participating in numerous tall ship events across the United States and around the world;

Whereas Operation Sail has worked in partnership with every American President since President John F. Kennedy;

Whereas Operation Sail has established a great tradition of celebrating major events and milestones in United States history with a gathering of the world's tall ships, and will continue this great tradition with a gathering of ships in New York Harbor, called OpSail 2000, to celebrate the 224th birthday of the United States of America and to welcome the new millennium;

Whereas President Clinton has endorsed OpSail 2000, as Presidents Kennedy, Carter, Reagan, and Bush have endorsed Operation Sail in previous endeavors;

Whereas OpSail 2000 promises to be the largest gathering in history of tall ships and other majestic vessels like those that have sailed the ocean for centuries;

Whereas in conjunction with OpSail 2000, the United States Navy will conduct an International Naval Review; and

Whereas the International Naval Review will include a naval aircraft carrier as a symbol of the international good will of the United States of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Operation Sail is commended for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship;

(2) all Americans and citizens of nations around the world are encouraged to join in the celebration of the 224th birthday of the United States of America and the international camaraderie that Operation Sail and the International Naval Review will foster; and

(3) Operation Sail is encouraged to continue into the next millennium to represent and promote the United States of America in the international tall ship community, and to continue organizing and participating in tall ship events across the United States and around the world.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Joint Resolution 64.

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

There was no objection.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

Mr. MICA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3841), to amend the civil service laws of the United States, and for other purposes.

The Clerk read the title of the bill.

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

Mr. MORAN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. MICA], the subcommittee chairman, to explain the changes in the bill.

Mr. MICA. Mr. Speaker, yesterday the House voted on this legislation. Although a majority of the House voted for the bill, we fell short of the two-thirds required to suspend the rules and pass this legislation. Unfortunately the controversy centered on section 201 of that legislation and that version which we have deleted in this amendment. Under that section, the current rules on reduction in force would have been changed to give greater weight to job performance in determining which employees are retained. It would have been easier for the agencies, in fact, to keep their best employees when they downsize. Taxpayers and talented, conscientious Federal employees, I believe, would have benefited from this change. However, yesterday, Mr. Speaker, on this floor we did not get the two-thirds necessary to pass that provision.

Mr. Speaker, yesterday on the floor, the distinguished gentlewoman from Maryland [Mrs. MORELLA], the distinguished gentleman from Virginia [Mr. MORAN], the gentleman from Virginia [Mr. WOLF], and the gentleman from Virginia [Mr. DAVIS] all spoke eloquently of the benefits to Federal employees contained in this legislation. They explained how its provisions, many of which they authored, would have softened the impact of Federal Government downsizing. I thank them for their support yesterday and for their honest efforts on behalf of our hardworking Federal employees.

Mr. Speaker, I have discussed this matter with these distinguished Members and others, and I know how hard they all work to provide these important protections to our Federal employees who are, in fact, caught up in downsizing. I am not willing to allow any special interests to frustrate their work or to prevent this House from providing those protections to all Federal employees on a bipartisan basis. That is why I brought this version of the bill forward to the floor today, and I hope that again in this fashion that we can pass this in unanimous consent. I thank the gentleman from Virginia [Mr. MORAN], the ranking member of our subcommittee, for his leadership, and others.

Mr. MORAN. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from Florida [Mr. MICA] for explaining the change that he has made from the bill that we brought up yesterday and that failed to get the two-thirds majority necessary.

I also particularly want to thank them for bringing the bill back today without that controversial provision which prevented us from being able to move it on to the Senate yesterday.

We have an opportunity today to enact legislation that will have a very positive impact upon the lives of our Nation's civil servants. As I said yesterday, this legislation is the culmination of the work of the Subcommittee on Civil Service over the past 6 months. It contains important provisions that provide needed benefits for Federal Employees. For example, the bill contains provisions, originally offered by the administration, that improve the agencies' management flexibility through a demonstration projects program and individual agencies can choose to participate in and determine what types of flexibilities enhance program performance.

The bill provides a number of provisions designed to help employees undergoing reductions in force. These provisions allow an employee to continue to participate in the government life insurance programs provided that they pay both the employer and employee contribution. It would allow an employee who loses their job due to a reduction in force to continue to participate in the Federal employee health benefits program for 18 months with the Federal share being paid. It also establishes a priority placement program in education assistance grants to help displaced Federal employees improve their competitiveness in the job market through greater education.

The provision with which a majority of Democrats disagree has been deleted from this draft. With section 201 removed, this legislation is supported by the gentlewoman from Illinois [Mrs. COLLINS], the ranking member; by the gentlewoman from Florida [Mrs. MEEK] and all the Federal employee unions. That should get the Democratic support that we were looking for, and I hope we can quickly pass this legislation and send it over to the Senate for their immediate consideration.

Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, we are back today to reconsider a bill to improve our Civil Service system and help Federal employees cope with downsizing. This is the same bill that we considered yesterday, except without section 201, a controversial provision to enhance performance management. This provision should have been

removed in the first place, but I appreciate the willingness of Civil Service Subcommittee Chairman MICA to take it out today. While I certainly believe that we should promote people based on merit and reward outstanding performers through enhanced performance management, we did not have time to work out a fair compromise to section 201. For that reason, it should not have been in the bill yesterday.

Throughout this Congress, I have pursued a legislative strategy to help Federal employees and agencies cope with downsizing. We have the responsibility to help our dedicated civil servants through this difficult time, and although I think we should go much further, this bill is a good start.

It provides important retraining provisions to equip Federal employees for private sector jobs, and it includes a soft-landings package to ease the pain of downsizing for Federal employees. When a long-time Federal employee faces a reduction-in-force, he or she needs help. Under this bill, separated Federal employees would be able to continue their health and life insurance benefits, receive job training and counseling geared toward the private sector, and receive money to return to school. Mr. Speaker, this is the least we can do.

I want to thank the other Members who have contributed so much to this legislation; JIM MORAN, TOM DAVIS, and FRANK WOLF, and I strongly urge its passage today.

□ 1815

Mr. MORAN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Illinois, Mrs. CARDISS COLLINS, the ranking Democratic member of the committee, to give what may be her last speech before this body. It is fitting that it be on behalf of public servants.

Mrs. COLLINS of Illinois. Mr. Speaker, I certainly appreciate the hard work that has gone into creating this Omnibus Civil Service Reform Act. I want to thank the gentleman from Florida [Mr. MICA] for his willingness to help us get rid of section 201, which was very controversial, even though I know he wanted so badly to keep it in there. But he at least heard what we had to say. We talked with him on the floor, we talked with him on the telephone, we talked with him even in the picture-taking today. He assured me that he was going to work very hard at this.

I want to also thank the ranking member of the Subcommittee on Civil Service, Mr. MORAN, for the hard work that he has done. Since yesterday we have all been almost constantly in touch with each other. This is a fine piece of legislation. There are very good things here for civil service workers. I in the State of Illinois have a large number of civil service workers, as do all of us here.

I think this is a great piece of legislation. I commend everyone who worked on it, including all the staff members in our committees as well as other committees who have worked on this. I thank the gentleman very much for this wonderful legislation.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. MORAN. Further reserving the right to object, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I appreciate the gentleman yielding, albeit very briefly. I did want to follow up on one of the gentleman's comments regarding the gentlewoman from Illinois [Mrs. COLLINS] and her long service here in this institution and the tremendous contributions that she has made, not just on this legislation, but on important areas of airline safety, of sports equity, workers' rights, and humanitarian causes that have benefited people in our country and across the globe.

As the gentlewoman finishes her service here in the Congress, it is important for the record and for the history books to note that she is the longest serving woman of African-American descent to have served in this body, and done so in such a distinguished manner for so many years. I wanted to call our colleagues' special attention to her and to thank her on behalf of the people of this institution and our country. I thank you, Mrs. COLLINS. It has been an honor to serve with you.

Mrs. COLLINS of Illinois. Mr. Speaker, if the gentleman will continue to yield further, I must say how wonderful it has been to serve in this body since June 7, 1973. I have met so many wonderful people, all of you, in fact; and those here before, many of us got to know so very, very well. It has been a great experience.

I could not have done a better thing than to have the opportunity and the honor of serving the people of the 7th Congressional District of Illinois, and knowing all of you. Thank you very much.

Mr. MORAN. Mr. Speaker, further reserving the right to object, we certainly thank the ranking member, the distinguished gentlewoman from Illinois, for so many reasons, and for so much contribution to the work of this body. We thank the gentlewoman from Ohio [Ms. KAPTUR] for her very appropriate remarks.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK] who presented such a spirited attack on section 201 yesterday.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding to me. I am very pleased to say thank you to the ranking member of the subcommittee, and to say to the chairman of the subcommittee, I know am very pleased at the kind of negotiations that we were able to put together, that we could work together in a consensus type fashion and come up with a bill which all of us can support. I certainly support this bill as it is presently constituted. I think what we have here is perhaps a fairer approach to the reduction in force process.

Mr. Speaker, I want to compliment the committee for the soft landing kinds of initiatives which they have in the bill, and the many other strong things that will help Federal workers, particularly when we are reducing in force. Certainly we want to pay tribute to the many Federal workers to whom this may apply. We want everyone to be treated fairly, and that is what this Congress wants to do. I do not feel any pull for any special interest in this, but more or less the interests of the people involved. That has been my major interest all along, in all of my career work in public life.

Mr. Speaker, I want to say again, by removing this I give my full support, and I know that the 11,000 Federal workers in my district and the almost 2 million throughout the country will be grateful. I thank the gentleman very much.

Mr. MORAN. Mr. Speaker, we thank the gentlewoman from Florida.

Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Maryland [Mr. HOYER]. I want to thank him in advance of when this gets through for using his considerable influence in getting it through the Senate side, after this gets through the House.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his comments. I appreciate his continuing efforts. Mr. Speaker, I will use whatever little influence I might have to do just that.

I want to congratulate the gentleman from Florida [Mr. MICA], and the gentleman from Virginia [Mr. DAVIS]. The legislative process is a process in which we try to come together and reach agreement.

Yesterday, there were some who disagreed with section 201 and there were some who agreed with section 201. I want to say, as I said yesterday, I think there is merit in the premise underlying 201, and will look forward to working together with both gentlemen to come up with a provision which does in fact say that we are not going to close our eyes and slavishly follow last in-first out. That is not a rational system. Both gentlemen were speaking to that. I understand that. I made the point that I thought the disparities were greater than perhaps, or the benefits of the outstanding performance, were greater than were appropriate.

However, having said that, Mr. Speaker, this is in the best traditions of the legislative process, because all of us, I think to a person, I will be surprised if either this comes to a vote or there is any vote against it, because in point of fact, it was a consensus that the provisions in this bill were important provisions for us to extend to Federal employees, particularly at this time, where we are going to probably have involuntarily removed employees and where the soft landing and the other provisions provided in this bill are going to be important to them.

While I disagreed with that particular provision, Mr. Speaker, I made it clear I agreed with the overwhelming majority of the work product of the committee. I congratulate them for bringing it back. I think this is in the best traditions of bipartisan legislative process, and I look forward to having this legislation passed.

Yes, I would tell the gentleman from Virginia, I will work, starting tonight, to try to make that happen.

Mr. MORAN. Mr. Speaker, continuing to reserve my right to object, I thank the distinguished gentleman from Maryland, and I thank him for recognizing the merits of section 201, too. I do think that at some point we have to figure out an appropriate way to recognize a person's performance as an important criteria is determining who should get riffed in periods of downsizing. I do not believe that pure seniority should be the only governing factor in determining who gets riffed. The fact is that everyone is not equal. Everyone does not produce equal levels of effort. There ought to be some way to sufficiently recognize people's contribution to the performance of a program and their dedication to its mission.

Having said that, we have a bill that is of substantial benefit to Federal employees, particularly those who would be adversely affected by RIF's, by downsizing of the Federal Government, which we know is inevitable, and will inevitably continue for the next several years.

This provides important soft landing features, and enables them to get preference in being hired for other functions within the agencies, and extends their health and life insurance, gives them some educational assistance. It is the right thing to do. I urge all my colleagues to support it.

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

Mr. MORAN. I yield to the gentleman from Florida.

Mr. MICA. Mr. Speaker, before the gentleman withdraws his objections, I just want to take one moment and recognize the chairman, the gentleman from Pennsylvania [Mr. CLINGER], and our ranking member, the gentlewoman from Illinois [Mrs. COLLINS], both of whom are retiring and have done yeoman's service.

Chairing this subcommittee has been like a ride at Disney World; it has had it ups and downs. I want to also thank the staff. They had 54 staffers that handled civil service issues. We have done it with seven. We have held a record number of hearings.

To the gentleman from Virginia [Mr. MORAN] to serve alongside him has been an honor and privilege to me, for us working together. Sometimes people see the conflict of this place and the heated discussion, and heaven knows, I have added to some of that. But I think today, when we have finished our last committee meeting the gentlewoman from Maryland [Mrs. MORELLA] came over and kissed and hugged the gentlewoman from Illinois [Mrs. COLLINS] and they both said how much they were going to miss each other, people do not see that or appreciate the relationship and camaraderie that goes on here and blossoms here.

I thank the gentleman, and I thank him for also lifting his objections to this.

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

Mr. MORAN. Further reserving the right to object. I yield to the gentleman from Virginia.

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

I am glad we are here where we are today, Mr. Speaker. Section 201, despite its controversy, is out of the bill now. We can accomplish some of the things that I think everybody agrees need to happen for Federal employees as we experience this downsizing over the next few years, the fact that some parts of the life insurance, health insurance payably by the Federal Government, will be continued during those downsizing times. There will be some job preference for Federal employees and future openings at the Federal level, training. These are things that need to be done.

We have to be sensitive. Federal workers have undergone some very, very difficult times in the last few years, and I think this is one measure which will be some good news at a time that has otherwise sent the wrong message, if we are to try to continue to bring the best and brightest to Washington to work in the Civil Service.

We still have a great Civil Service. I think this is bringing some appropriate recognition to them, and some tangible results as we go through some difficult times in the years ahead.

I want to thank the chairman, the gentleman from Florida, Mr. MICA, the ranking member and my friend, the gentleman from northern Virginia, JIM MORAN, the gentleman from Virginia, FRANK WOLF, who helped introduce some of these soft landing provisions, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlewoman from the District of Columbia, Ms. NORTON, and others who have worked so hard.

I thank the gentlewoman from Illinois, Mrs. COLLINS, her for efforts in bringing this forward after yesterday's defeat under suspension. I think we are about at the time where we can move it through this body, send it to the other body, and I hope we can get a favorable result in the waning hours of this Congress. I thank the gentleman for yielding.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3841

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 ''Omnibus Civil Service Reform Act of 1996''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—SIMPLIFYING APPEALS

Sec. 201. Elimination of mixed-case procedures.
Sec. 202. Appeal to Merit Systems Protection Board as exclusive administrative remedy.
Sec. 203. Agency flexibility and encouraging the use of alternative dispute resolution techniques.
Sec. 204. Effective date.

TITLE III—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 301. Increased weight given to performance for order-of-retention purposes in a reduction in force.
Sec. 302. No appeal of denial of periodic step-increases.
Sec. 303. Performance appraisals.
Sec. 304. Amendments to incentive awards authority.
Sec. 305. Due process rights of managers under negotiated grievance procedures.
Sec. 306. Collection and reporting of training information.

TITLE IV—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

Sec. 401. Short title.
Sec. 402. Additional investment funds for the Thrift Savings Plan.
Sec. 403. Acknowledgement of investment risk.
Sec. 404. Effective date.

Subtitle B—Thrift Savings Account Liquidity

Sec. 411. Short title.
Sec. 412. Notice to spouses for in-service withdrawals; de minimus accounts; Civil Service Retirement System participants.
Sec. 413. In-service withdrawals; withdrawal elections, Federal Employees Retirement System participants.
Sec. 414. Survivor annuities for former spouses; notice to Federal Employees Retirement System spouses for in-service withdrawals.
Sec. 415. De minimus accounts relating to the judiciary.
Sec. 416. Definition of basic pay.
Sec. 417. Eligible rollover distributions.
Sec. 418. Effective date.

Subtitle C—Other Provisions Relating to the Thrift Savings Plan

Sec. 421. Percentage limitations on contributions.
Sec. 422. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 423. Immediate participation in the Thrift Savings Plan.

Subtitle D—Resumption of Certain Survivor Annuities That Terminated by Reason of Marriage

Sec. 431. Resumption of certain survivor annuities that terminated by reason of marriage.

Subtitle E—Life Insurance Benefits

Sec. 441. Domestic relations orders.
Sec. 442. Exception from provisions requiring reduction in additional optional life insurance.

Sec. 443. Temporary continuation of Federal employees' life insurance.

TITLE V—REORGANIZATION FLEXIBILITY

Sec. 501. Voluntary reductions in force.
Sec. 502. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE VI—SOFT-LANDING PROVISIONS

Sec. 601. Continued eligibility for life insurance.
Sec. 602. Continued eligibility for health insurance.
Sec. 603. Priority placement programs for Federal employees affected by a reduction in force.
Sec. 604. Job placement and counseling services.
Sec. 605. Education and retraining incentives.

TITLE VII—MISCELLANEOUS

Sec. 701. Reimbursements relating to professional liability insurance.
Sec. 702. Employment rights following conversion to contract.
Sec. 703. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 704. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.
Sec. 705. Conversion of certain excepted service positions in the United States Fire Administration to competitive service positions.
Sec. 706. Eligibility for certain survivor annuity benefits.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

''(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

''(1) shall develop or approve a plan for such project which identifies—

''(A) the purposes of the project;

''(B) the methodology;

''(C) the duration; and

''(D) the methodology and criteria for evaluation;

''(2) shall publish the plan in the Federal Register;

''(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

''(4) shall obtain approval from each agency involved of the final version of the plan; and

''(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

''(A) to employees who are likely to be affected by the project; and

''(B) to each House of the Congress.''.

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) any provision of subchapter V of chapter 63 or subpart G of this title;''; and

(2) by striking paragraph (3) and inserting the following:

''(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;''.

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

''(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

''(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

''(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.''.

(e) CONDITION RELATING TO BARGAINING AGREEMENTS.—Paragraph (1) of section 4703(f) of title 5, United States Code, is amended by striking ''(as defined in section 7103(8) of this title)'' and inserting ''(as defined in section 7103(8), excluding any agreements entered into or renewed after the date of the enactment of the Omnibus Civil Service Reform Act of 1996)''.

(f) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: ''The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.''.

(g) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting ''by the Office'' after ''undertaken''; and

(2) by adding at the end the following:

''(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

''(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.''.

TITLE II—SIMPLIFYING APPEALS

SEC. 201. ELIMINATION OF MIXED-CASE PROCEDURES.

(a) IN GENERAL.—Section 7702, paragraph (2) of section 7703(b), and the last sentence of section 7121(d) of title 5, United States Code, are repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The item relating to section 7702 in the table of sections at the beginning of chapter 77 of title 5, United States Code, is repealed.

(2) Section 7701(e)(1) of title 5, United States Code, is amended—

(A) by striking ''(e)(1) Except as provided in section 7702 of this title, any'' and inserting ''(e) Any'';

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking ''subparagraph (A) of this paragraph.'' and inserting ''paragraph (1).''.

(3) Section 753(e)(1) of title 31, United States Code, is amended by striking ''sections 7701 and 7702'' and inserting ''section 7701''.

(4) Section 7703(c) of title 5, United States Code, is amended by striking the semicolon at the end of paragraph (3) and all that follows through ''court.'' and inserting a period.

SEC. 202. APPEAL TO MERIT SYSTEMS PROTECTION BOARD AS EXCLUSIVE ADMINISTRATIVE REMEDY.

(a) IN GENERAL.—Section 7701(b)(1) of title 5, United States Code, is amended by striking ''(b)(1)'' and inserting ''(b)(1)(A)'' and by adding at the end the following:

''(B) Notwithstanding any other provision of law, rule, or regulation, an appeal under this section shall be the exclusive administrative remedy for any action by an employee or applicant who—

''(i) has been affected by an action which the employee or applicant may appeal to the Merit Systems Protection Board; and

''(ii) alleges that a basis for the action was discrimination prohibited by—

''(I) section 717 of the Civil Rights Act of 1964;

''(II) section 6(d) of the Fair Labor Standards Act of 1938;

''(III) section 501 of the Rehabilitation Act of 1973;

''(IV) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

''(V) any rule, regulation, or policy directive prescribed under any provision of law described in subclauses (I) through (IV).

''(C) In lieu of filing an appeal under this section, an employee or applicant described in paragraph (B) may file a civil action under—

''(i) section 717(c) of the Civil Rights Act of 1964 or section 15(c) of the Age Discrimination in Employment Act of 1967, as applicable, within 90 days after receipt of notice of final action taken by the agency on a complaint of discrimination under a provision of law described in subclause (I), (III), or (IV) of subparagraph (B)(ii) or any rule, regulation, or policy directive prescribed under any such provision of law; or

''(ii) section 16(b) of the Fair Labor Standards Act of 1938 within 2 years (or, if the violation is willful, within 3 years) after the date of an alleged violation of section 6(d) of the Fair Labor Standards Act of 1938 or any rule, regulation, or policy directive prescribed thereunder.''.

(b) PETITION FOR BOARD REVIEW.—(1) Section 7701(e)(1)(A) of title 5, United States Code, is amended by striking ''a party to the appeal or the Director'' and inserting ''a party to the appeal, the Director, or the Equal Employment Opportunity Commission''.

(2) Subsection (e) of section 7701 of title 5, United States Code, is amended by adding at the end the following:

''(3) The Equal Employment Opportunity Commission may petition the Board for review under paragraph (1) only if the Commission is of the opinion that the decision is erroneous and will have a substantial impact on any equal employment opportunity law, rule, or regulation under the jurisdiction of the Commission.''.

(3) Subsection (d) of section 7703 of title 5, United States Code, is amended to read as follows:

''(d)(1) The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive.

''(2) The Equal Employment Opportunity Commission may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Commission determines, in its discretion, that the Board erred in interpreting

an equal employment opportunity law and that the Board's decision will have a substantial impact on an equal employment opportunity law, rule, regulation, or policy directive.

''(3) If the Director or the Commission did not intervene in a matter before the Board, the Director or the Commission may not petition for review of a Board decision under this section unless the Director or the Commission first petitions the Board for reconsideration of its decision, and such petition is denied.

''(4) In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for review shall be at the discretion of the Court of Appeals, except that it may not deny a petition for review solely because it disagrees with the determination of the Director or the Commission that the Board's decision will have a substantial impact on a law, rule, regulation, or policy directive within their jurisdiction. The Court of Appeals shall require payment by the Director or the Commission, as appropriate, of reasonable attorney fees incurred by the other parties if, after rendering a decision on the merits of the petition, the court determines that the Board's decision would not have had a substantial impact on a law, rule, regulation, or policy directive within their jurisdiction.''.

SEC. 203. AGENCY FLEXIBILITY AND ENCOURAGING THE USE OF ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES.

(a) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by adding at the end the following:

''§ 7704. Alternative dispute resolution techniques

''Notwithstanding any other provision of law, each agency (including the United States Postal Service, the Postal Rate Commission, and the Tennessee Valley Authority) shall have the authority to develop an internal procedure under which its employees may file with the agency a complaint of discrimination by the agency under the laws described in subclauses (I) through (V) of section 7701(b)(1)(B)(ii), or any other matter appealable to the Merit Systems Protection Board or the Federal Labor Relations Authority. Agencies are encouraged to use alternative dispute resolution techniques in order to resolve such complaints. An agency may require its employees to exhaust such internal procedure for a period not to exceed 90 days before seeking external administrative or judicial review under this chapter. To the extent that a private entity may do so, an agency may require employees to submit to alternative dispute resolution techniques in lieu of other administrative or judicial review.''.

(b) TASK FORCE.—In order to encourage the use of alternative dispute resolution techniques in resolving personnel-related disputes within the Federal Government, the Chairman of the Merit Systems Protection Board shall, in consultation with the Chairman of the Equal Employment Opportunity Commission, the Chairman of the Federal Labor Relations Authority, the Director of the Office of Personnel Management, the Special Counsel, and the Director of the Federal Mediation and Conciliation Service, organize and chair a task force—

(1) to study and evaluate the use of alternative dispute resolution techniques in resolving Federal personnel disputes;

(2) to facilitate the exchange of information between agencies;

(3) to examine and evaluate alternative dispute resolution techniques used in the private sector for possible application to Federal personnel disputes; and

(4) to issue a report to Congress no later than 18 months after the date of enactment of this Act on the use of alternative dispute resolution techniques in personnel disputes by Federal agencies, including Federal adjudicatory agencies.

The Merit Systems Protection Board shall provide administrative support to the task force.

SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect 6 months after the date of the enactment of this Act.

(b) TASK FORCE.—Subsection (b) of section 203 shall take effect on the date of the enactment of this Act.

(c) SAVINGS PROVISION.—Matters or proceedings pending as of, and continuing after, the effective date of this title shall continue as if this title had not been enacted.

TITLE III—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 301. INCREASED WEIGHT GIVEN TO PERFORMANCE FOR ORDER-OF-RETENTION PURPOSES IN A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, is amended—

(1) in subsection (a)(4) by striking ''ratings.'' and inserting ''ratings, in conformance with the requirements of subsection (g).''; and

(2) by adding at the end the following:

''(g)(1) The regulations prescribed to carry out subsection (a)(4) shall be the regulations in effect, as of January 1, 1996, under section 351.504 of title 5 of the Code of Federal Regulations, except as otherwise provided in this subsection.

''(2) For purposes of this subsection—

''(A) subsections (b)(4) and (e) of such section 351.504 shall be disregarded;

''(B) subsection (d) of such section 351.504 shall be considered to read as follows:

'''(d)(1) The additional service credit an employee receives for performance under this subpart shall be expressed in additional years of service and shall consist of the sum of the employee's 3 most recent (actual and/or assumed) annual performance ratings received during the 4-year period prior to the date of issuance of reduction-in-force notices or the 4-year period prior to the agency-established cutoff date (as appropriate), computed in accordance with paragraph (2) or (3) (as appropriate).

'''(2) Except as provided in paragraph (3), an employee shall receive—

'''(A) 5 additional years of service for each performance rating of fully successful (Level 3) or equivalent;

'''(B) 7 additional years of service for each performance rating of exceeds fully successful (Level 4) or equivalent; and

'''(C) 10 additional years of service for each performance rating of outstanding (Level 5) or equivalent.

'''(3)(A) If the employing agency uses a rating system having only 1 rating to denote performance which is fully successful or better, then an employee under such system shall receive 5 additional years of service for each such rating.

'''(B) If the employing agency uses a rating system having only 2 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

'''(i) 5 additional years of service for each performance rating at the lower of those 2 ratings; and

'''(ii) 7 additional years of service for each performance rating at the higher of those 2 ratings.

'''(C) If the employing agency uses a rating system having 3 or more ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

'''(i) 5 additional years of service for each performance rating at the lowest of those 3 or more ratings;

'''(ii) 7 additional years of service for each performance rating at the next rating above the rating referred to in clause (i); and

'''(iii) 10 additional years of service for each performance rating above the rating referred to in clause (ii).

'''(D) For purposes of this paragraph, a rating shall not be considered to denote performance which is fully successful or better unless, in order to receive such rating, such performance must satisfy all requirements for a fully successful rating (Level 3) or equivalent, as established under part 430 of this chapter (as in effect as of January 1, 1996).'; and

''(C) subsection (c) of such section shall be considered to read as follows:

'''(c)(1) Service credit for employees who do not have 3 actual annual performance ratings of record received during the 4-year period prior to the date of issuance of reduction-in-force notices, or the 4-year period prior to the agency-established cutoff date for ratings permitted in subsection (b)(2) of this section, shall be determined in accordance with paragraph (2).

'''(2) An employee who has not received 1 or more of the 3 annual performance ratings of record required under this section shall—

'''(A) receive credit for performance on the basis of the rating or ratings actually received (if any); and

'''(B) for each performance rating not actually received, be given credit for 5 additional years of service.'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reductions in force taking effect on or after October 1, 1999.

SEC. 302. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking ''or appeal''; and

(3) in the last sentence by striking ''and the entitlement of the employee to appeal to the Board do not apply'' and inserting ''does not apply''.

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsections (a)(B) and (c) by striking ''of an acceptable level of competence'' and inserting ''at least fully successful'';

(2) in the last sentence of subsection (c) by striking ''acceptable level of competence'' and inserting ''fully successful work performance''; and

(3) by adding at the end the following:

''(g) For purposes of this section, the term 'fully successful' has a meaning similar to that given under section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 301(a)(2) of the Omnibus Civil Service Reform Act of 1996).''.

SEC. 303. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

''(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

''(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable.''; and

(2) by adding at the end the following:

''(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 304. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

''§ 4501. Definitions

''For the purpose of this subchapter—

''(1) the term 'agency' means—

''(A) an Executive agency;

''(B) the Library of Congress;

''(C) the Office of the Architect of the Capitol;

''(D) the Botanic Garden;

''(E) the Government Printing Office; and

''(F) the United States Sentencing Commission;

but does not include—

''(i) the Tennessee Valley Authority; or

''(ii) the Central Bank for Cooperatives;

''(2) the term 'employee' means an employee as defined by section 2105; and

''(3) the term 'Government' means the Government of the United States.''; and

(2) by amending section 4503 to read as follows:

''§ 4503. Agency awards

''(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

''(1) by his suggestion, invention, superior accomplishment, sustained superior performance, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

''(2) performs a special act or service in the public interest in connection with or related to his official employment.

''(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

''(A) based on the collective efforts of the group; and

''(B) with respect to each member of such group.

''(2) The amount awarded to each member of a group under this subsection—

''(A) shall be the same for all members of such group; and

''(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable.''.

SEC. 305. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

''(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 306. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE IV—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Thrift Savings Investment Funds Act of 1996''.

SEC. 402. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

''(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);'';

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out ''and'' at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out ''paragraph (7)(D)'' in each place it appears and inserting in each such place ''paragraph (8)(D)''; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(E) by adding at the end thereof the following new paragraph:

''(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D).''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out ''and'' at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

''(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

''(E) an International Stock Index Investment Fund as provided in paragraph (4).''; and

(B) by adding at the end thereof the following new paragraphs:

''(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

''(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

''(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

''(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.''.

SEC. 403. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3),'' and inserting in lieu thereof ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),''.

SEC. 404. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act, and the Funds established under this subtitle shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

Subtitle B—Thrift Savings Account Liquidity

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''Thrift Savings Plan Act of 1996''.

SEC. 412. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out ''An election, change of election, or modification (relating to the commencement date of a deferred annuity)'' and inserting in lieu thereof ''An election or change of election'';

(ii) by inserting ''or withdrawal'' after ''and a loan'';

(iii) by inserting ''and (h)'' after ''8433(g)'';

(iv) by striking out ''the election, change of election, or modification'' and inserting in lieu thereof ''the election or change of election''; and

(v) by inserting ''or withdrawal'' after ''for such loan''; and

(B) in subparagraph (D)—

(i) by inserting ''or withdrawals'' after ''of loans''; and

(ii) by inserting ''or (h)'' after ''8433(g)''; and

(2) in paragraph (6)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(B) by striking out ''unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)''.

SEC. 413. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

''(1) an annuity;

''(2) a single payment;

''(3) 2 or more substantially equal payments to be made not less frequently than annually; or

''(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

''(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

''(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

''(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

''(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.'';

(2) in subsection (d)—

(A) in paragraph (1) by striking out ''Subject to paragraph (3)(A)'' and inserting in lieu thereof ''Subject to paragraph (3)'';

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out ''(A)''; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out ''unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or'' and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out ''February 1'' and inserting in lieu thereof ''April 1'';

(B) in subparagraph (A)—

(i) by striking out ''65'' and inserting in lieu thereof ''70½''; and

(ii) by inserting ''or'' after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out ''after December 31, 1987, and''; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

''(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

''(A) the employee or Member having attained age 59½; or

''(B) financial hardship.

''(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

''(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

''(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

''(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.''.

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 407, shall be invalid.

SEC. 414. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out ''may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section'' and inserting in lien thereof ''may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election''; and

(B) by adding at the end thereof ''A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out ''An election, change of election, or modification of the commencement date of a deferred annuity'' and inserting in lieu thereof ''An election or change of election''; and

(ii) by striking out ''modification, or transfer'' and inserting in lien thereof ''or transfer''; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out ''modification,'';

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting ''or withdrawal'' after ''A loan'';

(II) by inserting ''and (h)'' after ''8433(g)''; and

(III) by inserting ''or withdrawal'' after ''such loan'';

(ii) in subparagraph (B) by inserting ''or withdrawal'' after ''loan''; and

(iii) in subparagraph (C)—

(I) by inserting ''or withdrawal'' after ''to a loan''; and

(II) by inserting ''or withdrawal'' after ''for such loan''; and

(B) in paragraph (2)—

(i) by inserting ''or withdrawal'' after ''loan''; and

(ii) by inserting ''and (h)'' after ''8344(g)''; and

(4) in subsection (g)—

(A) by inserting ''or withdrawals'' after ''loans''; and

(B) by inserting ''and (h)'' after ''8344(g)''.

SEC. 415. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(2) by striking out ''unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)''.

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting ''of the distribution'' after ''equal to the amount''; and

(2) in paragraph (8)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(B) by striking out ''unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)''.

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting ''of the distribution'' after ''equal to the amount''; and

(2) in paragraph (8)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(B) by striking out ''unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)''.

SEC. 416. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out ''except as provided in subchapter III of this chapter,''.

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out ''8431,''.

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out ''section 8431 of title 5, United States Code,''.

SEC. 417. ELIGIBLE ROLLOVER DISTRIBUTIONS.

Section 8432 of title 5, United States Code, is amended by adding at the end the following:

''(j)(1) For the purpose of this subsection—

''(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

''(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

''(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from a qualified trust. A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

''(3) The Executive Director shall prescribe regulations to carry out this subsection.''.

SEC. 418. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this subtitle shall be made at the earliest practicable date as determined by the Executive Director in regulations.

Subtitle C—Other Provisions Relating to the Thrift Savings Plan

SEC. 421. PERCENTAGE LIMITATIONS ON CONTRIBUTIONS.

(a) AMENDMENTS RELATING TO FERS.—

(1) IN GENERAL.—Subsection (a) of section 8432 of title 5, United States Code, is amended by striking ''10 percent of''.

(2) JUSTICES AND JUDGES.—Subsection (b) of section 8440a of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively; and

(B) in paragraph (6) (as so redesignated by subparagraph (A)) by striking ''paragraphs (4) and (5)'' and inserting ''paragraphs (3) and (4)''.

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Subsection (b) of section 8440b of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking ''paragraph (4)(A), (B), or (C)'' and inserting ''paragraph (3)(A), (B), or (C)''; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking ''Notwithstanding paragraph (4),'' and inserting ''Notwithstanding paragraph (3),''.

(4) COURT OF FEDERAL CLAIMS JUDGES.—Subsection (b) of section 8440c of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking ''paragraph (4)(A) or (B)'' and inserting ''paragraph (3)(A) or (B)''; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking ''Notwithstanding paragraph (4),'' and inserting ''Notwithstanding paragraph (3),''.

(5) JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.—Paragraph (2) of section 8440d(b) of title 5, United States Code, is amended to read as follows:

''(2) For purposes of contributions made to the Thrift Savings Fund, basic pay does not include any retired pay paid pursuant to section 7296 of title 38.''.

(b) AMENDMENTS RELATING TO CSRS.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by striking ''5 percent of''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 6 months after the date of the enactment of this Act or such earlier date as the Executive Director may by regulation prescribe.

(2) COORDINATION WITH ELECTION PERIODS.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term ''election period'' means a period afforded under section 8432(b) of title 5, United States Code; and

(B) the term ''Executive Director'' has the meaning given such term by section 8401(13) of title 5, United States Code.

SEC. 422. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

''(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.''.

SEC. 423. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) ELIMINATION OF CERTAIN WAITING PERIODS FOR PURPOSES OF EMPLOYEE CONTRIBUTIONS.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

''(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

''(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

''(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

''(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

''(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

''(E) Nothing in this paragraph shall affect paragraph (3).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking ''(b)(1)'' and inserting ''(b)''; and

(B) by amending the second sentence to read as follows: ''Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.''.

(2) Section 8432(b)(1)(B) of such title is amended by inserting ''(or any election allowable by virtue of paragraph (4))'' after ''subparagraph (A)''.

(3) Section 8432(b)(3) of such title is amended by striking ''Notwithstanding paragraph (2)(A), an'' and inserting ''An''.

(4) Section 8432(i)(1)(B)(ii) of such title is amended by striking ''either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or''.

(5) Section 8439(a)(1) of such title is amended by inserting ''who makes contributions or'' after ''for each individual'' and by striking ''section 8432(c)(1)'' and inserting ''section 8432''.

(6) Section 8439(c)(2) of such title is amended by adding at the end the following: ''Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.''.

(7) Sections 8440a(a)(2) and 8440d(a)(2) of such title are amended by striking all after ''subject to'' and inserting ''subject to this chapter.''.

(c) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act or such earlier date as the Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may by regulation prescribe.

Subtitle D—Resumption of Certain Survivor Annuities That Terminated by Reason of Marriage

SEC. 431. RESUMPTION OF CERTAIN SURVIVOR ANNUITIES THAT TERMINATED BY REASON OF MARRIAGE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8341(e) of title 5, United States Code, is amended by adding at the end the following:

''(4) If the annuity of a child under this subchapter terminates under paragraph (3)(E) because of marriage, then, if such marriage ends (whether by death of the spouse, divorce, or annulment), such annuity shall resume on the first day of the month in which the marriage ends, but only if—

''(A) any lump sum paid is returned to the Fund; and

''(B) that individual is not otherwise ineligible for such annuity.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8443(b) of such title is amended by adding at the end the following: ''If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage, then, if such marriage ends (whether by death of the spouse, divorce, or annulment), such annuity shall resume on the first day of the month in which the marriage ends, but only if any lump sum paid is

returned to the Fund, and that individual is not otherwise ineligible for such annuity.''.

(c) HEALTH BENEFITS PROGRAM.—Section 8908 of title 5, United States Code, is amended by adding at the end the following:

''(d) An individual—

''(1) whose survivor annuity under section 8341(e) is terminated, and then later restored under paragraph (4) thereof, or

''(2) whose survivor annuity under section 8443(b) is terminated, and then later restored under the last sentence thereof,

may, under regulations prescribed by the Office, enroll in a health benefits plan described by section 8903 or 8903a if such individual was covered by any such plan immediately before such annuity so terminated.''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to any termination of marriage taking effect before, on, or after the date of the enactment of this Act, except that no amount shall be payable by reason of the amendments made by subsections (a) and (b), respectively, except to the extent of any amounts accruing for periods beginning on or after the first day of the first month beginning on or after the later of—

(1) the date of the enactment of this Act; or

(2) the date as of which termination of marriage takes effect.

Subtitle E—Life Insurance Benefits

SEC. 441. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking ''(a) The'' and inserting ''(a) Except as provided in subsection (e), the''; and

(2) by adding at the end the following:

''(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

''(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

''(3) A designation under this subsection with respect to any person may not be changed except—

''(A) with the written consent of such person, if received as described in paragraph (2); or

''(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

''(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.''.

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking ''(e)'' and inserting ''(e)(1)''; and

(2) by adding at the end the following:

''(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.''.

SEC. 442. EXCEPTION FROM PROVISIONS REQUIRING REDUCTION IN ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Subsection (c) of section 8714b of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) The amount of additional optional insurance continued under paragraph (2) shall be continued, without any reduction under the last two sentences thereof, if—

''(i) at the time of retirement, there is in effect a designation under section 8705 under which the entire amount of such insurance would be paid to an individual who is permanently disabled; and

''(ii) an election under subsection (d)(3) on behalf of such individual is made in timely fashion.

''(B) Notwithstanding subparagraph (A), any reduction required under paragraph (2) shall be made if—

''(i) the additional optional insurance is not in fact paid in accordance with the designation under section 8705, as in effect at the time of retirement;

''(ii) the Office finds that adequate arrangements have not been made to ensure that the insurance provided under this section will be used only for the care and support of the individual so designated; or

''(iii) the election referred to in subparagraph (A)(ii) terminates at any time before the death of the individual who made such election.

''(C) For purposes of this paragraph, the term 'permanently disabled' shall have the meaning given such term under regulations which the Office shall prescribe based on subparagraphs (A) and (C) of section 1614(a)(3) of the Social Security Act, except that, in applying subparagraph (A) of such section for purposes of this subparagraph, 'which can be expected to last permanently' shall be substituted for 'which has lasted or can be expected to last for a continuous period of not less than twelve months'.''.

(b) CONTINUED WITHHOLDINGS.—Subsection (d) of such section 8714b is amended by adding at the end the following:

''(3)(A) To be eligible for unreduced additional optional insurance under subsection (c)(3), the insured individual shall be required to elect, at such time and in such manner as the Office by regulation requires (including procedures for demonstrating compliance with the requirements of subsection (c)(3)), to have the full cost thereof continue to be withheld from the former employee's annuity or compensation, as the case may be, beginning as of when such withholdings would otherwise cease under the second sentence of paragraph (1).

''(B) An election made by an insured individual under subparagraph (A) (and withholdings pursuant thereto) shall terminate in the event that—

''(i) the insured individual—

''(I) revokes such election; or

''(II) makes any redesignation or other change in the designation under section 8705 (as in effect at the time of retirement); or

''(ii) the Office finds, upon the application of the insured individual or on its own initiative, that any of the requirements or conditions for unreduced additional optional insurance under subsection (c)(3) are, at any time, no longer met.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ELECTION FOR CERTAIN INDIVIDUALS NOT OTHERWISE ELIGIBLE.—The Office of Personnel Management shall prescribe regulations under which an election under section 8714b(d)(3)(A) of title 5, United States Code (as amended by this section) may be made, within 1 year after the date of the enactment of this Act, by any individual not otherwise eligible to make such an election, but only if such individual—

(A) separated from service on or after the first day of the 50-month period ending on the date of enactment of this Act; and

(B) would have been so eligible had the amendments made by this section (and implementing regulations) been in effect as of the individual's separation date (or, if earlier, the last day for making such an election based on that separation).

(3) WITHHOLDINGS.—

(A) PROSPECTIVE EFFECT.—If an individual makes an election under paragraph (2), withholdings under section 8714b(d)(3)(A) of such title 5 shall thereafter be made from such individual's annuity or compensation, as the case may be.

(B) EARLIER AMOUNTS.—If, pursuant to such election, benefits are in fact paid in accordance with section 8714b(c)(3) of such title 5 upon the death of the insured individual, an appropriate reduction (computed under regulations prescribed by the Office) shall be made in such benefits to reflect the withholdings that—

(i) were not made (before the commencement of withholdings under subparagraph (A)) by reason of the cessation of withholdings under the second sentence of section 8714b(d)(1) of such title; but

(ii) would have been made had the amendments made by this section (and implementing regulations) been in effect as of the time described in paragraph (2)(B).

(4) NOTICE.—The Office shall, by publication in the Federal Register and such other methods as it considers appropriate, notify current and former Federal employees as to the enactment of this section and any benefits for which they might be eligible pursuant thereto. Included as part of such notification shall be a brief description of the procedures for making an election under paragraph (2) and any other information that the Office considers appropriate.

SEC. 403. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

''(A) both employee and agency contributions which would be payable if separation had not occurred; plus

''(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

''(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not

make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

''(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

''(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

''(ii) is insured for basic insurance under this chapter on the date of separation.

''(B) The applicable date under this subparagraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this subparagraph is February 1, 2000.''.

TITLE V—REORGANIZATION FLEXIBILITY

SEC. 501. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

''(f)(1) The head of an Executive agency or military department may—

''(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

''(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

''(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

''(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

''(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

''(5) No authority under paragraph (1) may be exercised after September 30, 2001.''.

SEC. 502. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

''§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

''(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

''(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

''(c)(1) Details under subsection (a)—

''(A) may not be for periods exceeding 120 days; and

''(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

''(2) Details under subsection (b)—

''(A) may not be for periods exceeding 90 days; and

''(B) may not be renewed.

''(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

''(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

''(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

''(e) For purposes of this section—

''(1) the term 'base closure law' means—

''(A) section 2687 of title 10;

''(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

''(C) the Defense Base Closure and Realignment Act of 1990; and

''(2) the term 'military installation'—

''(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

''(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

''(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

''3341. Details; within Executive agencies and military departments; employees affected by reduction in force.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE VI—SOFT-LANDING PROVISIONS

SEC. 601. CONTINUED ELIGIBILITY FOR LIFE INSURANCE.

(a) IN GENERAL.—Section 8706 of title 5, United States Code, is amended by redesignating subsections (d) through (f) as subsections (e) through (g), respectively, and by inserting after subsection (c) the following:

''(d)(1) Notwithstanding subsection (b), any employee who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

''(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

''(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, but does not satisfy the requirements of subsection (b)(1), and

''(C) is insured on the date of separation,

may, within 60 days after the date of separation, elect to continue such employee's insurance and arrange to pay currently into the Employees' Life Insurance Fund both the employee and agency contributions therefor, in accordance with procedures prescribed by the Office. If the employee does not so elect, such employee's insurance will terminate as provided by subsection (a).

''(2) The applicable date under this paragraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this paragraph is February 1, 2000.

''(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.''.

(b) CONFORMING AMENDMENT.—Section 8706(g) of title 5, United States Code, as so redesignated by subsection (a), is amended by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 602. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking ''An'' and inserting ''Subject to subsection (g), an''; and

(2) by adding at the end the following:

''(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

''(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

''(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

''(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

''(2) The applicable date under this paragraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this paragraph is February 1, 2000.

''(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.''.

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''the Department of Defense'' and inserting ''an Executive agency''; and

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

''(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.''.

SEC. 603. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3330a. Priority placement programs for employees affected by a reduction in force

''(a) Not later than 3 months after the date of the enactment of this section, each Executive agency shall establish an agencywide priority placement program, to facilitate employment placement for employees who—

''(1) are scheduled to be separated from service due to a reduction in force under—

''(A) regulations prescribed under section 3502; or

''(B) procedures established under section 3595;

''(2) are separated from service due to such a reduction in force; or

''(3) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes (except for employees in positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management).

''(b)(1) Each agencywide priority placement program under this section shall include provisions under which a vacant position shall not (except as provided in this subsection) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in paragraph (2)) if—

''(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

''(B) the position—

''(i) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

''(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence; and

''(iii) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

''(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual is—

''(A) an employee of such agency who is scheduled to be separated, as described in subsection (a)(1); or

''(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (a)(2).

''(c)(1) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this section, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this section. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

''(2) At its option, an agency may administratively extend reemployment rights under this section to include other local commuting areas.

''(d)(1) In selecting employees for positions under this section, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

''(2) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

''(3) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

''(e) An individual is eligible for reemployment priority under this section for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under section 3502.

''(f) An individual qualified present or former employee loses eligibility for reemployment priority under this section when the individual—

''(1) requests removal in writing;

''(2) accepts or declines a bona fide offer under this section or fails to accept such an offer within the period of time allowed for such acceptance, or

''(3) separates from the agency before being separated under section 3502.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under section 3502 retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

''(g) Whenever more than one individual is qualified for a position under this section, the agency shall select the most highly qualified individual, subject to subsection (d).

''(h) The Office of Personnel Management shall issue regulations to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to the section 3330 the following:

''3330a. Priority placement programs for employees affected by a reduction in force.''.

SEC. 604. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 605. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term ''eligible employee'' means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term ''non-Federal employer'' means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term ''surplus position'' has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2000.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Under regulations prescribed by the Office of Personnel Management, all or any part of the amount described in subsection (c) may be afforded to any employee described in paragraph (2) in the form of educational assistance.

(2) ELIGIBLE EMPLOYEE.—An individual shall not be eligible for educational assistance under this subsection unless such individual—

(A) is an eligible employee, within the meaning of subsection (a); and

(B) has completed at least 3 years of current continuous service in any Executive agency or agencies.

(c) AGGREGATE LIMITATION.—No incentive payment or other amount may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

TITLE VII—MISCELLANEOUS

SEC. 701. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

(a) AUTHORITY.—Notwithstanding any other provision of law, any amounts appropriated, for fiscal year 1997 or any fiscal year thereafter, for salaries and expenses of Government employees may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term ''qualified employee'' means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term ''law enforcement officer'' means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms ''supervisor'' and ''management official'' have the respective meanings given them by section 7103(a) of such title 5; and

(4) the term ''professional liability insurance'' means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

SEC. 702. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code, is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 703. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(2) in subsection (b)—

(A) by striking ''may'' and inserting ''shall'' in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

''(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.'';

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

''(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

''(1) Any provider—

''(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

''(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

''(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

''(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

''(4) Any provider that the Office determines has committed acts described in subsection (d).'';

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

''(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

''(A) an item or service not provided as claimed;

''(B) charges in violation of applicable charge limitations under section 8904(b); or

''(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);'';

(5) in subsection (f), as so redesignated by paragraph (3), by inserting ''(where such debarment is not mandatory),'' after ''under this section'' the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking ''(g)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

''(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).'';

(B) in paragraph (3)—

(i) by inserting ''of debarment'' after ''notice''; and

(ii) by adding at the end the following: ''In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii).''; and

(C) in paragraph (4)(B)(i)(I) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(7) in subsection (h)—

(A) by striking ''(h)(1)'' and all that follows through the end of paragraph (2) and inserting the following:

''(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

''(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending

copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion.''; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking ''subsection (c)'' and inserting ''subsection (d)''; and

(B) by adding at the end the following: ''The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 704. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

SEC. 705. CONVERSION OF CERTAIN EXCEPTED SERVICE POSITIONS IN THE UNITED STATES FIRE ADMINISTRATION TO COMPETITIVE SERVICE POSITIONS.

(a) IN GENERAL.—No later than the date described under subsection (d)(1), the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as necessary to convert each excepted service position established before the date of the enactment of this Act under section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) to a competitive service position.

(b) EFFECT ON EMPLOYEES.—Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a)—

(1) shall remain employed in the competitive service position so converted without a break in service;

(2) by reason of such conversion, shall have no—

(A) diminution of seniority;

(B) reduction of cumulative years of service; and

(C) requirement to serve an additional probationary period applied; and

(3) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.

(c) PROSPECTIVE COMPETITIVE SERVICE POSITIONS.—Section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) is amended to read as follows:

''(4) appoint faculty members to competitive service positions and with respect to temporary and intermittent services, to make appointments of consultants to the same extent as is authorized by section 3109 of title 5, United States Code;''.

(d) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), this section shall take effect on the first day of the first pay period, applicable to the positions described under subsection (a), beginning after the date of the enactment of this Act.

(2)(A) The Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as directed under subsection (a) on and after the date of the enactment of this Act.

(B) Subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 706. ELIGIBILITY FOR CERTAIN SURVIVOR ANNUITY BENEFITS.

For the purpose of determining eligibility for survivor annuity benefits for a former spouse under section 8341 of title 5, United States Code, an application of any former spouse shall be approved if—

(1) the annuitant is deceased;

(2) the former spouse was living as of January 1, 1992;

(3) the former spouse has not received Social Security benefits based on eligibility as the spouse of the annuitant;

(4) such application was filed on or after January 1, 1989;

(5) the annuitant rendered at least 25 years of creditable service to the Federal Government;

(6) at the time of the annuitant's retirement, the annuitant and the former spouse had been married at least 25 years;

(7) at the time of the annuitant's retirement, the annuitant designated the former spouse to receive survivor annuity benefits;

(8) the annuitant and the former spouse were divorced prior to September 14, 1978, and after the annuitant retired;

(9) neither at the time of the divorce nor at any time thereafter was a joint waiver of survivor annuity benefits executed between the annuitant and the former spouse;

(10) the divorce decree was silent as to survivor annuity benefits or designated the former spouse to receive survivor annuity benefits;

(11) subsequent to the divorce of the annuitant and the former spouse, the annuitant advised the Office of Personnel Management of the divorce;

(12) neither the annuitant nor the former spouse married any other individual after their divorce from each other;

(13) no direct notice outlining or defining the former spouse's survivor annuity benefits election rights was delivered to the former spouse by the Office of Personnel Management; and

(14) the former spouse has exhausted all judicial remedies up to and including remedies available through the United States Court of Appeals.

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

Mr. MICA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows.

Amendment in the nature of a substitute offered by Mr. MICA: Strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Civil Service Reform Act of 1996''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 201. No appeal of denial of periodic step-increases.
Sec. 202. Performance appraisals.
Sec. 203. Amendments to incentive awards authority.
Sec. 204. Due process rights of managers under negotiated grievance procedures.
Sec. 205. Collection and reporting of training information.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Sec. 301. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 302. Domestic relations orders.
Sec. 303. Unreduced additional optional life insurance.

TITLE IV—REORGANIZATION FLEXIBILITY

Sec. 401. Voluntary reductions in force.
Sec. 402. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE V—SOFT-LANDING PROVISIONS

Sec. 501. Temporary continuation of Federal employees' life insurance.
Sec. 502. Continued eligibility for health insurance.
Sec. 503. Job placement and counseling services.
Sec. 504. Education and retraining incentives.

TITLE VI—MISCELLANEOUS

Sec. 601. Reimbursements relating to professional liability insurance.
Sec. 602. Employment rights following conversion to contract.
Sec. 603. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 604. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.
Sec. 605. Amendment to Public Law 104–134.
Sec. 606. Miscellaneous amendments relating to the health benefits program for Federal employees.
Sec. 607. Pay for certain positions formerly classified at GS–18.
Sec. 608. Repeal of section 1307 of title 5 of the United States Code.
Sec. 609. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

''(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

''(1) shall develop or approve a plan for such project which identifies—

''(A) the purposes of the project;

''(B) the methodology;

''(C) the duration; and

''(D) the methodology and criteria for evaluation;

''(2) shall publish the plan in the Federal Register;

''(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

''(4) shall obtain approval from each agency involved of the final version of the plan; and

''(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

''(A) to employees who are likely to be affected by the project; and

''(B) to each House of the Congress.''.

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) any provision of subchapter V of chapter 63 or subpart G of part III of this title;''; and

(2) by striking paragraph (3) and inserting the following:

''(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;''.

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

''(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

''(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

''(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.''.

(e) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: ''The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.''.

(f) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting ''by the Office'' after ''undertaken''; and

(2) by adding at the end the following:

''(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

''(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.''.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 201. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking ''or appeal''; and

(3) in the last sentence by striking ''and the entitlement of the employee to appeal to the Board do not apply'' and inserting ''does not apply''.

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsection (a)(B) by striking ''work of the employee is of an acceptable level of competence'' and inserting ''performance of the employee is at least fully successful'';

(2) in subsection (c)—

(A) in the first sentence by striking ''work of an employee is not of an acceptable level of competence,'' and inserting ''performance of an employee is not at least fully successful,''; and

(B) in the last sentence by striking ''acceptable level of competence'' and inserting ''fully successful work performance''; and

(3) by adding at the end the following:

''(g) For purposes of this section, the term 'fully successful' denotes work performance that satisfies the requirements of section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B)).''.

SEC. 202. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

''(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

''(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable.''; and

(2) by adding at the end the following:

''(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 203. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

''§ 4501. Definitions

''For the purpose of this subchapter—

''(1) the term 'agency' means—

''(A) an Executive agency;

''(B) the Library of Congress;

''(C) the Office of the Architect of the Capitol;

''(D) the Botanic Garden;

''(E) the Government Printing Office; and

''(F) the United States Sentencing Commission;

but does not include—

''(i) the Tennessee Valley Authority; or

''(ii) the Central Bank for Cooperatives;

''(2) the term 'employee' means an employee as defined by section 2105; and

''(3) the term 'Government' means the Government of the United States.'';

(2) by amending section 4503 to read as follows:

''§ 4503. Agency awards

''(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

''(1) by his suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

''(2) performs a special act or service in the public interest in connection with or related to his official employment.

''(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

''(A) based on the collective efforts of the group; and

''(B) with respect to each member of such group.

''(2) The amount awarded to each member of a group under this subsection—

''(A) shall be the same for all members of such group, except that such amount may be prorated to reflect differences in the period of time during which an individual was a member of the group; and

''(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable.''; and

(3) in subsection (a)(1) of section 4505a by striking ''at the fully successful level or higher'' and inserting ''higher than the fully successful level''.

SEC. 204. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

''(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 205. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the

extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

SEC. 301. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

''(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.''.

SEC. 302. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking ''(a) The'' and inserting ''(a) Except as provided in subsection (e), the''; and

(2) by adding at the end the following:

''(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

''(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

''(3) A designation under this subsection with respect to any person may not be changed except—

''(A) with the written consent of such person, if received as described in paragraph (2); or

''(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

''(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.''.

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking ''(e)'' and inserting ''(e)(1)''; and

(2) by adding at the end the following:

''(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.''.

SEC. 303. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

''(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

''(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

''(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

''(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

''(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

''(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

''(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A).''; and

(2) in the second sentence of subsection (d)(1) by inserting ''if insurance is continued as provided in subparagraph (A) of paragraph (3),'' after ''except that,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of the enactment of this Act and shall apply to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

TITLE IV—REORGANIZATION FLEXIBILITY

SEC. 401. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

''(f)(1) The head of an Executive agency or military department may, in accordance with regulations prescribed by the Office of Personnel Management—

''(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

''(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

''(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

''(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

''(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

''(5) No authority under paragraph (1) may be exercised after September 30, 2001.''.

SEC. 402. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

''§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

''(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

''(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

''(c)(1) Details under subsection (a)—

''(A) may not be for periods exceeding 120 days; and

''(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

''(2) Details under subsection (b)—

''(A) may not be for periods exceeding 90 days; and

''(B) may not be renewed.

''(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

''(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

''(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

''(e) For purposes of this section—

''(1) the term 'base closure law' means—

''(A) section 2687 of title 10;

''(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

''(C) the Defense Base Closure and Realignment Act of 1990; and

''(2) the term 'military installation'—

''(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

''(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

''(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

''3341. Details; within Executive agencies and military departments; employees affected by reduction in force.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE V—SOFT-LANDING PROVISIONS

SEC. 501. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

''(A) both employee and agency contributions which would be payable if separation had not occurred; plus

''(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

''(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

''(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

''(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

''(ii) is insured for basic insurance under this chapter on the date of separation.

''(B) The applicable date under this subparagraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this subparagraph is February 1, 2002.''.

SEC. 502. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking ''An'' and inserting ''Subject to subsection (g), an''; and

(2) by adding at the end the following:

''(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

''(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

''(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

''(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

''(2) The applicable date under this paragraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this paragraph is February 1, 2002.

''(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.''.

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''the Department of Defense'' and inserting ''an Executive agency''; and

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

''(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.''.

SEC. 503. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 504. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term ''eligible employee'' means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term ''non-Federal employer'' means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term ''surplus position'' has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2002.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term ''eligible employee'' means an eligible employee, within the meaning of subsection (a), who —

(i) is employed full-time on a permanent basis;

(ii) has completed at least 3 years of current continuous service in any Executive agency or agencies; and

(iii) is admitted to an institution of higher education within 1 year after separation;

(B) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code;

(C) the term ''educational assistance'' means payments for educational assistance as provided in section 127(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 127(c)(1)); and

(D) the term ''institution of higher education'' has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(2) AUTHORITY.—Under regulations prescribed by the Office of Personnel Management, and subject to the limitations under subsection (c), the head of an Executive agency may, in his or her discretion, provide educational assistance under this subsection to an eligible employee for a program of education at an institution of higher education after the separation of the employee.

(3) DURATION.—No educational assistance under this subsection may be paid later than 10 years after the separation of the eligible employee.

(4) SOURCE.—Educational assistance payments shall be payable from appropriations or other funds which would have been used to pay the salary of the eligible employee if the employee had not separated.

(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations for the administration of this subsection. Such regulations shall provide that educational assistance payments shall be limited to amounts necessary for current tuition and fees only.

(c) LIMITATIONS.—

(1) AGGREGATE LIMITATION.—No incentive payment or educational assistance payment may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

(2) LIMITATION RELATING TO EDUCATIONAL ASSISTANCE.—The total amount paid under subsection (b) to any individual—

(A) may not exceed $6,000 if the individual has at least 3 but less than 4 years of qualifying service; and

(B) may not exceed $8,000 if the individual has at least 4 but less than 5 years of qualifying service.

(3) QUALIFYING SERVICE.—For purposes of paragraph (2), the term ''qualifying service'' means service performed as an employee, within the meaning of section 2105 of title 5, United States Code, on a permanent full-time or permanent part-time basis (counting part-time service on a prorated basis).

TITLE VI—MISCELLANEOUS

SEC. 601. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

(a) AUTHORITY.—Notwithstanding any other provision of law, any amounts appropriated, for fiscal year 1997 or any fiscal year thereafter, for salaries and expenses of Government employees may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term ''qualified employee'' means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term ''law enforcement officer'' means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms ''supervisor'' and ''management official'' have the respective meanings given them by section 7103(a) of such title 5; and

(4) the term ''professional liability insurance'' means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) POLICY LIMITS.—

(1) IN GENERAL.—Reimbursement under this section shall not be available except in the case of any professional liability insurance policy providing for—

(A) not to exceed $1,000,000 of coverage for legal liability (as described in subsection (c)(4)(A)) per occurrence per year; and

(B) not to exceed $100,000 of coverage for the cost of legal representation (as described in subsection (c)(4)(B)) per occurrence per year.

(2) ADJUSTMENTS.—The head of an agency may from time to time adjust the respective dollar amount limitations applicable under this subsection to the extent that the head of such agency considers appropriate to reflect inflation.

SEC. 602. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code) is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 603. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(2) in subsection (b)—

(A) by striking ''may'' and inserting ''shall'' in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

''(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.'';

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

''(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

''(1) Any provider—

''(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

''(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

''(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

''(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

''(4) Any provider that the Office determines has committed acts described in subsection (d).'';

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

''(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

''(A) an item or service not provided as claimed;

''(B) charges in violation of applicable charge limitations under section 8904(b); or

''(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);'';

(5) in subsection (f), as so redesignated by paragraph (3), by inserting ''(where such debarment is not mandatory)'' after ''under this section'' the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking ''(g)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

''(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).'';

(B) in paragraph (3)—

(i) by inserting ''of debarment'' after ''notice''; and

(ii) by adding at the end the following: ''In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii).''; and

(C) in paragraph (4)(B)(i)(I) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(7) in subsection (h), as so redesignated by paragraph (3), by striking ''(h)(1)'' and all that follows through the end of paragraph (2) and inserting the following:

''(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

''(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion.''; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking ''subsection (c)'' and inserting ''subsection (d)''; and

(B) by adding at the end the following: ''The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 604. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

Section 5 of the FEGLI Living Benefits Act (Public Law 103–409; 108 Stat. 4232) is amended—

(1) by inserting ''and the Board of Governors of the Federal Reserve System'' after ''Office of the Comptroller of the Currency and the Office of Thrift Supervision'' each place it appears;

(2) in subsection (a), by inserting ''or under a health benefits plan not governed by chapter 89 of such title in which employees and retirees of the Board of Governors of the Federal Reserve System participated before January 4, 1997,'' after ''January 7, 1995,'';

(3) in subsection (b)—

(A) by inserting ''(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or on January 4, 1997 (in the case of the Board of Governors of the Federal Reserve System)'' after ''on January 7, 1995'' each place it appears;

(B) by inserting '', or in which employees and retirees of the Board of Governors of the Federal Reserve System participate,'' after ''Office of the Comptroller of the Currency or the Office of Thrift Supervision'' each place it appears; and

(C) by inserting ''(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or after January 5, 1997 (in the case of the Board of Governors of the Federal Reserve System)'' after ''January 8, 1995'' each place it appears;

(4) in subsection (b)(1)(A), by striking ''title;'' and inserting ''title or a retiree (as defined in subsection (e);''; and

(5) by adding at the end the following:

''(e) DEFINITION.—For purposes of this section, the term 'retiree' shall mean an individual who is receiving benefits under the Retirement Plan for Employees of the Federal Reserve System.''.

SEC. 605. AMENDMENT TO PUBLIC LAW 104–134.

Paragraph (3) of section 3110(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–343) is amended to read as follows:

''(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by sections 8432 and 8351 of title 5, United States Code, for those employees who elect to retain their coverage under the Civil Service Retirement System or the Federal Employees' Retirement System pursuant to paragraph (1).''.

SEC. 606. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking ''organization;'' and inserting ''organization and the Government-wide service benefit plan sponsored by an association of organizations described in this paragraph;''.

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking ''plan,'' and inserting ''plan, underwritten by participating affiliates licensed in any number of States,''.

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking ''(m)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.''.

SEC. 607. PAY FOR CERTAIN POSITIONS FORMERLY CLASSIFIED AT GS–18.

Notwithstanding any other provision of law, the rate of basic pay for positions that were classified at GS–18 of the General Schedule on the date of the enactment of the Federal Employees Pay Comparability Act of 1990 shall be set and maintained at the rate equal to the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

SEC. 608. REPEAL OF SECTION 1307 OF TITLE 5 OF THE UNITED STATES CODE.

(a) IN GENERAL.—Section 1307 of title 5, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 5, United States Code, is amended by repealing the item relating to section 1307.

SEC. 609. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

Mr. MICA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. MICA].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the

third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3841.

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

There was no objection.

L. CLURE MORTON UNITED STATES POST OFFICE AND COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 1931) to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, TN, shall be known and designated as the ''L. Clure Morton United States Post Office and Courthouse.''

The Clerk read the title of the Senate bill.

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

Mr. TRAFICANT. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST] to explain the bill.

□ 1830

Mr. GILCHREST. I thank the gentleman for yielding.

Mr. Speaker, S. 1931 is a bill which would designate the United States Post Office and Courthouse in Cookeville, TN as the L. Clure Morton United States Post Office and Courthouse.

Judge Morton was appointed to the U.S. District Court by President Richard M. Nixon, on July 15, 1977.

He was elevated to Chief Judge and took Senior status on July 31, 1984. As a District Judge, Judge Morton was known as exacting but fair, delivering decisions based upon the letter of the law rather than strong public sentiment.

In 1971, Judge Morton rendered a decision ordering the massive crosstown busing of students in Nashville in order to desegregate the public school system. Among Judge Morton's other notable decisions were those that led to sweeping reforms in Tennessee's prison, welfare and mental health systems.

Judge Morton retired from the bench this past August. He has been a dutiful public servant for over 25 years; this bill is a fitting tribute to an accomplished jurist.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member on our committee.

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

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation to designate the U.S. Post Office and Courthouse in Cookeville, TN in honor of Judge Morton.

Mr. Speaker, S. 1931 would designate the U.S. Post Office and Courthouse in Cookeville. TN in honor of Judge L. Clure Morton. This bill has full bipartisan support in the House of Representatives.

Judge L. Clure Morton graduated from the University of Tennessee Law School and practiced law in the private sector for 33 years. His judicial career began in 1970 when he was appointed to the Federal bench as District Court Judge in Nashville. In 1977 he was elevated to Senior Judge, and in 1984 Judge Morton took senior status.

Judge Morton has decided to retire after 26 years of exemplary public service. He will be fondly remembered as a man of fairness, insight, and scholarly reasoning.

It is fitting and proper to honor the outstanding career and civic contributions of Judge L. Clure Morton by designating the Federal buildings in Cookeville, TN as the "L. Clure Morton Post Office and Courthouse."

I support S. 1931 and urge its passage.

Mr. TRAFICANT. Mr. Speaker, Judge Morton has served the citizens of Tennessee for 26 years, beginning his career in 1970 with an appointment to the Federal bench.

Judge Morton is known for his fairness, judicial innovation and courtroom demeanor. He has tackled such controversial issues as school integration, welfare, mental health, and prison reform. He is honored and respected by not only the Tennessee community at large but also his judicial peers and colleagues. This designation is a fitting tribute to Judge L. Clure Morton. I support the legislation and urge its passage.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1931

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

SECTION 1. DESIGNATION OF L. CLURE MORTON UNITED STATES POST OFFICE AND COURTHOUSE.

The United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the ''L. Clure Morton United States Post Office and Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office and Courthouse building referred to in section 1 shall be deemed to be a reference to the ''L. Clure Morton United States Post Office and Courthouse''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1931.

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

There was no objection.

TED WEISS UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4042) to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the ''Ted Weiss United States Courthouse.''

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman from Maryland [Mr. GILCHREST] for an explanation of the legislation.

Mr. GILCHREST. I thank the gentleman from Ohio for yielding.

Mr. Speaker, H.R. 4042 is a bill which would designate the United States Courthouse in New York City as the Ted Weiss United States Courthouse. Ted Weiss was born in Gava, Hungary in September 1927. He and his family fled Eastern Europe to escape Nazi persecution on the last passenger ship to leave Hamburg, Germany during the course of World War II, arriving in the United States in 1938.

In 1961, Ted Weiss was elected to the New York City Council where he was influential in writing the city's gun control laws and environmental measures. After 15 years of service as a councilman, he was elected to the United States House of Representatives in 1976.

As a colleague of so many in this body, Ted Weiss is remembered as a thoughtful advocate of all that he believed. Though one may not have always agreed with his position, one could always respect the force of his convictions. Unfortunately, Ted passed away on September 4, 1992.

The naming of this courthouse in his honor is a fitting tribute to a distinguished colleague.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I consider it a great privilege to be a cosponsor of this legislation to name the new courthouse in Foley Square, NY, for our former colleague, Ted Weiss. It was a great privilege to serve with Ted Weiss, who escaped with his family just at the leading edge of the Nazi persecutions in Hungary.

He grew up as a young lad in New York City and fulfilled the immigrant dream of being elected to the highest office in the land, the United States Congress, the U.S. House of Representatives, where here his wisdom, his understanding, his memories brought justice to this body, brought justice to the issues of human rights, of civil rights, and to support for the oppressed at home and the oppressed abroad, a person who was always filled with justice and peace, of understanding and honor for others.

His legacy will be one of deep sensitivity to the broadest of all human needs, and his name on this courthouse, I hope, will serve as an inspiration to all who enter it, to honor his name by deliberating in that place with the same spirit of fairness, justice, wisdom, understanding, and love of others that Ted Weiss demonstrated in this body.

Mr. Speaker, I rise in support of H.R. 4042, a bill to designate the new courthouse in Foley Square, New York as the Ted Weiss United States Courthouse.

Ted Weiss was an active, vibrant, thoughtful member of the House of Representatives. He brought to our attention, indeed to the attention of our Nation, the need for an increase in funding for AIDS research long before the word epidemic was used.

He was a leader in addressing the needs of the homeless and in devising an appropriate role for the Federal Government in solving this problem.

Ted Weiss created a legacy of devotion and commitment to issues such as social and economic justice, environmental protection, and peacetime conversion of defense industries.

Ted Weiss will be remembered as a brilliant, caring, conscientious public servant who cared deeply for people and worked tirelessly to bring society closer together. I urge support for H.R. 4042.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. NADLER], the dynamic young sponsor of this legislation.

Mr. NADLER. Mr. Speaker, as the sponsor of this bill, I would like to begin by thanking Chairman GILCHREST and the gentleman from Ohio, Mr. TRAFICANT, the ranking member, as well as Chairman SHUSTER and ranking member JIM OBERSTAR for their support of this legislation which names the new Federal courthouse in New York City after our late colleague, Ted Weiss.

Mr. Speaker, I knew Ted Weiss for almost 30 years. I knew him to be a compassionate, dedicated, hardworking, and loving man. Ted was born in Hungary in September 1927. At the age of 10, he and his family fled the Nazi tyranny and left for the United States on the last passenger ship out of Hamburg, Germany, before World War II, arriving here in March 1938.

Ted went on to earn his undergraduate and law degrees, both in 4½ years, at Syracuse University. After serving in the United States Army, he served as an assistant district attorney in Manhattan for 4 years.

In 1961, Ted was elected to the New York City Council, where he was instrumental in supporting gun control legislation, the first environmental laws in New York City, and the first noise control laws in New York City. He was known as the conscience of the city council. He began there a lifetime of public service that was marked by compassion and principle.

As a constituent and a friend of Ted's, I knew firsthand how tirelessly he worked to bring issues important to the people whom he served to the forefront of public debate.

Ted Weiss was one of the first elected officials in the Nation to focus attention on the need to increase funding for AIDS research before the epidemic dominated discussion nationwide and worldwide. He was a strong supporter of human rights throughout the world and here at home. He received the Vietnam Veterans of America's highest award 2 years in a row for his work on behalf of America's veterans.

Ted was not afraid to stand up for his convictions and make sure we understood why he held them so dear to his heart. We will be honoring Ted by naming this courthouse after him. I believe this suits the man who fought so hard to create a more just world. By adopting this legislation, this House will honor the memory of a friend and colleague who was respected by all who knew him, who was loved by many of us, and who brought prestige and honor to this institution.

Mr. Speaker, I rise in strong support of this bill. I again thank the chairman, the ranking members and the other Members of this body for supporting it.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the ranking member for yielding.

Mr. Speaker, I consider it a great privilege to rise in support of this resolution and commend the chairman of the committee and the ranking member as well as the author of the resolution for bringing it to the floor tonight, because in honoring Ted Weiss by naming this courthouse in his honor, we bring honor to the House of Representatives.

Anyone who served in this House with Ted Weiss knows that on a daily basis he brought dignity to his service here and as he challenged the conscience of our country. Many of us were close friends of Ted's and had a regular dinner group, and so we miss him not only as a colleague but as a precious and dear friend.

I had the special privilege of speaking at Ted's service. It was a shock to us when Ted passed away. So it was remarkable to see that in 2 days, it was actually the day after the primary election in New York, and all of the New York politicos were out in full force to see this funeral, the cross section, the rich, the poor, in a synagogue in midtown Manhattan.

Harry Belafonte spoke and sang. Have you ever been in a temple where they sing ''Amazing Grace''? This was Ted Weiss, he was ecumenical, and he had a sense of humor. His beautiful sons spoke so lovingly of their father, and his loving wife, Sonny Weiss, helped us all through our grief.

But why I mention his service was, I remember the lasting impression on me was that, there was Ted Weiss, this champion of the First Amendment, this super-patriot of defending our Constitution every single day of his public service, and especially in the Congress of the United States, there he was, wrapped in the flag, and I thought, how appropriate. I cannot think of anyone who deserves more to be wrapped in the flag for his defense of the Constitution and his great patriotism.

The gentleman from New York [Mr. NADLER] mentioned that the Weiss family came here March 5, 1938. Many of us were in service here in the House on March 5, 1988, and will never forget how he rose that day to speak with great pride of his family coming to America 50 years before, that was obviously the 50-year anniversary, and how lovingly and how proudly he spoke of what America meant to the Weiss family and to this little boy fleeing tyranny and coming to America. Maybe perhaps more than some of us who have never had to flee tyranny, he appreciated what America means to the world and to its citizens and, as I say, deserved as much as anyone I can think of to be draped in the American flag.

And so in that spirit, I again, with the greatest appreciation, commend all of those who have taken part in bringing this resolution to the floor. As I said before, in honoring Ted Weiss, we honor this House of Representatives.

Mr. TRAFICANT. Mr. Speaker, Ted Weiss was a friend and colleague of mine as well. It was an honor just to have known him and to have served with him, and everybody who did remembers him and appreciates his presence, what he stood for. He was an acknowledged champion of human rights. His commitment to fairness and justice and peace set a standard for anybody who rubbed shoulders with him here in the House of Representatives and during his service on the city council of New York. Ted Weiss is fondly remembered as a man of gentleness and grace who represented the best in public service that was there to be offered. It is absolutely fitting and proper to honor Ted Weiss's civic contributions by designating the new courthouse in New York City as the Ted Weiss United States Courthouse.

Mr. Speaker, I want to join with the gentleman from New York [Mr. NADLER] and all of those who have spoken on behalf of this legislation.

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

Mr. TRAFICANT. Further reserving the right to object, I yield to the gentleman from New York.

Mr. ENGEL. I thank my friend from Ohio for yielding.

Mr. Speaker, I just would not feel right if I did not add my words of praise to our late colleague, Ted Weiss, and just to state how happy I am that we are naming this courthouse in New York City in Foley Square after Ted Weiss.

I had the honor and privilege of knowing Ted for about 25 years, when he was a member of the New York City Council and I was a member of the New York State Assembly and we worked together many, many times on many, many projects.

Of course with his colleagues here in the U.S. House of Representatives, I worked very closely with Ted on the Committee on Foreign Affairs and on many different pieces of legislation.

When you look and you think back on a career, and I know it has been stated by my colleagues, there is no one who was more decent, more caring, than Ted Weiss. He was not afraid to take unpopular stands. He did not care if there was a bill which 434 colleagues voted for. If he felt strongly against it, he got up and said so and voted his conscience each and every time. I think that all of us always respected him both on this side of the aisle and the other side of the aisle even when they disagreed with him.

He was a very gentle person, he was a person who really cared about the district he represented. With reapportionment, I represent a portion of the Bronx called Riverdale which Ted had represented under the old lines, and I know the people in my district, in Riverdale, felt very, very close to Ted Weiss and felt that he had provided them with excellent representation throughout the years. I remember at his funeral, which was in Manhattan, hundreds and hundreds and hundreds of people were there. It was so packed that you could not even get into the funeral.

□ 1845

Person after person eulogized him and all said the same thing. The word ''decent'' kept coming up. The words ''really caring about people'' kept coming up.

The is how I will always remember Ted, as a good friend, someone who truly served his constitutes, someone who loved this country, and someone who cared about people.

So I want to commend my colleagues for this bill. It is fitting tribute to Ted Weiss. When I go to Manhattan and to the courthouse, as I know I will on occasion, I will always think of, at Foley Square, my good friend Ted Weiss. I am just delighted to be a part of this and to pay tribute to a wonderful, wonderful guy.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4042

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

SECTION 1. DESIGNATION

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the ''Ted Weiss United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 2 shall be deemed to be a reference to the ''Ted Weiss United States Courthouse''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the House Intelligence Committee effective today.

I appreciate the opportunity to serve on the committee beyond my allotted time. Your efforts to accommodate my many international assignments have been most helpful.

I look forward to serving on the committee in the future.

Sincerely,

BILL RICHARDSON,
Chief Deputy Whip.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentlewoman from California [Ms. HARMAN] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentlewoman from California [Ms. PELOSI].

There was no objection.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4042.

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

There was no objection.

WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4119) to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the ''William Augustus Bootle Federal Building and U.S. Courthouse.''

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST] for an explanation of the legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 4119 is a bill which would designate the U.S. courthouse in Macon, GA as the William Augustus Bootle Federal Building and U.S. Courthouse.

He was appointed to the U.S. district court by President Dwight D. Eisenhower on May 20, 1954. Judge Bootle presided as district judge and acted as chief judge handling all six divisions of the court in six different courthouses, in 71 counties of Georgia.

In his time on the bench, Judge Bootle was highly regarded by lawyers throughout the district for his keen intellect and warm sense of humor, he is, perhaps, most widely recognized for his decision in 1961 ordering the admittance of two African-American students to the University of Georgia. This decision led to the desegregation of Georgia's public school system.

The naming of a courthouse in Judge Bootle's honor is a fitting tribute to a distinguished jurist. I support this bill and urge my colleagues' support.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Mr. Speaker, I rise in support for H.R. 4119, a bill to designate the Federal building and United States Courthouse in Macon, GA, as the William Augustus Bootle Federal Building and United States Courthouse.

Judge Bootle has been serving the citizens of Georgia since 1928 when he was appointed Assistant U.S. Attorney for the Middle District of Georgia.

He has been very active in the community, serving for many years as a Trustee for Mercer University. Judge Bootle is known for his fairness and judicial scholarship. This bill deserves our support and I urge its adoption.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the distinguished author of the bill, the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I appreciate both my colleagues from Ohio and Maryland for moving this bill along as quickly as they did.

Mr. Speaker, I rise in strong support of H.R. 4119. Judge William Augustus Bootle was born in Walterboro, SC, on August 19, 1902. He is a graduate of Mercer University undergraduate school, as well as Mercer University Law School. Mercer University is located in Macon, GA, and happens to be the university where my son, Bo, is currently in his second year of undergraduate work.

Judge Bootle is married to the former Virginia Childs. They have three children, Dr. William Augustus Bootle, Jr., Dr. James C. Bootle, and Mrs. Ann B. Hall.

Judge Bootle was admitted to the bar of the State of Georgia in 1925. He was appointed Assistant U.S. Attorney to the Middle District of Georgia and served from 1928 to 1929. He was appointed U.S. Attorney for the Middle District of Georgia and served from 1929 until 1933. He then entered the active practice of law in Macon, GA.

As the gentleman from Maryland [Mr. GILCHREST] said, in 1954, which happened to be 16 days after the U.S. Supreme Court ruling regarding the desegregation of public schools in this country, Judge Bootle was appointed to the bench as the Judge for the Middle District of Georgia.

I asked a couple of Judge Bootle's friends to tell me a little bit about him and make a couple of comments regarding the naming of this courthouse after Judge Bootle, and the Honorable Duross Fitzpatrick, who is currently United States District Judge for the Middle District of Georgia, and Mr. Manley Brown, who is a mutual friend practicing law in Macon, GA, sent me these comments.

They said when Judge Bootle was appointed to the court in 1954, the chief Judge was ill and remained so for an extended period of time, and therefore, until 1962, when another Judge was subsequently appointed, Judge Bootle handled all six divisions of the Middle District of Georgia. That included the Athens Division, the Macon Division, the Columbus Division, the Americus Division, the Albany Division, and the Valdosta Division. Those six courthouses covered 71 counties in Georgia.

They say he is a very modest man, who has always shunned publicity and who always said ''I didn't do anything but what I was paid to do.''

Judge Fitzpatrick and Manley Brown refer to Judge Bootle as a lawyer's lawyer and a judge's judge. He was highly respected by lawyers throughout the district for his keen intellect, wonderful sense of humor, and utter fairness. He had no favorites at the bar.

In 1935 he argued and won a case before the U.S. Supreme Court. He is a great story teller, who naturally attracts all those around him. He is a very optimistic person and an avid skeet shooter for most of his life.

He developed a cataract in his right eye in the late eighties, and he had an operation on that eye, so it forced him to learn to shoot left handed. On this 90th birthday, Judge Bootle went out and shot skeet, and hit 25 out of 25 clay pigeons.

Two very important decisions that Judge Bootle made that made his mark in history occurred in Athens, GA. He presided at a trial in Athens in 1964 of several members of the Ku Klux Klan who were convicted of following a black Army colonel through town and shooting him point blank as he crossed over the Broad River Bridge in a rural area. This was a high profile case and Judge Bootle was given high marks for the manner in which he handled it.

I quote from a book titled ''Atlanta Rising'' which deals with a lot of history that took place in the Atlanta area during the years of the civil rights era.

There were two black applicants to the University of Georgia, Charlayne Hunter and Hamilton Holmes, who were denied admittance. They filed suit in the Middle District of Georgia, and, quoting from this book, I read as follows:

> Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in 6 months or a year, but bright and early the next Monday morning.

I also called my good friend and former law partner, Lamar Moore, a very distinguished lawyer in Moultrie, GA, and told him we were doing this, and I said, ''Give me a comment about Judge Bootle,''

Lamar said:

> Judge Gus Bootle refereed a lot of battles between my clients and the government, mainly the Treasury and the Labor Departments, and I found his calls to be good and all penalties just, particularly those against the Government. Trying a case before Judge Bootle was always a pleasure, and I had been amazed how he recalls the details of amusing incidents after so many years. Put him back on the bench.

Judge Bootle loved the law and legal profession. I would like to quote from a speech which Judge Bootle gave in April of 1995, which I think sums up his philosophy very well.

> As I see it, everything that is well organized is beautiful. Everything that functions well is beautiful. All harmony and proportion are beautiful, and so is every success and pursuit of a noble objective. By these exacting standards, law qualifies.

Judge Bootle, I commend you on the many years of public service you gave to this country, and Mr. Speaker, it is very appropriate that we honor Judge Bootle in this way. I ask my colleagues to support the passage of this bill.

Mr. TRAFICANT. Mr. Speaker, Judge Bootle has served as a mentor for many junior colleagues and associates. He is well-known for his scholarly approach and courtly demeanor. It is fitting and proper to honor the career and contributions of Judge Bootle by this designation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4119

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, shall be known and designated as the ''William Augustus Bootle Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document paper, or the record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''William Augustus Bootle Federal Building and United States Courthouse''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4119.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR SINE DIE ADJOURNMENT OF 104TH CONGRESS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–855) on the resolution (H. Res. 546) providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die, which was referred to the House Calendar and ordered to be printed.

CARL B. STOKES UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4133) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the ''Carl B. Stokes United States Courthouse.''

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST], the distinguished chairman of the subcommittee, to explain the bill.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 4133 is a bill which would designate the United States Courthouse in Cleveland, Ohio as the Carl B. Stokes United States Courthouse.

In 1962, Carl Stokes began a life devoted to public service upon his election to the Ohio General Assembly. Five years later, Carl Stokes broke new ground when he won Cleveland's mayoral race becoming the first African-American to be elected the mayor of a major city.

Deciding not to seek reelection in 1971, Carl Stokes entered the field of journalism with WNBC–TV in New York City. For his work at WNBC, he received an Emmy Award.

In 1983, Carl Stokes returned to Cleveland where he won election to Cleveland's municipal court. Within weeks, he was elected both presiding and administrative judge.

After serving on the bench for 10 years, Carl Stokes assumed the position of chief statesman when in 1994 President Clinton appointed him the Ambassador to the African Island Republic of Seychelles. In this position, he advised emerging African nations on the establishment of a democratic form of government and lobbied the administration in support of the African Continent.

Carl Stokes passed away on April 3, 1996. This is a fitting tribute to a man who dedicate so much of his life to public service. I support this bill and urge my colleague's support.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman of the subcommittee for considering this legislation and bringing it so expeditiously to the floor, and to the gentleman from Ohio for supporting the legislation for a fellow Ohioan.

Carl Stokes is more than a fellow Ohioan. He is more than an American citizen. He was a pioneer in his time, one of the very first handful of African-Americans to be elected mayor, and mayor of a large city. At the time I think there were only four.

As I recall, Mayor Hatcher was elected the same day, received somewhat greater public attention than did Carl Stokes, but Mayor Stokes came in at a time when Cleveland was experiencing severe economic difficulties, racial strife, social unrest, and he brought calm and restored economic progress and focus in the community, brought a great leadership quality to his service as mayor.

Following his leadership, more than 350 African-Americans are now mayors of American cities. He led the way. He showed them that it could be done.

He was a journalist, a political commentator, a television anchorman and Emmy Award winner, a devoted family man. I had the privilege of meeting him but once. That once, the hour I spent with him and a group of other mayors, was enough to make a lasting impression of a person really dedicated to community service, to his fellow human beings, and to the vision of a greater city, the city being the crossroads of civilization, and he made his City of Cleveland that very crossroads and launched the city on a great comeback.

□ 1900

It is very fitting that we designate the Carl B. Stokes United States Courthouse. We do his memory great justice and honor, and we expect that those who enter that courthouse will live up to that memory.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE], an outstanding new Member.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Ohio, Mr. TRAFICANT, for yielding me this time, and I want to also thank the gentleman from Maryland, Chairman GILCHREST, for moving this legislation so that we can complete it before we complete our work here in this session of Congress.

Mr. Speaker, in April of this year Ambassador Carl B. Stokes died of cancer. Those of us in Washington may know Carl Stokes because he was the younger brother of one of our colleagues, U.S. Representative Louis R. Stokes. For many other Americans, however, Carl B. Stokes was a trailblazer who became the first black mayor of a major metropolitan U.S. city and paved the way for so many other African-Americans to seek public office.

Carl B. Stokes grew up in the ghetto in Cleveland, but never let his surroundings hold him back. In fact,he made it his life's devotion to make a difference in the lives of others and to help others aspire to the greatness lurking within them. In 1962, Carl B. Stokes became the first black Democrat to be elected to the Ohio House of Representatives, winning a seat in Cuyahoga County, which at that time was only 14 percent black. Three years later, he made a bid for mayor of his hometown, Cleveland. He ran as an independent in the 1965 race and narrowly lost to the Democratic incumbent. The loss would have deterred many, but it served as motivation to Carl B. Stokes.

In 1967, Carl B. Stokes returned to the fray and beat the city's mayor in the Democratic primary by 20,000 votes. Carl B. Stokes, who was raised by a single, widowed mother in one of the country's first public housing complexes for the poor, then faced a member of one of Ohio's and this country's most notable political families—the Tafts. That November, Carl B. Stokes, the great-grandson of a slave, defeated Seth Taft, the grandson of President William Howard Taft.

At that time, less than 40 percent of Cleveland's population was black. Dr. Martin Luther King, Jr., said of this historic election, ''Once again American voters have successfully hurdled the barrier of race.'' Meanwhile, at his election-night victory party, Carl B. Stokes said until that very moment he had never known the full meaning of the words ''God Bless America.''

Carl B. Stokes served two terms as mayor of Cleveland, and became the first black to head the National League of Cities in his second term. He left Cleveland to face other challenges, and wound up in New York City, where he became that city's first black television anchorman.

Carl B. Stokes returned to his hometown in the 1980's, and later was elected a Cleveland Municipal Court Judge, serving from 1983 to 1994. In 1994, President Clinton appointed Carl B. Stokes as ambassador of the Seychelles Islands in the Indian Ocean. He served in that post until a year ago June when he was diagnosed with cancer of the esophagus.

At his funeral, Carl B. Stokes was remembered with great fondness and admiration. The Reverend Jesse Jackson delivered the eulogy, calling Carl B. Stokes a ''dream maker, an odds buster,'' and noting that he never internalized ''ghetto limitations.'' President Clinton, meanwhile, praised Carl B. Stokes' ''legacy of public service that continues to inspire us all.''

Of course, few were able to capture the essence of magic of Carl B. Stokes more than his brother, LOU, who described his brother's life this way:

> A life that has been a series of firsts for African-Americans. A life that opened up doors and opportunities and raised the aspirations of African-Americans everywhere. He wrote a different American story. He wrote the poor American black boy's story. He didn't rise from rags to riches. He went from poverty to power. And he used that power to help people.

In Cleveland, OH, Carl B. Stokes is revered. Cleveland will never forget his contributions as Mayor Stokes, Judge Stokes, and Ambassador Stokes. He served his city and his country with dignity and purpose. It is now left up to his very capable brother, LOU, to continue the Stokes' family legacy of service to others.

It is only fitting that an important piece of the Cleveland architectural and political landscape be memorialized in his name. It is for that reason that I have proposed naming the new

Federal courthouse at Huron and Superior roads in Cleveland the ''Carl B. Stokes United States Courthouse.''

Carl B. Stokes was a true visionary and one of Cleveland's most remarkable sons. He forever changed the face of urban governing, and left an indelible mark on his hometown and his country. Carl B. Stokes honored his city, and it is appropriate that his city honor him in return, making permanent his legacy in the ''Carl B. Stokes United States Courthouse.''

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentlewoman from Ohio [Ms. KAPTUR], one of Ohio's brightest stars.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to join my colleagues in strong support of this measure designating the Carl B. Stokes Courthouse in the great city of Cleveland.

As a young girl growing up in Ohio, it was rather interesting to me to first learn of Carl Stokes through television from a city 2½ hours east of Toledo, and to frame a lot of my own views of America through what we learned from him.

Without a doubt, his successes as an elected official helped shape the views not just of the Buckeyes of Ohio but, in fact, of all of America because what he did was, in fact, so precedent setting.

Looking back, for this generation of Americans now growing up, on his life, it may seem all so simple and it may seem as if all the pieces just fit into place. But having watched those times and lived through those times, his ability to retain composure under enormous pressures from those who probably did not understand what he was trying to accomplish, and trying to maintain a demeanor that would continue to build bridges across differences and points of view, and then looking at where he went with what he had makes him such a renaissance man to me.

It is interesting to me not just where he went but where he came from. I know in this Chamber joining us tonight is his very distinguished brother, also of Cleveland, Congressman LOU STOKES. I remember once going on a trip with LOU through Cleveland where he showed us where they grew up. To see that and then to understand the family, two brothers, a very devoted mother, understanding where they came form and how far they have gone and how they have influenced the mindset of a Nation is truly, truly profound.

So in helping to honor the mother and the family and certainly Carl Stokes in the naming of this courthouse, I lend my support to this measure to a man who was not just a mayor and not just a judge and not just an attorney's attorney, and not just an ambassador, but a true leader for us all.

Those of us from the Buckeye State are very, very proud of Carl B. Stokes, very proud of the Stokes family and how they helped lead America into a new day.

I thank the gentleman very much for yielding me the time and again lend my strong support to this very necessary measure.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Ohio [Mr. BROWN], another fine young legislator.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio and add my support for naming the Cleveland courthouse after my friend Carl Stokes.

When I was, I believe, a teenager either in high school or perhaps college, I read ''Promises of Power,'' the story of Carl Stokes and how he overcame adversity and made so much of himself. He was elected to the State legislature and then moved on to become mayor of one of the great cities of this country.

I never had the honor of knowing Carl Stokes when he was mayor. I got to know Carl Stokes after he became a judge and knew him obviously as Judge Stokes and saw the great kind of public service that he gave to northeast Ohio, to his city of Cleveland.

Carl was elected mayor before his older brother, LOU, I believe, ever ran for anything. One of the highlights of this year for me was actually going to Carl Stokes' funeral, which was not a mournful time; it was a time of celebration in a lot of ways.

I remember that LOU, and older brother, stood up at Carl's funeral and he said, and for those who knew Carl Stokes and those who know LOU, they know that Carl was very outgoing and very colorful and very outspoken and sometimes got a little carried away, and LOU is much more reserved. LOU is every bit as smart, but much more reserved and much quieter and lends his leadership in a different sort of way. I remember the highlight of the funeral probably was when LOU stood at the podium, and he looked up and he said Carl never really understood what it was like to be a younger brother.

Again, one had to know both LOU and Carl to understand that. But while Carl was great in his way, of the kind of charismatic leadership that the time demanded, it was Carl, the younger brother, who always looked to LOU, the older brother, I think in quieter times. I do not think Carl would ever have admitted that in public, but the leadership they have both shown and given to this country is remarkable.

I am pleased to lend my name and support to this resolution and to honor Carl Stokes for the work he did for Cleveland and the work he did nationally for this country and for our communities.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Ohio [Mr. SAWYER], a distinguished leader from our State.

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

Mr. SAWYER. Mr. Speaker, I rise with enormous gratitude to all of our colleagues who have made it possible for this resolution to come before us this evening.

There are certain people that a person comes across in their life who not only effect change in the era in which they live and work but have touched other people's lives in such a way that their work lives on long after them. Carl Stokes is precisely such a man.

In the middle of the 1960's, during a time of tension and some discord in America's cities, Carl Stokes came to a kind of leadership that not only was a matter of managing a city, of helping to give direction at a time of disruption but, more than that, gave hope to an entire generation of young emerging adults.

Nearly 30 years ago I was teaching in a school not far from where LOU and Carl Stokes grew up. My 7th, 8th, and 9th graders came to school prepared to learn. Central Junior High School at that time was a place known as the Harvard of the east side. It was a place where kids had parental support or grandparental support. But whatever they did, they knew their parents expected them to learn.

As difficult as the situation may have been, it was an extraordinary opportunity both to teach, for me, and for them to learn, and perhaps for me to learn as well. The fact is that Carl Stokes stood as a model to an entire generation whose example gave them hope, inspiration and expectation that they could succeed in ways that their predecessors never had.

That kind of ability to effect leadership stretches far beyond the business of balancing budgets or producing a police force or making sure the fire is kept put out or paving the streets and the sidewalks. It really is a matter of leadership. Carl Stokes was precisely such a man.

And 25, perhaps not 25, 15 years later, when I was running for mayor of my city, Carl Stokes appeared at a dinner at which he was a guest, not a speaker at all. He noticed me from the audience and asked me to stand and held out a standard of what it means to be a mayor that can only be offered by someone who has walked the walk and lived the challenge that that entails.

That is what Carl Stokes was at every point in his life, a man who confronted the difficult and provided real opportunity and hope for others.

Far more than those several thousand kids that I taught during the time when I was at Central, he moved an entire generation. The work they do not only today in Cleveland, OH, but as they have moved throughout the Nation, is in some way affected by the quality of leadership that he gave. That is the kind of life that lives on in those who he has touched, far more in number than he ever knew but far more lasting than most of us can ever hope for.

In that sense what we do here today in recognizing him through the naming

of this courthouse really represents an opportunity to have that story told over and over again to people for whom it will continue to have meaning for generations to come.

I thank the gentleman for this opportunity.

□ 1915

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio, Mr. LOU STOKES, one of America's great legislators and leaders, the dean of the Ohio delegation we are so proud of and the brother of Carl Stokes.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio [Mr. TRAFICANT], for yielding to me. I will just take a moment or two.

First, I want to thank Mr. GILCHREST, the chairman of the committee, for bringing this resolution to the floor naming the new Federal building in Cleveland after my late brother Ambassador Carl B. Stokes. Second, I want to thank Mr. TRAFICANT, the ranking member of the committee, for his actions in making this resolution possible today and for the actions that he has taken to bring it forth to the floor.

I also want to thank my good friend and colleague from Cleveland, OH, Mr. LATOURETTE, the sponsor of this legislation, and all of those who joined as cosponsors of the legislation, along with all of my colleagues who have taken time out of their busy schedules to eulogize my brother in the very elegant and eloquent manner in which he has been eulogized from this floor today.

I shall not endeavor in any respect to add to those eulogies. I think that the individuals who have spoken here today have certainly been far more eloquent than I. Suffice it to say that I want to express to each and every one of you my personal and heartfelt appreciation and for the honor that you have given not only the memory and legacy of my brother Carl but also the honor you pay the Stokes family and what we have tried to represent in terms of our careers.

Carl and I were both fortunate enough to have a mother who believed fervently in this country, and though she was a woman who was relegated to poverty and who herself only had an 8th grade education, she had great faith in this country and she had great faith that given an education, her two boys could become whoever they wanted to be in this country. Of course, in her wildest dreams she never anticipated that either one of us would do more than acquire the dream she had, and that dream was that we would both acquire high school diplomas.

That was her dream. She knew she could never send these two boys to college because of her poverty-stricken condition, a mother who was a domestic worker, one who was also on welfare. But she thought if she could just get that diploma, that these two boys could be somebody. Those were the words she preached to us all the time: Be somebody, get an education, get something in your head so you do not have to work with your hands the way I worked with my hands all of my life.

Carl, who was a dropout from high school, later came out of the service and saw that I had gone to college and he, too, followed me then to take advantage of the GI bill. Of course the rest is history. Carl loved this country. He loved the opportunity that he was given in this country, in spite of circumstances of birth, to become the outstanding person that he was in his lifetime. So I thank you for recognizing his contributions during the course of his life and express my heartfelt appreciation to all of you for the honors you have paid the Stokes family.

Mr. TRAFICANT. Mr. Speaker, continuing my reservation of objection, being from Youngstown, OH, some 65 miles away, I remember that race for mayor. I believe that mayor's race is one of the most significant political events in our Nation's history.

People in Youngstown, OH went to Cleveland and helped to campaign, not just black people, white people as well. The Stokes family has been known for fairness. Color has never had anything to do with it. I once was on trail for my life, literally, and I was acquitted. I got a little note in the mail from Carl Stokes. He said, ''Congratulations. Go to law school.'' That is all he said.

It was evident that he was not only a good politician but he followed current events and he became one of the strongest political forces in Ohio history, perhaps only surpassed by his very humble brother here. But I would just like to say that when he was elected, he was not just elected. He defeated, as Mr. LATOURETTE has said, the grandson of a U.S. President, Seth Taft, and that let all minorities in America know that the system can work, that you have to work at it. There was history made in Cleveland, great history that we are all proud of.

As a result, we are all here tonight because we are proud of the designation of this courthouse being named after our great former Mayor Carl B. Stokes.

Mr. TRAFICANT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I would like to say to the gentleman from Ohio [Mr. STOKES], his eloquence is evident as a result of the love and friendship he has for his brother and his mother.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4133

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

SECTION 1. DESIGNATION.

The United States courthouse to be constructed at the corner of superior and Huron Roads, in Cleveland, Ohio, shall be known and designated as the ''Carl B. Stokes United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Carl B. Stokes United States Courthouse''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4133.

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

There was no objection.

VACATING THIRD READING AND PASSAGE OF H.R. 3576, ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the proceedings of Thursday, September 26, 1996, whereby the bill (H.R. 3576) to designate the United States courthouse located at 401 South Michigan Street in South Bend, IN, as the ''Robert Kurtz Rodibaugh United States Courthouse,'' was read a third time and passed, be vacated and I ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Without objection, the third reading and passage of H.R. 3576 of yesterday are vacated.

There was no objection.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, there were some technical changes. We have no objection. We hope that everyone supports the bill.

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

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

The Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

Mr. GILCHREST (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: ''A bill to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the 'Robert K. Rodibaugh United States Bankruptcy Courthouse',''.

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JR. MEMORIAL

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the joint resolution (H.J. Res. 70) authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentlewoman from Maryland [Mrs. MORELLA] to explain the bill.

Mrs. MORELLA. Mr. Speaker, I appreciate the opportunity to bring House Joint Resolution 70 to the House floor. This legislation would authorize the Alpha Phi Alpha Fraternity to establish a memorial to Dr. Martin Luther King, Jr. in the District of Columbia.

I particularly want to thank Subcommittee Chairman JIM HANSEN, Resources Committee Chairman DON YOUNG, and Ranking Minority Member GEORGE MILLER for their support and their assistance in moving this bill through the House.

As the sponsor of the resolution, I am enthusiastic about the memorial, and I am committed to seeing it built. I would like to recognize the other chief sponsor of this resolution, Congressman JULIAN DIXON, and the men of Alpha Phi Alpha Fraternity, in particularly George Sealy and Al Bailey, for their vision to create a memorial to one of our truly great Americans. This memorial will stand as a testament to the tireless efforts of these men of distinction and serve as an inspiration to residents of the area and visitors to our Nation's Capital.

No American has addressed the social and economic problems of our Nation as effectively as Dr. King. His principles of nonviolence are known throughout the world and have had a profound impact on our country. This doctrine earned him the Nobel Prize for Peace in 1964.

Alpha Phi Alpha, which Dr. King joined in 1952, is one of the oldest predominantly African-American fraternities in the Nation. Alpha Phi Alpha has 700 chapters in 42 States, and its members include some of the most prominent leaders and distinguished public officials within the United States. The fraternity wishes to honor Dr. King's remarkable role with a memorial in the Nation's Capital. The memorial will provide a tangible recognition that will assist in passing Dr. King's message from generation to generation.

The building of the memorial will be supported entirely through private contributions. House Joint Resolution 70 provides that no U.S. funds be used to pay for costs incurred for design, installation, construction or maintenance of the memorial. Rather, Alpha Phi Alpha will organize a nationwide design competition and lead private fundraising efforts to pay for all phases of the monument's establishment.

Mr. Speaker, a King memorial is long overdue. A King memorial would be a place of hope where all Americans ever after can contemplate King's words and deeds and act upon them.

My thanks also to Sandy Zimmet of my staff and all those who helped shepherd this bill to passage.

Mr. HINCHEY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California [Mr. DIXON].

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

Mr. DIXON. Mr. Speaker, I join with the distinguished gentlewoman from Maryland in this resolution. I particularly want to congratulate her for diligently pursuing what I think is a very, very important and historic resolution.

As she pointed out, this will not cost the Federal Government money. It is a program of the oldest African American fraternity in the country, the Alpha Phi Alpha Fraternity, of which Dr. King was a distinguished member, and I am proud to also be a member of.

It seems fitting that this fraternity now make the effort and a contribution to the Federal enclave by raising funds for a memorial to remind people of his nonviolent positions and the contributions he has made to the history of the United States.

Mr. Speaker, I rise today in support of House Joint Resolution 70, which authorizes the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. on Federal land in the District of Columbia.

No figure in American history has embodied more genuinely the spirit of unity and cooperation which is so desperately needed to address the social and economic problems faced by our Nation. Dr. King challenged us to envision a country, indeed a world, in which justice and peace prevail among all people.

Under the measure, Alpha Phi Alpha would be authorized to establish this memorial as a tangible recognition of Dr. King's remarkable role in the history of this country. The fraternity will be solely responsible for the financing of the King Memorial, with no Federal funds involved in its construction.

The monument would demonstrate our renewed commitment to ensuring equal justice for all Americans and improving the social and economic conditions which have spawned hopelessness among millions of disenfranchised citizens.

It is time we have a memorial that will encourage visitors to our Nation's Capital to reflect upon Dr. King's contributions and I urge passage of this bill.

Mr. HINCHEY. Mr. Speaker, continuing my reservation of objection, I just want to express my appreciation on behalf of all those who will have the benefit of seeing this memorial once it is in place. I express my appreciation to the gentlewoman from Maryland for her initiation of this very worthy piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is thee objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 70

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) IN GENERAL.—The Alpha Phi Alpha Fraternity is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor Martin Luther King, Jr.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled ''An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes'' approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2. PAYMENT OF EXENSES.

The Alpha Phi Alpha Fraternity shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the estabishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to

in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. 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 the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

TRIBUTE TO THE HON. WILLIAM CLINGER

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

Mr. HOUGHTON. Mr. Speaker, we are winding down the 104th Congress. Whether it is tonight or tomorrow or the night after tomorrow, we will be finished. But a very distinguished person will be leaving this Chamber.

I just wanted to say a word about him, a man called WILLIAM CLINGER from Warren, PA. He is the type of person that represents the finest this Chamber has to offer.

□ 1930

He is a thoughtful man; not a thoughtful man, but a thoughtful man, a man with a precise concept of the significant, somebody who is always there, always decent. You know we have got a lot of discordant sounds around here. People are unhappy with the lack of comity. It is not just words we say about bringing people together, it is example, and if there is one thing that will be left in our memory, my memory certainly, it is the example of WILLIAM CLINGER in terms of representing the decency and the concept and the verve of this place the way it should be played under any circumstance.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES ON SATURDAY, SEPTEMBER 28, 1996

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered on Saturday, September 28, 1996:

H.R. , concerning metric conversion (identical version reintroduced);

S. 1918, concerning normal trade relations;

H.R. 3219, concerning native American housing; and

H.R. 4088, concerning land conveyance.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THIRTEEN INDICATORS THAT IT'S TIME TO LEAVE THE U.S. CONGRESS

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

Mr. HANCOCK. Mr. Speaker, this probably is the last opportunity that I will ever have to speak on the House floor of the United States Congress. You know that is restricted to only Members of Congress, and we are going to be adjourning shortly, and I am not coming back next year. After 8 years of representing the voters in the seventh district in the U.S. Congress, I am voluntarily leaving.

I would like to take this opportunity specifically to thank the staff of the House floor that have extended me outstanding courtesy and also for their dedication to this great institution called the United States Congress.

I said 8 years ago I would only ask the voters to elect me for four terms, if they decided to do so, and even though the Republicans are now in the majority and I have had the opportunity to serve on what I think is the greatest committee in the United States Congress, the Committee on Ways and Means, I am still going to keep my word and go back to the private sector and my home in southwest Missouri.

Fewer than 12,000 people have ever served in the United States House of Representatives, and I am honored that the people of southwest Missouri trusted their vote to me over the past 8 years.

A few days ago, I sat down and made a list of 13 indicators that it is time to leave the United States Congress. Possibly some of my colleagues and some of the Members of Congress in the future might take note of the indicators of when it is time to leave the United States Congress:

No. 1, when the news media slants a story making you look good.

No. 2, when you start attending more funerals than weddings.

No. 3, when campaign contributors start asking you for money for their favorite charity.

No. 4, when Washington cab drivers seem to be speaking English.

No. 5, when airport attendants start offering you a wheelchair.

No. 6, when the debate on the House floor starts making sense.

No. 7, when handling a bill means something other than paying it.

No. 8, when you cannot remember whether it costs millions or billions.

No. 9, when your next-door neighbor back home asks your wife what you do for a living.

No. 10, when you start believing you can balance a budget by only spending 5 percent more of your income instead of 10 percent more.

No. 11, when the National Rifle Association notifies you it is time to renew your lifetime membership.

No. 12, when you ask your wife for unanimous consent to revise and extend your remarks and she objects.

No. 13, and this one is actually more serious than a lot of people realize, when your grandchildren start calling you Congressman instead of Grandpa.

It has been a great privilege to serve in the United States Congress, and I am going to go home and be grandpa to my nine grandchildren.

HONORING DR. JACK LEIN

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

Mr. MCDERMOTT. Mr. Speaker, I rise to acknowledge the exceptional career of Dr. Jack Lein of the University of Washington. Dr. Lein will retire at the end of the year, concluding a record of service at the University that is without equal.

Over the course of more than 30 years, he has worked to enhance the University's medical and health sciences education and administration.

Although a professor of obstetrics and gynecology, Dr. Lein is perhaps best known for his singular success in bringing Federal attention, and Federal dollars to the University of Washington.

In so doing, he has helped to shape and to strengthen the university so significantly that it is nearly impossible to imagine that institution without his forceful presence.

A Spokane native, Jack Lein received a medical degree from the University of Washington in 1955. Nine years later, he joined the University as both a faculty member and an administrator, and began the work which would elevate the school's medical research and training programs to national renown.

Working with Senators Warren Magnuson and Henry Jackson and House Speaker Tom Foley, Jack guided a steady flow of Federal monies to the UW.

Thanks to his skill and tireless effort, the University of Washington today ranks first among all State universities in the country in receipt of Federal funds. Much of this support

came through research grants from the National Institutes of Health.

Today, the University is widely known for its groundbreaking medical work in areas ranging from cancer research and treatment to fetal alcohol syndrome to burn treatment. None of these achievements would have been possible without Jack Lein.

His service to the citizens of Washington State is immeasurable, covering a spectrum of contributions that defies description.

Dr. Lein has served the university in a dizzying number of key positions. In addition to his faculty appointment, he was an assistant and then associate dean of the School of Medicine. He founded the School's Continuing Medical Education program and directed it for nearly 20 years.

He also was instrumental in developing regional medical education systems that have become national models. Under his aegis, the University's Schools of Medicine, Dentistry, Nursing, Pharmacy, Public Health, and Community Medicine have flourished, and today, University of Washington Health Sciences students enjoy an educational experience unique in the country.

In addition to these achievements, Jack also served as both State legislative liaison for Health Sciences and coordinator of Federal relations for the entire University.

My own relationship with Jack Lein spans many years and many endeavors. Among his multiple roles, Jack was a sort of concierge of the medical establishment.

He knows nearly every politician in Washington State, and whenever a legislator or other officeholder needed a medical referral, Jack was the oracle. And since he put this role to productive use, as he did all others, he really knew how to get you when you were down.

Jack will be long-remembered throughout the University community as a consummate tactician with an absolutely unrelenting sense of humor.

No matter how dire the situation, and many have been, Jack finds the humor in it. He is a delightful companion and a wonderful friend. I wish him a long and rewarding retirement, and hope that he will slow down enough to savor it.

The University of Washington is losing one its lions, but I know of no one who has contributed more to it than Jack Lein.

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

[Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IF REELECTED, WILL THE PRESIDENT GRANT PARDONS TO THREE CONVICTED CRIMINALS: HIS FORMER BUSINESS PARTNERS?

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

Mr. BACHUS. Mr. Speaker, this May, a Little Rock jury returned guilty verdicts on a total of 24 felony counts against President and Mrs. Clinton's business partners, James and Susan McDougal, and against his successor as Governor, Jim Guy Tucker.

Earlier this week, many of us watched with great surprise as the President, on the news hour with Jim Lehrer, in a televised national broadcast, refused to rule out the possibility of pardons for these three Whitewater convicted criminals if he is reelected.

□ 1945

Accordingly, Mr. Speaker, earlier this week I introduced a resolution that would declare that it is the sense of this House that President Clinton should specifically, categorically, and immediately disavow any intention to grant Presidential pardons for his former Whitewater business partners, or to former Governor Tucker.

By passing this resolution before we leave this House, we send the right signal to the country that in this country no one is above the law and that convicted criminals do not walk free by virtue of having friends in high places.

Mr. Speaker, the President's statement raising this issue on national TV was not the first time the President has held open the possibility of presidential pardons for Susan and James McDougal and for former Governor Tucker.

About a month ago, in a televised interview on CNN, the President offered to use his considerable fund-raising abilities to raise money for these Whitewater defendants and for other individuals who had incurred legal expenses in connection with the Whitewater probe.

He said that once he leaves office, whether that be in 1997 or 2001, he will dedicate himself to raising money on behalf of those whose activities are being investigated by the Whitewater independent counsel.

Not surprisingly, the President's comments have been interpreted by many as a veiled promise to those implicated, convicted or otherwise, that if they will stand with the President, if they will stand tough this fall, that they will receive a pardon.

The American people need to know, what is the President doing with promises of raising funds to pay their attorney's fees, and with indications that a pardon may be forthcoming. We are talking about an investigation that was started by the Whitewater independent counsel, who was appointed pursuant to the President's own Attorney General, Janet Reno.

Ms. Reno charged the independent counsel to investigate violations of criminal law relating in any way to James McDougal, President William Jefferson Clinton, or Mrs. Hillary Rodham Clinton's relationship with Madison Guaranty Savings, or Whitewater Development, or Capital Management.

The investigation has resulted in convictions. The investigation has shown that over $300,000 in taxpayers' money was stolen from the American people. This investigation has been at taxpayers' expense. For the President now to become directly involved and to hint that he may pardon those who directly benefit is nothing short of outrageous.

In conclusion, Mr. Speaker, the American people are entitled to an answer before this election occurs. All we are asking for is an answer. Bill Clinton should not, nor should anyone, dance around and waffle on this important question. We need an answer directly from Bill Clinton; not from Mike McCurry, but from Bill Clinton.

Mr. Speaker, I will read a statement of President Clinton, made when he was the Democratic candidate for Congress in Arkansas's Third District back in 1974, when President Ford pardoned Richard Nixon.

Back in 1974, when President Ford pardoned Richard Nixon, the Democratic candidate for Congress in Arkansas' 3rd District bitterly criticized the pardon, stating that it had "undermined respect for law and order, prejudiced pending trials, and dealt another blow to that vast body of law-abiding Americans, whose faith in equal justice under the law has been shaken." In the intervening 22 years since he issued that stern pronouncement condemning the Nixon pardon, Bill Clinton's view of presidential pardons has apparently "evolved." The President's refusal to rule out pardons for his personal friends and business associates found guilty on 24 felony counts by a jury of 12 Arkansas citizens is another example of the hypocrisy and "situational ethics" that we have come to expect from this administration. It is absolutely incumbent upon this President to assure the American people—before the November 5 election—that he will not abuse the presidential pardon authority to let the guilty go free.

Democratic Theme: All President Clinton has said is that pardon applications submitted by the McDougals or former Governor Tucker will be treated like any others would be, pursuant to procedures established by the Department of Justice for processing such applications. To categorically rule out pardons for the McDougals and Jim Guy Tucker at this time would be an injustice to them, denying them a right that other Americans have to petition the President for executive clemency.

One need look no further than the lead editorial in this morning's Washington Post for a rebuttal to the specious suggestion that the President should feel free to treat pardon requests by his convicted Whitewater business partners as he would any other request for clemency. The Post writes as follows:

These Whitewater cases are not like any other, because those seeking pardons may have information bearing on Mr Clinton himself or his wife. Before the election, Mr. Clinton should make clear that, if reelected, he

will not subvert the judicial process through attacks on the special prosecutor or by abusing the president's pardon power. That much should be obvious.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Florida [Mr. GIBBONS] and speak in his stead for 5 minutes.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

THE UPCOMING CONTINUING RESOLUTION MAY CONTAIN SPECIAL INTEREST PROVISIONS, INCLUDING ONE TO AVOID ''BUY AMERICAN'' LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I recall Speaker GINGRICH's initiative this evening called Correction Days. The idea was to do away with congressional business as usual and make government more responsive to our people.

Mr. Speaker, I fear today and tomorrow may be the opposite of Corrections Day. They could be renamed Special Interest Days. Maybe we will need another Corrections Day to undo the damage we think is being done as the House completes its regular business, passes its respective appropriations bills, and finally recesses.

I am speaking in particular of the continuing resolution about to emerge from behind closed doors and being worked on by the leaders of one side of this Chamber.

Mr. Speaker, the special interests know full well that Members of Congress are eager to wrap up and get back home and prepare for the upcoming election. So they have lined up, it appears, so they can speak their special provisions into law at the last minute in the continuing resolution, because they know we have to pass that in order to keep the Government running.

We used to have Howard Metzenbaum as the watchdog over on the other side, but we have heard rumors, in fact, that patent law protections might be undermined by some provisions being inserted by one of the Members in the other body.

This afternoon, and I am going to insert this in the RECORD for our colleagues, the Associated Press reported that certain companies are trying to skirt ''Made in the U.S.A.'' laws by sneaking special provisions into the continuing resolution. Let me read the first sentence, the lead sentence, in fact, to a story written by AP congressional writer Jim Drinkard.

He writes:

Lobbyists for one of America's largest toolmakers are seeking a last-minute congressional deal that would allow them to continue marketing wrenches and other tools forged in foreign countries as made in the U.S.A.

Let me repeat. This is from the Associated Press. It says that this particular toolmaker is seeking to put language in this bill that would allow them to continue marketing wrenches and other tools made in other countries under the ''Made in the U.S.A.'' label.

That is not what is supposed to be in this bill. Not only is it nongermane to the continuing resolution, it is also false advertising. It is not only an abuse of the legislative process, sneaking through special interest provisions in the closing hours of the session, it is unfair to American workers, because skirting ''Made in America'' laws kills American jobs.

Mr. Speaker, we have many skilled workers in our country whose future depends on strong and competitive machine tool industries. We do not want to be undercutting them just to cut a special deal for a special interest. But according to the AP, Stanley Works, headquartered in New Britain, CT, sells tools that were cast or forged in foreign plants.

Federal courts have required that tools made in foreign countries had to bear markings showing where they came from, so someone from Toledo, or any other community who wants to buy some tools, will know whether those tools were made in our country by American workers or whether they were made in a foreign country.

That was not good enough for Stanley Works, it appears. They want to sell their tools to the consumer without revealing the true origin of those tools. That is misleading to the American consumer, it is unfair to American workers, and special interests appear to be lined up to do an end run around our ''Made in America'' laws right in the continuing resolution.

Mr. Speaker, ''Made in America'' laws help keep American workers employed. They help keep the orders coming in and jobs alive. They should not be eviscerated in a last-minute congressional deal to placate a special interest.

Mr. Speaker, I include for the RECORD the article by Mr. Drinkard.

The article referred to is as follows:

ENDGAME OF A CONGRESS: TIGHTENING THE SCREWS ON FEDERAL REGULATORS

(By Jim Drinkard)

WASHINGTON (AP) Lobbyists for one of America's largest toolmakers are seeking a last-minute congressional deal that would allow them to continue marketing wrenches and other tools forged in foreign countries as ''Made in the U.S.A.''

It's an example of how in the frenzied endgame of a congressional session, special-interest provisions that have lain dormant for months suddenly take on new life as their backers seek to attach them to any bill that moves.

In this case, there is ''only one train leaving the station,'' in congressional parlance the omnibus money bill needed to keep the government running once the new fiscal year begins Tuesday. That bill has become a magnet for pet amendments ranging from gun control to banking regulatory changes.

The Stanley Works, based in New Britain, Conn., sells tools that in many cases were cast or forged in overseas plants. Customs rules for years have allowed them to be imported and finished in the U.S., then sold without markings showing the country where the parts originated.

But a Federal court ruling four years ago upset that arrangement. It required that some foreign-origin tools had to bear markings showing where they came from, because the final product was substantially the same as the imported items. That triggered the current lobbying scramble.

Lobbyists for Stanley began angling to attach their provision to the money measure, and lobbyists for their competitors laid trip wires around Capitol Hill to head them off.

''This reflects an intra-industry war,'' said Rep. Nancy Johnson, R-Conn, who has gone to bat for Stanley, a large home-state employer.

A lawyer for the company, Stave Weddle, said Customs is ''particularly unwise to be making a change when the whole area of country-of-origin labeling is being addressed by the World Trade Association,'' which may reach a different conclusion.

The saga began several years ago, when National Hand Tool Corp., a Stanley division, sought to import socket wrenches made in Taiwan without stamping them with the name of the country. The company argued that the tools were heat-tempered and further machined in the United States, so they were primarily U.S. made.

But the Customs Service ruled otherwise, saying that the tools had not been ''substantially transformed'' in the United States. That meant they were required to be marked as made in Taiwan. The tool company appealed, but lost in federal court.

Against that backdrop, Customs announced last year that it planned to update its rules to codify the court's ruling and make clearer which imported tools had to be marked with the country where they originated.

For Stanley, the announcement was like a hammer blow; it had built a network of suppliers in several foreign countries, relying in part on a series of Customs rulings that permitted it to label the final tools as made in the United States. Any change would threaten its marketing, which emphasizes quality homegrown products.

In the first six months of the year, Stanley paid a Washington law and lobbying firm about $120,000 to advocate its position on Capitol Hill, and paid another lobbyist $12,100, according to lobbying disclosure reports.

In May, Sen. Phil Gramm, R-Texas, introduced a bill that would have let toolmakers market their goods as made in the United States, even if the metal parts were made abroad. It amounted to a blanket exemption from the foreign-marking requirement.

Johnson inserted a similar provision into a catchall trade ''technical corrections'' bill that passed the House. That language would simply have barred Customs from issuing any new regulations for at least a year while the entire spectrum of regulations on labeling of imports is studied.

''If you change it for one product, it has enormous implications for other products,'' Johnson said. ''Customs is overreaching.''

But Danaher Corp., a competing toolmaker with plants across the United States, countered by hiring the law firm Hogan & Hartson for $100,000, and the lobbying firm WinCapitol for $220,000, both to help torpedo the provision.

To strengthen its hand Hogan & Hartson formed the American Hand Tool Coalition,

which says it represents 10 companies with manufacturing plants in 13 states.

Johnson said she had enlisted high-powered help from Senate Majority Leader Trent Lott and from the two lawmakers with the most say on trade policy: House Ways and Means Committee Chairman Bill Archer, R-Texas, and Senate Finance Committee Chairman William Roth, R-Del.

Using the threat of a legislative mandate as pressure, the issue may well be resolved ''in a side discussion with Customs,'' she said.

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

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO THE HONORABLE RAY THORNTON AND THE HONORABLE BLANCHE LAMBERT LINCOLN ON THEIR RETIREMENT FROM CONGRESS

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

Mr. DICKEY. Mr. Speaker, I want to take this moment to honor two of my distinguished colleagues from Arkansas who are retiring from Congress; first, RAY THORNTON.

RAY has served a very honorable career in public service. He served 4 years in the Navy, during which he saw combat on the U.S.S. *Philipplines Sea* during the Korean war. He served as deputy prosecutor in Pulaski and Perry Counties in Arkansas for 2 years and as the attorney general for 3 years.

In 1973, RAY was elected to Congress to represent the Fourth District of Arkansas and later in 1990 was elected to the Second District. During his 24 years in Congress, RAY sat on the Committee on Agriculture; the Committee on the Judiciary; the Committee on Science and Technology, serving as Chair of the Subcommittee on Science, Research, and Technology; and the Committee on Appropriations. This was a committee that I have had the honor of serving on with RAY.

With RAY's leaving and DAVID PRYOR's leaving, we also are losing two of the three people who are representing the Fourth District of Arkansas, or who have. I am doing that at this present time. He also served as president of Arkansas State University in Jonesboro and the president of the university system of the whole State.

It would be impossible to touch on all of RAY's accomplishments over his long career in public service, but I would like to relay some philosophies to which RAY adhered when legislating for our country.

RAY THORNTON once said: ''I want America to be the mightiest nation on earth militarily, the strongest economically, and the strongest in terms of personal freedom, dignity, and democracy.'' RAY selflessly served with the goal of improving our Nation's productivity, education, and infrastructure and, I must say, in a very gentlemanly and respectful way.

RAY recognized the can-do spirit that makes our Nation great. He knew that in order to accomplish America's goals, the process must be aimed at stimulating the combined efforts of the States, the private sector, and the cooperative groups of individuals and institutions.

The second colleague I would like to recognize is BLANCHE LAMBERT LINCOLN.

BLANCHE and I both came to Congress in January of 1993, she being from Helena, AR. BLANCHE has been a role model for all of us in the way she has served, repeatedly going to bat for the First District of Arkansas, conscientiously serving on her committees and subcommittees, tackling complex legislation head-on, putting people above politics, handling her responsibilities with tact and grace and with a sense of humor and good spirit.

BLANCHE has served on the Committee on Commerce, where she has earned a reputation as a champion for rural causes, ranging from rural water to health care and telecommunications access. She has worked hard to eliminate the Federal budget deficit, claiming that she does not want to pass it on to the next generation, and she has worked to break the cycle of poverty and put welfare dependents back to work.

BLANCHE continues to be a role model as she leaves office. In this day and age when so many other priorities come before family, BLANCHE has made a very selfless decision to leave this demanding occupation and return home to rear her twin boys, Reese and Bennett.

I was impressed when BLANCHE was once asked when she would return to her career, and she answered, ''When my boys know the difference between right and wrong.'' We all need to learn a lesson from BLANCHE LAMBERT LINCOLN in setting priorities. She will always be remembered as a trailblazer, whether in Congress or acting as a wife and mom.

I wish these two beloved Members of Congress all the best, and hope to see both of you in Arkansas from time to time. We will miss you.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

[Mrs. COLLINS of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO THE HONORABLE JIM ROSS LIGHTFOOT ON HIS RETIREMENT

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

Mr. WOLF. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. LIVINGSTON. Mr. Speaker, I will be brief but sincere in my remarks. I thank my friend for taking out this time.

Mr. Speaker, we are here to say bon voyage, good luck, and best wishes to our good friend, the gentleman from Iowa, JIM ROSS LIGHTFOOT, the distinguished Congressman from Iowa, who has been with us since he was elected to Congress in 1984.

JIM ROSS is running for the Senate, and we certainly wish him lots of success in that endeavor. We do not know why he wants to aspire to the other body when he has got a great life here, and he has a lot of friends, and we enjoy having him here. But the fact is, he has made that decision, and he has lots of talents that he will take with him.

He grew up on a farm in Iowa. He has a wonderful family. His wife Nancy and his four children I know are wishing him well and working hard for him in his current effort.

JIM ROSS and I, I went in the Navy after high school and he went in the Army. I guess that gives us some reason for our great friendship that we have had over the years. After he got out of the Army, he worked for IBM. He was transferred to Oklahoma, worked as a police officer, then a small businessman in Texas, and ultimately as a broadcaster in Iowa.

I really believe it was in that role that he kind of learned a trait that made him much like that fellow that wrote the book under the pseudonym ''Anonymous,'' because I have suspected for many, many years that JIM ROSS LIGHTFOOT is really that voice, the anonymous voice, on Motel 6 ads.

□ 2000

You listen to him, he is the same guy. But whether he is or not, I just have to thank him for his dedicated devoted service to the Committee on Appropriations and to the U.S. Congress. He served as chairman of the Subcommittee on Treasury, Postal Service, and General Government over the last 2 years. He served on the Appropriations Subcommittees on Foreign Operations and Transportation, as I know my friend from Virginia will talk about, and he served as co-chair of the law enforcement caucus because of his law enforcement background.

He represented his constituents with great distinction and honor and dignity, and he will take that dignity with him wherever he goes. I personally wish him well. I want to express my sincere thanks to him for his wonderful work over these last 2 years in assisting, as part of a team to literally transform America, to show America that we do not have to have ever larger, bigger, more expensive government,

that we can do more for less and give efficiency to the taxpayer and also represent the taxpayer with great aplomb and honor.

Mr. WOLF. Reclaiming my time, the chairman might want to go to the Senate because he filibustered this entire 5 minutes.

Mr. Speaker, I will include my full statement in the RECORD. I am here to pay tribute to JIM LIGHTFOOT. I will say a couple of things and submit the rest for the RECORD. JIM is an honest, decent, ethical person. We got to know each other very, very well in our Bible study. He is great storyteller. He is a good family man.

I just say God bless you, we wish you well, we know you are going to be elected to the Senate, but, JIM, it is an honor and privilege to serve with you.

Mr. Speaker, I am pleased to take the floor this evening to honor Congressman JIM LIGHTFOOT as he retires from the House of Representatives and embarks on a campaign to represent the entire State of Iowa in the Senate. He will be sorely missed in this body and I wish him well.

Mr. Speaker, when Republicans assumed control of the 104th Congress, JIM LIGHTFOOT was called upon to steer the Treasury, Postal Service, and General Government appropriations subcommittee through its difficult work. He guided the subcommittee with humor, heart, and conviction. The Nation is safer because Representative LIGHTFOOT stood by Federal law enforcement when they were under fire. He stood up for what was right and persevered in his convictions.

I don't mean to imply that JIM was cocky or overestimated his opponents. In fact, wary of the outcome of a potentially contentious subcommittee markup, Representative JIM LIGHTFOOT rolled up his sleeves, sharpened his pencils, and strapped on a flak jacket just to be sure. All turned out well, the bill was passed, Federal law enforcement emerged a bit stronger, and JIM was not shot at once. I was relieved because as vice chairman of the subcommittee, I had the pleasure of sitting next to him.

JIM, this body will miss your humor and good will. I appreciate your working with all Members in a bipartisan manner, working with me on a variety of issues of interest to Federal employees and other issues addressed by the subcommittee. JIM and I also worked on a number of transportation issues together, and I have always been thankful that he never once asked to have a field hearing aboard his plane.

The citizens of Iowa should be proud and honored by your work here. You have done your constituents proud. Good luck to you in the busy months ahead and godspeed.

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

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding. I just want to echo the comments of my colleagues.

I have served with JIM on the Committee on Appropriations. What I appreciate about his approach is that it is very businesslike. He takes the challenge of stretching a dollar to give the people of this Nation responsible government. JIM is the epitome of what a good legislator should be. Certainly his record in the Committee on Appropriations stands as a challenge to all of us to manage the Nation's affairs well on behalf of the people we represent. I along with my colleagues wish him well in his new ventures.

TRIBUTE TO JIM ROSS LIGHTFOOT

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under a previous order of the House, the gentleman from Iowa [Mr. LATHAM] is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I too would like to rise this evening to pay tribute to my colleague from Iowa, JIM ROSS LIGHTFOOT. I came here less than 2 years ago now. As a freshman Member, I looked to certain individuals for leadership, for advice, for counsel. JIM has been there every time I have asked for anything.

Mr. Speaker, I knew he had a great start. He was born in Sioux City, IA, which is in my district, and was adopted by two very loving parents. I think he reflects very much what Iowa is all about, the honesty, the kind of values that I think this Nation needs today and has lived by those.

JIM, your wife Nancy and your family should be congratulated for putting up with you, but, also, your entire family has been a great inspiration to all of us here. I just want to thank you on behalf of the State of Iowa and especially the people in your district. You had several counties previously that I now represent. They love you very much in those counties. I wish you the very, very best in your run for the Senate and offer my total support. I want to tell you how much it has been an honor for me to serve with you in this body.

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

Mr. LATHAM. I yield to the gentleman from Iowa.

Mr. NUSSLE. I thank the gentleman first of all for taking the time and for yielding to me.

Mr. Speaker, I would like to join with my colleagues from Iowa in commending my friend and colleague from Iowa, JIM ROSS LIGHTFOOT. We have served during a very interesting time together. Not all of it together; you were here, of course, before I was. Interestingly enough, when I think of your service, I think probably of one of the most interesting commitments that you made, that you would serve for a period of time and then you were going to take off. That, if I am not mistaken, was 12 years. You are right at the threshold of crossing that 12-year mark, and you are ready to go on to hopefully bigger and better things.

The interesting thing that that brings to mind for me is that, as most Iowans appreciate, when you make a promise and you make a commitment and you make a pledge, you keep it. That has certainly been your mantra. That has been how you have served here in this body.

There have been disagreements, I am sure, with colleagues, whether it is across the aisle or even on the same aisle, but I have to tell you that when somebody sees they are going to do something and they do it, you have to have that kind of respect because around here your word is your bond.

When you leave here, there is going to be a CONGRESSIONAL RECORD of all these fancy speeches and everything, but when it comes right down to it, it is that kind of friendship in remembering, when somebody said something, they meant it, and it meant something because it was backed up by the people that they represent. We know those people because we all have the pleasure of representing those folks in Iowa.

I just want to say good luck to you. I thank you for your service, in being a mentor to so many of us who came after you. We are going to look for inspiration from you, hopefully, maybe from a different vantage point. We would like to see that vantage point not too far away, maybe just down the hall here in the other body, as we have to refer to it; we cannot say ''the Senate.'' We have to say ''the other body.'' So hopefully we will be able to go visit you over at the other building. Godspeed to you and to your wife Nancy. You will always be a constituent of ours because we represent all of Iowa.

Mr. LATHAM. Mr. Speaker, I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding. I like JIM LIGHTFOOT. I am very glad that in his working career he got to spend some time in Oklahoma. We are grateful for that, so we can consider him at least to some extent an adopted son of the Sooner State.

Essentially, when I was a freshman on the Committee on Appropriations and especially serving on the Subcommittee on Treasury, Postal Service, and General Government, JIM LIGHTFOOT more than anyone else took me under his wing, helped me to understand what was going on, comparing it with what should be going on instead. I have always been grateful for that and enjoyed the chance to serve with him on the full committee and on that subcommittee.

JIM has very patient with me, which is not always easy, as he well knows and a lot of other people do. He has been very attractive as well and interested in wanting to help listen to and act on other people's ideas.

It is nice to have something in common. JIM loves flying. I started flying lessons about the time I got into politics and never got to finish, so I am jealous of that. He served in law enforcement. I had a brief law enforcement stint. It is over.

I am glad, though, that he for many years as a farm broadcaster was up early in the morning because in my years in broadcasting, I only lasted a few months when I had to start a shift at 3 a.m., and he went on for years. So I am grateful for JIM LIGHTFOOT.

The final thing that I think anyone ought to say about him, because I understand this is your birthday today, JIM, your 58th birthday. After all the years with him, when some people were trying to claim that he did not care about senior citizens, JIM's mother made a commercial saying she knows you can trust her son, JIMMY. By golly, after 58 years if his mother says that JIM LIGHTFOOT can still be trusted and is still an obedient, dutiful son, if it is good enough for mom, it is good enough for me. I am proud of JIM LIGHTFOOT.

Mr. DELAY. Mr. Speaker, it's not often that a distinguished cardinal of the Appropriations Committee flies away to the other body. But JIM LIGHTFOOT has decided that he will take his common-sense, his great humor, and his great ability to the Senate.

The House's loss will be the Senate's gain.

Serving with JIM LIGHTFOOT on the Appropriations Committee has been both an honor and a privilege.

He has fought hard to cut out wasteful Washington spending, while making certain that his constituents in Iowa are represented fairly. He has been a passionate defender of small business owners and farmers of his district.

Most importantly, JIM LIGHTFOOT is a man of his word. When JIM LIGHTFOOT makes an agreement, he sticks to it. That is a trait that needs to become more common here in the United States Congress.

JIM LIGHTFOOT is a great American and he will make an outstanding Senator when he wins in November.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleague, Chairman JIM LIVINGSTON, for reserving this Special Order. I am pleased to join in this salute to our colleague, JIM ROSS LIGHTFOOT, as he prepares to depart at the end of this legislative session.

JIM LIGHTFOOT was elected to the United States Congress in 1984. During his tenure, he has done an excellent job of representing the Third Congressional District of Iowa. His constituents and the Nation have benefited as a result of his strong commitment to public service. He has played a key role in deliberations that have helped to shape our society and the Nation.

JIM LIGHTFOOT earned the respect of his colleagues for his efforts as a member of the House Appropriations Committee. On that panel, he chairs the Subcommittee on the Treasury, Postal Service and General Government. JIM is also a member of the Appropriations Subcommittee on Foreign Operations. In additional to these assignments, JIM LIGHTFOOT distinguished himself in his role as Chairman of the Republican Task Force on Health Care and Cochairman of the House Law Enforcement Caucus. His legislative record reflects his hard work on issues which include health care reform, crime and agricultural matters.

Mr. Speaker, as a senior member of the Appropriations panel, I have tremendous respect for JIM LIGHTFOOT. Our congressional delegation worked closely with him to secure funding for new Federal Court House Building. JIM is a conscientious lawmaker and a gentleman for whom I have great respect.

Mr. Speaker, I am proud to join my colleagues in saluting JIM ROSS LIGHTFOOT. We wish him and the members of his family our very best in the years to come.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to honor the distinguished representative from Iowa, the Hon. JIM ROSS LIGHTFOOT. For the past 12 years, JIM has honorably served the people of Iowa's Third District. Now I wish him the best in his attempt to represent Iowa in the United States Senate.

JIM has served this country in many different capacities, including in the Army, as a police officer, on the Corsicana, Texas City Commission, and most recently, as the Representative from Iowa's Third District.

While in Congress, JIM has made his marks on the Appropriations Committee, where he has served as the Subcommittee Chairman on Treasury, Postal Service, and General Government for the past 2 years. Because of his work as Chairman, JIM deserves some of the credit for the savings achieved in Government spending during the 104th Congress.

JIM'S humor and demeanor will be missed in this body. He is a fighter whose courage and tenacity have allowed him to outlive his political obituary written by many pundits.

On behalf of the citizens of Wisconsin's Ninth District, I thank the Hon. JIM ROSS LIGHTFOOT for his service to the House of Representatives and the United States.

Mr. MCDADE. Mr. Speaker, it is my very great pleasure to rise today to pay tribute to my colleague and dear friend, JIM ROSS LIGHTFOOT from Iowa who will be retiring from the House at the end of this Congress to pursue a seat in the other body.

We thank JIM for his years of distinguished public service in the House of Representatives and wish him well as he returns to Iowa—just as he has done every week Congress was in session—to stay in touch with the people of Iowa.

When he was first elected to the Congress in 1984, JIM brought with him to the House of Representatives a wide array of experience nearly as vast as his 27-county Congressional District.

A small businessman himself, JIM has long been a good friend to small business owners. After serving in the U.S. Army and Army Reserve in 1956–64, JIM was and is an outstanding spokesman for our Nation's veterans. As a former Tulsa, OK police officer, JIM was a valued leader in the Law Enforcement Caucus as its cochairman to pursue a seat in the other body.

His stewardship of the Treasury, Postal Service and General Government Appropriations Subcommittee was marked by a commitment to safeguard taxpayers hard-earned dollars and assuring that the Federal departments and agencies under his jurisdiction stuck to the good Government policies which were and are JIM's hallmark.

I wish JIM, his wife Nancy and their children Terri, Jamie, Alison and Jim Jr. the very best.

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

[Mr. LONGLEY 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 Kansas [Mr. HUTCHINSON] is recognized for 5 minutes.

[Mr. HUTCHINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IMMIGRATION BILL STANDS TO BE GUTTED IN OMNIBUS APPROPRIATIONS MEASURE

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

Mr. ROHRABACHER. Mr. Speaker, President Clinton has been in California probably more often than Ronald Reagan. The fact is that he is out there visiting his billionaire buddies from Hollywood and, of course, these billionaire buddies, along with the millionaires, are the ones who bankroll the liberal left activists who control the Democratic party.

But being out in California so often, he has spoken to the people of California and made the promise that he would try to help us come to grips with the problem that threatens the social infrastructure of our State and, that is, the flood of illegal immigration that is basically destroying the education, health care and social service infrastructure of the State of California. He has made this promise on several occasions.

The fact is that this is the same President who people have learned to sort of when he promises something, to take it with a grain of salt. After all, he is the same one who, as soon as he became President, started referring to taxes as contributions and Federal spending as investment which seems a little crass in the use of words. He is not putting anything over on anybody.

He is the one who promised us a middle-class tax cut, then raised taxes on gasoline and, of course, raised taxes dramatically on senior citizens; and also promised to end welfare as we know it, but then vetoed welfare reform bills that made their way through Congress.

But he did promise California, to help us with this flood of immigration. The people of the State of California, and I think the people of the rest of this country, should understand what is happening in Washington today. Today the President of the United States is in negotiations with the Republican leadership. What is he demanding of us? What is he demanding of the Republicans who now control both Houses of Congress? The President who promised to help us stem this flood of illegal immigration that is destroying our schools and our health care, that same President is now threatening to close down the United States Government if the Republicans do not agree to gut the immigration reform bill that was recently passed in the House of Representatives with a substantial majority.

Yes, we were told that we had to remove that provision that said illegal

alien children cannot get free education, or the States, we had a provision that said the States should not be forced to provide education benefits for illegal alien children. The cry went up, ''Oh, the poor children.'' Well, the fact is we should be caring more about our own children rather than millions of children coming from overseas. We took that provision out, however. We took it out of the immigration bill and they moved the goal post.

Now the administration says we have got to take out a whole section, the guts, the real meaning, the heart and soul of our immigration reform bill in order for him to move, to agree with us and to cooperate with us to see that there is an omnibus spending bill that will keep government going. He is willing to cut off widows and veterans benefits, checks that go to the destitute in our country, the checks that are going to these programs that our people depend upon, he is willing to close all of that down to ensure that illegal aliens and immigrants who are getting benefits that they do not deserve, to make sure that they continue to drain away these resources. Whose side is he on? He is not on the side of the American people. This is not just a broken promise. Mr. Speaker, this is a betrayal. Not only of the people of California but for people across the United States of America who are picking up the bill.

In SSI and Medicaid benefits alone, the legal immigrants who come into this country are expected to sign a pledge that they will not be draining these resources away. But $20 billion of our tax dollars are going now to pay for these benefits for legal immigrants who are basically going straight for the office, filled out the forms and immediately start collecting these benefits. The fact is they should not be collecting the benefits at all because in order to come here they have agreed not to become wards of the government. But the President, in order to keep spending this $20 billion on foreigners who have come here on the understanding that they will not collect these benefits, the President is threatening to close down the government.

☐ 2015

He is threatening to end the checks to our veterans, to our widows and our orphans, because he is insisting that we do this.

This is an attack on every taxpayer in the country, and what it is is an invitation to people throughout the world to come here in even greater numbers.

Again, the people of this country should understand the travesty that is happening and the betrayal that of their interests by President Clinton.

ALLEGATIONS OF CIA PROVIDING DRUGS TO AMERICAN CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, as you know, I have been involved in trying to move the investigations that finally have been agreed to in order to get to the root of the facts and allegations that have been unveiled in the San Jose Mercury News under the heading ''Dark Alliance,'' written by investigative reporter Gary Webb.

It has been an interesting journey over the past two weeks. Over the past 2 weeks, not only have we begun to ask questions about these revelations; we are bombarded with requests to send more information to individuals all around this Nation.

I held a community meeting down in South-Central Los Angeles and reached out to about 75 community leaders. About 250 showed up. During the Congressional Black Caucus weekend here in Washington, I had a workshop. Over 3,000 people showed up at the workshop. This morning, I was up in Baltimore for the Human Rights Commission that was meeting there. Seven hundred people were there. This afternoon the Howard students rallied down near the Reflecting Pool. They had a good turnout.

The major press has now gotten involved. Just this evening Tom Brokaw on NBC did quite an extensive piece. Included in that piece was JOHN KERRY and information about his investigation.

I have continued to reach out. People are calling me with all kinds of information. I began to look in the archieves, just to see what is there, and discovered some very interesting things.

I decided to look in the diary that is in the archives of Oliver North. I discovered that there was a notebook entry, for example, on a conversation with Robert Owen, who was his liaison with the Contras, dated August 9, 1985. The discussion covers a plane being used by Mario Calero, brother of the head of the FDN Adolpho Calero, based in New Orleans, to ferry supplies to the Contras in Honduras.

This is what the notation said: ''Honduran DC–6 which is being used for runs out of New Orleans is probably being used for drug runs into the United States.''

These are his diary notations that are in the archives. There are many more. It seems as it we are going to spend many, many hours on this.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. ROHRABACHER. If the gentlewoman would yield for a question, was the gentlewoman clear that Oliver North was noting that to move against it?

Ms. WATERS. When I checked with the DEA, who he was supposed to give the information to, nobody has a record.

Mr. ROHRABACHER. It was a secret operation. He wouldn't be telling any one. Do any of the allegations being made, and obviously there are some very bad characters involved with drug dealing on various sides of various issues, but did any of these drug shipments go through Mena Airport at a time when President Clinton was Governor of Arkansas?

Ms. WATERS. Mr. Speaker, reclaiming my time, we are going to find out exactly where they went. What is interesting about one of the introductions to the JOHN KERRY committee report was, everybody knew that there were drug runs. Several agencies of the Federal Government had distinct knowledge that drugs were being flown into the United States, and the proceeds were being used to fund the Contras.

My point is this: Whether the CIA or the DEA or the Justice Department or anybody knew and did nothing, turned their heads, allowed it to go on, or directly participated in it, they are guilty of undermining the citizens of this country. They are guilty of creating the devastation of many of the communities in this country.

We are going to proceed with these investigations. I am going to spend considerable time looking in the archives, going through Oliver North's diaries, looking at information that surfaced in newspapers during the period of time this was going on. We are going to get to the bottom of this.

I am pleased about the involvement now of many of our churches, schools that are coming on line, universities that are getting interested, community groups that are calling from all over. People are calling from the so-called right and the left.

We have citizens who say, ''Ms. WATERS, I do not agree with you on a lot of things, but I agree with you on this. We want you to stick with it, to stay with it. We are outraged at the idea that our government could have known, could have been involved with this, could have been a part of a plot.''

Mr. Speaker, this is just the beginning. I will be with you often as we unveil this information about CIA, DEA, involvement in drug trafficking in America.

ISSUES OF CONCERN AT THE CLOSE OF THE 104TH CONGRESS

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

Mr. DUNCAN. Mr. Speaker, as we wrap up the 104th Congress, there are three unrelated things which have come up this week which I would like to mention, all of which touch on important political issues.

First, just yesterday this House overwhelmingly passed by a 3 to 1, 75 percent margin, a bill attempting to crack down on illegal aliens. The immigration reform bill passed the other body 97 to 3. Almost everyone wants us to get tougher on illegal aliens.

We had already given the INS a 72 percent increase in funding over the

last 3 years, 8 times the rate of inflation. Our appropriation bill this year gives them a 25.6 percent increase to $2.2 billion for the fiscal year starting October 1. Yet in spite of all this money, the INS is shirking its duty and it refusing to enforce the law and do the job it is supposed to be doing.

Just 2 days ago a state trooper in Knox County, Tennessee, my home county, stopped a van, a regular-sized small van, containing 25 illegal aliens. The people were piled on top of each other. They were on their way to North Carolina. Our local law enforcement officer called the INS office in Memphis and could not even get an answer, even though this was during regular working hours.

One of our local radio stations has attempted several times to get through, repeatedly, and has been unable to do so.

This was the 6th time in recent months that the INS has either refused to act or even has at times told our local law enforcement officials in Tennessee to let a van of illegal aliens go.

The problem is not money. No other agency in the Federal Government has received such a huge increase in the last 3 or 4 years. The problem is the system, Mr. Speaker. These people are paid the same whether they work hard or whether they work easy. Apparently, we have many in the INS who are wanting to do as little as they possibly can. Because our civil service system protects even lazy and incompetent workers, bad Federal employees can get away with almost anything.

This is one of the reasons why so many people are so fed up with the Federal Government today and why we so desperately need to reform our civil service laws so that some of these Federal employees will have to start working at least half as hard as those in the private sector.

Secondly, Mr. Speaker, a member of the Committee on National Security told me this week that our Bosnian adventure will ultimately cost us $10 billion. We have spent $4 billion in Haiti and, according to the Washington Post, have had our troops down there picking up garbage and settling domestic disputes. We have turned our men and women in our armed forces into international social workers, and we have spent and are spending billions in Bosnia, Haiti, Rwanda, Somalia, and especially, of course, in the former Soviet Union, where we even spent hundreds of millions constructing homes for returning members of the Soviet military.

This does not even count our regular foreign aid. Any time anyone opposes throwing away all these billions overseas, they are insulted with the false label of isolationist. Yet, anyone who fairly looks at this would have to admit that the United States could carry on many close, active, friendly relationships with all nations without pouring billions and billions down foreign black holes.

Let us be friends with everyone, Mr. Speaker, but you should not have to buy friends, especially with billions that we are taking away from our own children, putting their futures very much in jeopardy. We need to remember, Mr. Speaker, that we are over $5 trillion in debt and we are spending money that we do not have. We should not send our troops overseas unless there is a serious threat to our own national security or a definite U.S. vital interest involved, and neither of these is present in Bosnia.

Finally, Mr. Speaker, I want to briefly mention or briefly touch on one other incident which received national publicity this week. A 6-year-old boy in Lexington, N.C., was charged with sexual harassment because he gave a 6-year-old girl a peck of a kiss on the cheek after she asked him to do so. This little boy, who knows nothing about sex, was held away from his classmates for the entire day and missed an ice cream party with his fellow students.

This is taking political correctness to a ridiculous extreme. Surely, we can operate our schools with a little common sense. The school system in Lexington justified its actions based on a manual that this little boy could not have understood even if he had been told about it.

Some of these extremists, I say extreme women's libbers, seem to want to turn men and women into enemies in this country, but we need to resist this. We need to stand up to this and say that some of this is wrong and ridiculous, and surely we should not have done this to this little 6-year-old boy.

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

[Mr. HUTCHINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DEDICATION TO HON. RAY THORNTON

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

Mr. PACKARD. Mr. Speaker, I want to take this time to honor a dear friend and colleague of mine, RAY THORNTON. RAY will be leaving this body soon and before he goes his dedication and fellowship deserves high praise. As chairman of the Legislative Branch Subcommittee on Appropriations, I would like to thank him for his assistance as ranking member.

RAY assumed the ranking member position this year with great enthusiasm and skill. I appreciated his input as well as his willingness to work in a friendly and bipartisan way. Together we accomplished a great deal. To date, the legislative branch is a full 12 percent leaner than it was 2 years ago and serves as the model for rightsizing the rest of Government.

RAY contributed tremendously to this effort. He supported and advanced our efforts to find additional opportunities to save dollars and increase efficiencies here in the legislative branch.

The Legislative Branch spending bill is primarily about people. RAY's administrative background, as a former University of Arkansas president, proved invaluable. As RAY and I worked together to rightsize this institution, time again he brought his management orientation to task.

Unfortunately, we may be losing RAY to another branch of government as he works to assume a judgeship on the Arkansas Supreme Court. His dedication and enormous talents will certainly continue to prove beneficial to the people of Arkansas. While I wish RAY well in his future endeavors, I will miss him as my colleague here in the House and on my subcommittee.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF SEPTEMBER 18, 1996 FOR FISCAL YEARS 1996–2000

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

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year-period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution, House Concurrent Resolution 67, for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of September 18, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. These levels are consistent with the recent revisions made pursuant to section 606(e) of Congressional Budget Act of 1974 as amended by the Contract with America Advancement Act (P.L. 104–121) which provides additional new budget authority and outlays to pay for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of

order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years will be considered under future budget resolutions.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the ''section 602(a)'' allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised ''section 602(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 67

[Reflecting action completed as of September 18, 1996]

[On-budget amounts, in millions of dollars]

	Fiscal year 1996	Fiscal year 1996–2000
Appropriate Level (as set by H. Con. Res. 67):		
Budget authority	1,285,515	6,814,600
Outlays	1,288,160	6,749,200
Revenues	1,042,500	5,656,841
Current Level:		
Budget authority	1,306,896	(1)
Outlays	1,307,685	(1)
Revenues	1,039,110	5,691,500
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	21,381	(1)
Outlays	19,525	(1)
Revenues	−3,390	34,659

[1] Not applicable because annual appropriation Act for Fiscal Years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 1996 (if not already included in the current level estimate) would cause FY 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase FY 1996 outlays (if not already included in the current level estimate) would cause FY 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in FY 1996 (if not already included in the current level estimate) or in excess of $34,659,000,000 for FY 1996 through 2000 (if not already included in the current level) would increase the amount by which revenues are less than the recommended levels of revenue set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTION ACTION COMPLETED AS OF SEPTEMBER 18, 1996

[Fiscal years, in millions of dollars]

	1996			1996–2000		
	BA	Outlays	NEA	BA	Outlays	NEA
House committee:						
Agriculture:						
Allocation	−992	−992	177	−8,477	−8,477	−2,164
Current level	−330	−722	−758	−5,011	−5,366	−6,771
Difference	662	270	−935	3,466	3,111	−4,607
National Security:						
Allocation	−1,168	−1,168	382	1,733	1,733	1,467
Current level	369	367	401	1,378	1,374	1,758
Difference	1,537	1,535	19	−355	−359	291
Banking, Finance and Urban Affairs:						
Allocation	−481	−481	0	−1,698	−1,698	0
Current level	3	3	0	0	0	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	−128	122	−2,015	−1,976	−1,534	−11,465
Current level	0	0	0	8,568	7,919	6,900
Difference	128	−122	2,015	10,544	9,453	18,365
Commerce:						
Allocation	−555	−405	−3,619	−11,381	−11,480	−84,935
Current level	0	0	0	6,453	6,406	7,367
Difference	555	405	3,619	17,834	17,886	92,302
International Relations:						
Allocation	−3	−3	0	−19	−19	−6
Current level	−72	−72	0	−73	−73	0
Difference	−69	−69	0	−54	−54	6
Government Reform & Oversight:						
Allocation	−436	−436	−106	−2,903	−2,903	−2,729
Current level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−106	−104	0	−2,698	−2,693	0
Current level	−19	−25	0	−161	−167	8
Difference	87	79	0	2,537	2,526	8
Judiciary:						
Allocation	0	0	0	−238	−238	0
Current level	0	1	1	17	16	6
Difference	0	1	1	255	254	6
Transportation and Infrastructure:						
Allocation	−63	−63	0	92,844	−457	0
Current level	0	0	0	0	−2	0
Difference	63	63	0	−92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−79	−79	−195	−686	−686	−2,928
Current level	0	0	−21	0	0	−106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	−7,163	−7,615	−4,502	−192,899	−193,345	−82,895
Current level	34	−8	−25	55,337	55,305	−31,986
Difference	7,197	7,607	4,477	248,236	248,650	50,909
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current level	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTION ACTION COMPLETED AS OF SEPTEMBER 18, 1996—Continued

[Fiscal years, in millions of dollars]

	1996			1996–2000		
	BA	Outlays	NEA	BA	Outlays	NEA
Difference	−306	−306	0	−4,892	−4,892	0
Total Authorized:.						
Allocation	−10,868	−10,918	−9,878	−123,506	−216,905	−185,655
Current level	−15	−456	−402	66,508	65,412	−22,818
Difference	10,853	10,462	9,476	190,014	282,317	162,837

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (December 5, 1995)				Current level as of September 18, 1996				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,306	13,577	0	0	−19	−31	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,338	24,320	3,956	2,112	528	172	0	−1
Defense	243,042	243,512	0	0	241,853	242,306	0	0	−1,189	−1,206	0	0
District of Columbia	727	727	0	0	712	712	0	0	−15	−15	0	0
Energy & Water Development	19,562	19,858	0	0	19,326	19,801	0	0	−236	−57	0	0
Foreign Operations	12,284	13,848	0	0	12,153	13,856	0	0	−131	8	0	0
Interior	12,213	13,174	0	0	12,122	13,047	0	0	−91	−127	0	0
Labor, HHS & Education	61,947	68,380	53	44	63,195	68,838	53	25	1,248	458	0	0
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	−1	0	0	0
Military Construction	11,178	9,597	0	0	11,136	9,592	0	0	−42	−5	0	0
Transportation	12,500	36,754	0	0	11,705	36,751	0	0	−795	−3	0	0
Treasury-Postal Service	11,237	11,542	78	70	10,826	11,144	77	70	−411	−398	−1	0
VA–HUD–Independent Agencies	61,686	74,440	0	0	62,349	74,480	0	0	663	40	0	0
Reserve	437	0	0	0	0	0	0	0	−437	0	0	0
Grand total	485,074	531,768	4,087	2,227	484,146	530,604	4,086	2,207	−928	−1,164	−1	−20

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 1996.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67) and are current through September 18, 1996. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget authority	1,306,896	1,285,515	+21,381
Outlays	1,307,685	1,288,160	+19,525
Revenues:			
1996	1,039,110	1,042,500	−3,390
1996–2000	5,691,500	5,656,841	−34,659

Since my last report, dated May 21, 1996, the Congress has cleared and the President has signed the Agriculture Appropriations Act, 1997 (P.L. 104–180), and Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164), the Taxpayer Bill of Rights 2 Act (P.L. 104–168), the Small Business Job Protection Act (P.L. 104–188), the Health Insurance Portability and Accountability Act of 1996 (P.L. 104–91), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193), an Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1), and an Act for the Relief of Nathan C. Vance (Pvt. L. 104–2). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS SEPTEMBER 18, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,039,122
Permanents and other spending legislation	830,272	798,924	
Appropriations legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,039,122
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 104–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsettings receipts	−7,946	−7,946	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Right Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Ninth Continuing Resolution (P.L. 104–99) [2]	−1,111	−1,313	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
District of Columbia (P.L. 104–134)	712	712	

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS SEPTEMBER 18, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
1997 Agriculture Appropriations (P.L. 104–180)	−4		
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [3]	14,054	5,882	
Smithsonian Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mt. Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [4]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act, FY 1996 (P.L. 104–106)	369	367	
To Award Congressional Gold Medal to Ruth and Billy Graham (P.L.104–111)	(1)	(1)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia, and Macedonia (P.L. 104–117)			−38
Agriculture Improvement and Reform Act (P.L. 104–127)	−330	−721	
Federal Tea Testers Repeal Act of 1996 (P.L. 104–128)			(1)
Anti-terrorism and Effective Death Penalty Act (P.L. 104–132)			2
An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164)	−72	−72	
The Taxpayer Bill of Rights 2 (P.L. 104–168)			−30
Small Business Job Protection Act (P.L. 104–188)			92
Health Insurance Portability and Accountability Act of 1996 (P.L. 104–91)		10	62
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	52		
An Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1)		1	
An Act for the Relief of Nathan C. Vance (Pvt. L. 104–2)	(1)	(1)	
Total enacted second session	292,795	201,713	88
APPROPRIATED ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [5]	17,656	19,168	
Total Current Level [6]	1,306,896	1,307,685	1,039,110
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution			3,390
Over Budget Resolution	21,381	19,525	

[1] Less than $500,000.
[2] P.L. 104–92 and P.L. 104–99 provide funding for specific appropriated accounts until September 30, 1996.
[3] This bill funds specific appropriated accounts until September 30, 1996.
[4] The effects of this Act on budget authority, outlays, and revenues begin in fiscal year 1997.
[5] Estimates include the effects of changes enacted this session in the following public laws: P.L. 104–57. P.L. 104–121, and P.L. 104–127.
[6] In accordance with the Budget Enforcement Act, the total does not include $4,836 million in budget authority and $2,737 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Notes.—Detail may not add due to rounding.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, Office of the Speaker,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (P.L. 104–193), I hereby submit revised 602 allocations and other appropriate budgetary levels. Subsection 211(d)(5) of P.L. 104–193 amends section 103(b) of the Contract with America Advancement Act of 1996 (P.L. 104–121) which provided for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews (CDRs) under the Supplemental Security Income program.

P.L. 104–121 directed the Chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports an appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of continuing disability reviews.

For fiscal year 1997, the adjustment reflects the amount appropriated for CDRs that is in excess of $100 million in new budget authority and $200 million in outlays (subject to a maximum adjustment of $175 million in budget authority and $310 million in outlays). The adjustment is based on the levels provided for CDRs in H.R. 3755, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies.

These revised levels will supersede those established by the conference report accompanying H. Con. Res. 178 (H. Rept. 104–575) and shall be binding for purposes of enforcing sections 302(f) and 311(a) of the Congressional Budget Act of 1974.

The revised allocations and other budgetary levels are as follows:

[In millions of dollars]

	Budget authority	Outlays
Discretionary spending limits	492,842	535,849
602(a)/302(a) allocations	497,525	538,922
Budget aggregates	1,314,935	1,311,321

If you have any questions, please contact Art Sauer or Jim Bates at ext–6–7270.

Sincerely,

JOHN R. KASICH,
Chairman, Committee on the Budget.

GAO REPORT AFFIRMING LEGALITY OF RUBIN ACTION ON DEBT LIMIT

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

Mr. GIBBONS. Mr. Speaker, on behalf of the American people, I would like to express our gratitude and respect to Treasury Secretary Robert Rubin for his courageous and responsible actions during the last year in the face of the regrettable debt limit crisis. Specifically, I would like to call to the attention of my colleagues a report that the General Accounting Office [GAO] issued earlier this month reporting on the Treasury's handling of the debt limit crisis. As you may recall, for several months beginning last October the Republican Congressional leadership refused to increase the statutory debt limit, an intransigence that brought the Nation to the brink of default on its sovereign debt for the first time in its history. As a result of Congress' actions, Treasury Secretary Rubin was required to take a variety of extraordinary measures to safeguard the Nation's credit and to prevent a situation that was deemed ''unthinkable.'' The recent GAO report concluded that all of Secretary Rubin's actions were legal, calling them ''proper and consistent with legal authorities the Congress has provided to the Secretary of the Treasury.''

We all owe a debt of gratitude to Secretary Rubin. Clearly, his extensive experience in financial markets enabled him to understand fully the disastrous consequences of default. The GAO report makes abundantly clear that Secretary Rubin met this challenge in a manner that was both lawful and effective.

It was clear at the time, and it is even clearer in hindsight, that the debt limit impasse was simply a tactic to force President Clinton to sign a budget deal with which his Administration could not live. It was a dangerous game to play, because the Nation's credit affects the financial well-being of all Americans and the financial stability of all the world. It was not only a risky game. It was ultimately a losing game. It should come as no surprise then that neither the Dole campaign nor the Republican leadership of this Congress has offered any comment on this report.

Secretary Rubin's actions were as effective as they were courageous. The American people should be proud of this very fine public servant.

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

[Mr. COX of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A CALL FOR FURTHER INVESTIGATION

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank you for the time. I will share my time with my friend and colleague from California, Mr. ROHRABACHER.

This is, if not the last night of this session of the 104th Congress, it certainly is close to it. I should be rising to display a happy sentiment about what has happened because I am proud of what we have done in this Congress. I am proud of the work we have achieved. I am proud that our party has moved forward with a very aggressive agenda.

But, unfortunately, I rise to talk about something that to me is very sad, Mr. Speaker, because it gets at the heart of what this country is all about, and it relates back to one of the reasons why I got involved in public life in the first place.

In 1972, Mr. Speaker, I was teaching in public schools back in Pennsylvania, and to be very frank, I was somewhat dismayed when the investigation showed here in Washington that the President of my party, Richard Nixon, tried to cover up a third-rate burglary.

Now, that was not a major felony, but it was something that no one in fact should be allowed to get away with in this country, and in fact the system worked. That gentleman who served in the White House eventually had to step down because this body did a very thorough job in supporting an independent prosecutor who went in and found out that, yes, the President had in fact tried to cover up a third-rate burglary. And that is exactly what it was, and that is all it was.

Mr. Speaker, the President of the United States right now is about my age, a little bit older than I am. We are from the same generation. I understand that his wife, the First Lady, was involved in that investigation, was on the team who went after Richard Nixon, as a staff person, an idealist of the sixties generation, as perhaps I would characterize myself.

And here, Mr. Speaker, our paths now cross. I am a Republican Member of Congress and President Clinton and his wife are in the White House. And while I have been dismayed at many of the actions of this administration and this President, a President of my generation, nothing, Mr. Speaker, nothing has outraged me as much as what I have seen over the past several days.

The Attorney General of this country suggested that we needed a special prosecutor to investigate the Whitewater case. Whether you believe the facts in that situation or not, in a bipartisan way we all agree, like we did with those who were in office when Richard Nixon was President, that this should best be handled by a special prosecutor. The majority of the Members in both bodies agreed that that should be handled, especially if it potentially involved the President and First Lady, by a special prosecutor.

The special prosecutor has proceeded, Mr. Speaker, and he has gotten some convictions along the way, in fact, some convictions of some formerly very high ranking people in this administration. Now, Mr. Speaker, 1 month before the election, the heat is starting to be turned up on the White House.

□ 2030

And what really offends me, Mr. Speaker, is that while we have an investigation being conducted by an independent prosecutor, as we saw during Richard Nixon's era, we have a President for the first time in the history of this country come out and make public statements leading to the possibility of pardon for those people who, first of all, have been tried and convicted by a jury of their peers.

Now, for those who say, well, it is the right of the President to pardon those who have done wrong, I would say I do not disagree with that. But, Mr. Speaker, what we have here is something that has never happened before in the history of this country, a sitting President making public statements about a case where the investigator is trying to bring in witnesses who have refused to testify, who have gone on national television, who have been jailed because they have not cooperated with the Grand Jury and the special prosecutor, and a President who has said publicly that he has not yet thought about whether or not a pardon would be considered.

Now, if you were one of those individuals who has been convicted by a jury of your peers for wrongdoing, and in each of the cases of the convictions they are for multiple counts, they are not for one count, you would, I would think, be very enlightened and heartened by the comments of the President of the United States that he thinks justice should prevail.

But then he goes on to say he has not even thought about whether or not a pardon should be considered. But even worse than that, Mr. Speaker, he comes out publicly and says that it is commonly understood that the special prosecutor is, in fact, pursuing politics in his investigation of this situation.

Mr. Speaker, now I am not a lawyer. I am one of the few Members of this Congress that got here as a public school teacher, as someone who got involved in my community as a mayor and then county commissioner and now as a Member of Congress. But let me tell you one thing I have learned about our legal system, Mr. Speaker, and that is when you attempt to affect someone who is involved as a witness or a potential witness in a criminal investigation, for every citizen in America that is called tampering with a witness. Mr. Speaker, as a layperson and not an attorney, that is a felony far more grave than covering up a third-rate burglary.

Mr. Speaker, if you or I or my fellow citizens back in Delaware County or across Pennsylvania were being charged with something and had some way of affecting a potential witness to that case against us, and said that publicly and tried to influence what that individual may or may not say, they could be charged with tampering with a witness.

Mr. Speaker, that is illegal. That is not allowed in this country. And for the President of the United States to lay out the possibility of a pardon for someone who was making herself to be a national folk hero, after she was convicted by a jury of her peers for having done wrong, along with her husband who was convicted of many more counts, and who currently is in prison because she is saying she does not want to cooperate, is tampering with a witness.

Mr. Speaker, that is outrageous, and that is why I got involved in public life in the first place back in my county, back in the 1970's, when I first ran for mayor of my town. I was upset with the way the system was working. I was upset that a President could think that he could be above the law and that he could cover up any third-rate burglary and get away with it.

But President Nixon did not do that during the course of the investigation. His crime was covering up. It was Gerald Ford, the next President who, in fact, gave a pardon which caused him to be defeated.

Now, Mr. Speaker, some would say this is sour grapes, you are just a Republican and all you want to do is beat up on the President because it is so close to the election. Mr. Speaker, that is not my reason for being here. In fact, let me read you some quotes that appeared in the national media this past week in response to what this President has done.

First of all, let me quote Richard Cohen. Richard Cohen is a columnist for the Washington Post, and anyone who reads the Washington Post knows that Richard Cohen is not exactly what you would call a conservative columnist. In fact, he is thought to be rather to the left in terms of his positions on issues.

Mr. Cohen, in an article this past week, likened Mr. Clinton's anti-Starr campaign to the Watergate era when Richard Nixon fired his nemesis, Archibald Cox.

This is the quote from Richard Cohen. ''Personal attacks on the independent counsel or appeals to partisan chauvinism hardly reassure me,'' Mr. Cohen wrote in a column this week. To go on and quote him further, ''It seems to me I have heard this song before, in 1972 to be exact.''

Now, this is not the gentleman from Pennsylvania, CURT WELDON, Republican. This is not the gentleman from

Georgia, NEWT GINGRICH, Speaker. This is not the gentleman from New York, BILL PAXON, chairman of the congressional committee, or even Bob Dole, Republican candidate. This is Richard Cohen, columnist in the Washington Post, likening the President's actions, Mr. Speaker, to those of 1972 when Richard Nixon was, in fact, in office.

But let us go beyond Richard Cohen Mr. Speaker. How about the New York Times? The New York Times is not exactly the Washington Times. It is not known for its conservative principles, its conservative thinking, or its conservative editorials. What did the New York Times editorial page say this week in response to what this leader of our country did in terms of his public statements in regard to the Whitewater situation and Special Prosecutor Starr?

The Times blasted the President for his verbal shots at Mr. Starr this past Monday during a PBS interview when the President was being interviewed and for his discussion of the pardon process while ex-Whatewater partner Susan McDougal refuse to testify before a Federal Grand Jury. And this is what the New York Times said, Mr. Speaker.

''Both comments create the impression that it is the White House that wants to use partisan thrusts to disrupt the legal process, not Mr. Starr and others, who remain legitimately curious about the full story of Whitewater.''

Again, Mr. Speaker, this was not Republicans in this body, this was not Bob Dole or Jack Kemp. This was the New York Times in an editorial this week, Mr. Speaker.

Let us go further, Mr. Speaker, and let us talk about Daniel Schorr. Daniel Schorr, who covered Watergate for CBS News and now does commentary on National Public Radio, said, ''The President's answers to PBS anchor Jim Lehrer were designed to put Mr. Starr on the defensive and keep McDougal hopeful. His game is to keep Starr on the defense. I think he is having some success in doing that,'' said Mr. Schorr. ''What serves Clinton's purpose very well,'' and I am quoting him, ''is to just leave open the possibility of a pardon,'' he said. ''It leaves the defendants some incentive not to give away the Clintons.''

Which I think the President perhaps knows could happen. That is not the quote, by the way, I am adding my own editorial comment. I will get back to the quote.

''When you look at the words, you can't have a problem with it. It's not what he said, it's what he didn't say.''

Mr. Speaker, this President is very clever sometimes at not necessarily saying or conveying directly what he means, but using whatever he says to convey some other meaning, and that is exactly what Daniel Schorr is saying the President is doing in this particular situation.

We could go on to the Wall Street Journal, and some would say, well, the Wall Street Journal is more conservative, and I would agree with that publicly, but I will still quote Paul Gigot, a Wall Street Journal columnist, who said, and I quote, ''It sure wasn't appropriate.'' Continuing the quote, ''It seemed to me that he was holding out hope to Susan McDougal about the prospect of a pardon, which is an interference with the Starr investigation.''

Mr. Speaker, what we have seen happen in this country this past week may not sway the election. It may not help or hurt this President in his efforts to be reelected to a second term. But I can tell you one thing, Mr. Speaker, as a child of the 1960's, close to this President's age, as someone who got involved in public life because I was fed up when I saw a sitting President try to cover up a third-rate burglary and who was offended that he was from my party, so I got involved, that I am outraged. I am incensed that this individual would think that he has the ability to so blatantly in the public process leave the option open for a pardon.

Mr. Speaker, when this happened this week, even though I am not on the appropriate committees, I felt that I had to do something, and so I did. I am here tonight, Mr. Speaker, to announce what I have done. I drafted a letter, Mr. Speaker, 2 days ago. I would like to read the letter which will go to this President tomorrow.

''Dear Mr. President. We are shocked and alarmed by several of your recent statements about the ongoing investigation of independent counsel, Kenneth Starr, and the possibility that several of the figures involved in the Whitewater affair might receive Presidential pardons.

''Accordingly, we write to ask for your assistance with two very specific issues. First, we ask for your assurance that Jim and Susan McDougal, Jim Guy Tucker and other individuals associated with the Whitewater affair will not receive presidential pardons of any sort. This is particularly important in the case of Susan McDougal, who remains in jail on contempt charges. Even the hint of a possible pardon smacks of interference on your part in the important work of the independent counsel. Leaving the door open for a pardon at some point represents, as Richard Cohen in a recent Washington Post column correctly observes, 'a whisper of an offer,' of a pardon.

''Second, we request that you make public the evidence which supports your contention that Susan McDougal is being held in jail on contempt because she refuses to lie about the First Lady and you. This is an extremely serious charge about the integrity of Kenneth Starr. If there is even a grain of truth to support this charge, you should produce that 'evidence' immediately or withdraw your claim.

''These are issues of the gravest importance that speak directly to the integrity of the independent counsel and the investigation he is undertaking. We look forward to your response on these two critical issues. Sincerely.''

Mr. Speaker, when I drafted the letter on Wednesday I thought I would bring it over and get some of my friends who I thought would be concerned about this to sign this letter with me, but I was prepared to sign it myself.

Mr. Speaker, in 2 hours on the floor of this House, and I had not talked and still have not talked to anyone in the leadership, including the Speaker or the other leaders who are not involved and aware of what I am doing, I was able to collect 185 signatures, from 185 representatives all across this country, from every State in this Union. And that was in 2 hours yesterday and a half-hour on the floor today. And during that time period, 185 elected officials, representing almost one-half of the population of this Nation agree with me, Mr. Speaker, that this has got to be stopped.

No one is above the law in America, even someone who can look in the camera and with a straight face say that he will wait until the process is over and that, in fact, it is political, without providing any bit of evidence to support that claim.

Mr. Speaker, some would say, well, you are just a Republican and all you got were those conservative Republicans to support you in signing that letter. Mr. Speaker, I will admit the overwhelming majority of these signatures are Republican.

I can tell you one month before an election it would be extremely difficult to get any member of the President's party to sign a letter of this type that basically confronts him directly and asks him to respond.

□ 2045

But, Mr. Speaker, it is a bipartisan letter. In fact, three Democrats joined with us in saying to this President, put up or shut up. If you have no evidence of political involvement on the part of the special prosecutor, then shut your mouth. And stop going around the country attempting to provide support for someone who has been convicted by her peers and who sits in jail on contempt charges because you are fearful that she might say something that will implicate you and your wife.

Mr. Speaker, 185 Members of this body signed this letter. The letter is still open and my colleagues and our colleagues, I would hope, who want to sign this letter can do so by calling my office this evening, I will be there; as well as calling tomorrow, I will be in there again. And I will let them sign the letter there or on the House floor, because I think we have to make a statement, Mr. Speaker.

Back to my days in 1972, when I got involved because the leader of my party tried to cover up a third-rate burglary, and now we have a situation where our sitting President flaunts his ability to do what every citizen in this country cannot do and that is intimidate or somehow affect what a witness will say in a grand jury proceeding and

make allegations about political implications of Special Prosecutor Starr with no evidence presented to back what he is saying publicly.

Mr. Speaker, the Republicans who signed this letter are no conservatives. They are moderates, and many of them would be considered to the left in our party, Members who supported this President on issues as I have. I have voted with this President on family and medical leave and voted with him on anti-strike breaker and voted with him on environmental issues and voted with him on more funding for the poor, $100 million plus up in the community action agency program and supported him when he has been right. But I will not stand in this body and allow anyone to think that because of their office they can manipulate the system in such a way that he will hope that through the next 5 weeks that this woman will just stay quiet and not be involved because there is that possibility out there of a presidential pardon.

Mr. Speaker, I would say that we need to have this President come before the American people and do what he has not done very well, and that is be honest with the people about his intentions.

All he has to say publicly is, I will not issue a pardon for Jim or Susan McDougal, for Jim Guy Tucker or anyone else. I will let the process work. If he says that, he has solved our problem and we will let the process work as it did with Richard Nixon.

Mr. President, again, as a child of the 1960's, as someone who is very close in age to this President, I am absolutely outraged at what is occurring. I think that this body has got to take action and this letter will help accomplish that.

With that I yield to the gentleman from California [Mr. ROCHRABACHER].

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair reminds all Members, they must address their remarks to the Chair.

Mr. ROHRABACHER. Mr. Speaker, I would like to ask my friend from Pennsylvania, perhaps he could explain, perhaps he could explain for the record exactly what the Whitewater investigation is all about. Some people who have heard Whitewater do not fully understand that what we are really talking about here is the looting of a savings and loan institution in Arkansas. Basically a clique, a small political clique in Arkansas who ran that State are basically being accused of looting the savings and loan that was guaranteed by the taxpayers. Once that savings and loan, Madison Savings and Loan went belly up, then we got stuck, the American taxpayers got stuck for tens of millions of dollars that then were needed to pay off the debts of the bankrupt savings and loan.

All of the activities that are going on concerning Whitewater, basically the roadblocks that are being put up and the stonewalling that is happening and the various attempts to attack the special prosecutor and to prevent people from getting evidence, that basically is happening as part of an attempt to thwart the investigation of the looting of a savings and loan, is that not correct?

Mr. WELDON of Pennsylvania. The gentleman is very familiar with the case. I am not on the appropriate Committee on House Oversight but I have followed it during my process. As I understand it, that is exactly what happened. It was a looting of a savings and loan.

That is why the special prosecutor was set up and comparing it to what happened in the 1970's, it was a bipartisan effort to see whether or not the President, who was of my party and of the gentleman's party, in fact did something that violated the basic trust of the American people, and we found that he did. What bothers me the most is that the President's wife at that time was leading the effort to uncover the President and what he had done.

And now we have a situation where the President has gone far beyond, far, far beyond the coverup of a third-rate burglary. Tampering with a Federal witness is a felony. To lay out the possibility of a pardon, while there is a person who is incarcerated because she will not respond to a request by a legitimate judge and special prosecutor in this country, is a felonious act. I am not a lawyer but that is what it is. I have asked people. It is an outrage that this country should not allow to happen. In my mind this action makes Richard Nixon look like a Sunday school teacher in comparison in terms of what has occurred this week.

Mr. ROHRABACHER. Mr. Speaker, in 1992, when then-Governor Clinton was kicking off his presidential campaign, I have a distant memory of that event. And recently someone called my attention to the subject matter that he used to kick off his presidential campaign. I am not sure if my friend from Pennsylvania is aware of what the central theme of the President's first campaign speech was, but it was honesty in government. And he used as an example of the terrible dishonesty that was going on in the Federal Government, he used the savings and loan scandal as the basis for his charge of the corruption that was going on in Washington, DC.

I believe that it is ironic at best, it is ironic today for us to be confronted with stonewalling and roadblocks being thrown into the path of a special prosecutor who is attempting to come to grips and to follow the leads that are necessary to bring to justice those people who were involved with the looting of a savings and loan institution that cost the taxpayers tens of millions of dollars.

Some people have said that the President, that this President, President Bill Clinton, has more chutzpah in the history of this country. There are a lot of reasons for saying that. He did have enough chutzpah, for example, to try to change the language when he tried to say that taxes were contributions and Federal spending all of a sudden became investments. It took a lot of chutzpah to be able to try to face the American people and try to say that, convince them that taxation is really contribution and Federal spending is really investment and in some way fool them into the reality that that was different.

It takes a lot of chutzpah for a President who began his presidential campaign on the theme of honesty in government and attacking this savings and loan scandal to now be engaged in the type of tactics that you have just outlined, to try to basically thwart an investigation into the savings and loan scandal that was taking place right in Arkansas. Of course, he would suggest that it was happening right underneath his nose but he did not know anything about it and that his wife, although deeply involved in the law firm that had some of these accounts and dealt with people who were dealing with the savings and loan, that she of course knew nothing about it as well. This does take some chutzpah.

It also takes some chutzpah, as they say, for the same President to simply shrug off miraculous happenings that have been going on during this investigation. For example, most people have probably forgotten by now the miraculous appearance of Hillary Clinton's billing records for the Rose Law Firm that just were, had disappeared for about a year and then like a miracle appeared in the living quarters of the first family in the White House.

These things were either a miracle or someone consciously did these things. It just seems that the press is willing to ignore that, but if a Republican like Richard Nixon would have been involved in something as blatant as this, it would not be a matter for a chuckle, it would be a matter for questions and follow-up questions and a dogged investigation from that moment on.

Mr. WELDON of Pennsylvania. I would say to my friend and colleague that I think this is the straw that breaks the camel's back, because now we have the American people seeing through what has been going on here and we have an instance where you have a major columnist for the Washington Post, the New York Times editorial board, Daniel Schorr, the Wall Street Journal, editorial papers across the country, my own local paper in my county has been so incensed with the President that when he visited Philadelphia this past Wednesday, they broke their tradition and editorially endorsed his opponent the day he came to Philadelphia.

This is incensing people who have worked with this President, and I wanted to yield to the gentleman from California [Mr. HORN], who just came over here, because like me and perhaps unlike some of our other Members of our caucus, he and I worked with this President on issues. He and I have supported him on environmental priorities. He and I have supported him on

issues affecting those things that we maybe differ with our caucus a little bit. And now it has got us to the point where we are incensed and outraged because perhaps in our, I will let the gentleman speak for himself but in my case, 1972 was a turning point because it displayed the arrogance that one person could have in thinking that they were above the people and above the laws that all of us have to live under. What he has done in this case is he has gone beyond the limit.

I yield to the gentleman from California [Mr. HORN] who, by the way, came over to sign the letter. We now have 186 signatures and, Mr. Speaker, I would urge our colleagues sitting in their offices who have not signed from either party to come over to the floor. The letter is here and, Mr. Speaker, I would encourage their constituents back home, Mr. Speaker, if they would like to make sure they communicate that, that would be appropriate because many of them are in their offices this very evening and phone calls to them might prod them to come over.

Mr. DORNAN. If I could just have 10 seconds, did you notice the front page of the most truthful paper calls it a curt letter with a small ''c.'' First, I looked and I said, hey, CURT's name should be capitalized here. They meant it was a rather brief, succinct letter. What should we be doing, dripping with honey and with treacle running down our back and tell him, do not pardon these people?

Mr. WELDON of Pennsylvania. My point is, this is something I did not want to have to do on the last day of the session, which should not be in this mode, but, Mr. Speaker, this is it. It is the last chance for us to speak out.

Mr. HORN. Mr. Speaker, I thank the gentleman from Pennsylvania. I happened to be working here on another bill that we are putting through the Senate, and we have already put through here. I heard your remarks and I think they are frankly the most brilliant remarks I have heard since becoming a Member of Congress in January 1993. You are absolutely right. You are absolutely digging into the right aspects of this.

What we have is the intimidation of the chief executive of the United States, of the judicial branch of the United States Government. What you have described, which is true, is absolutely unheard of. I think every American citizen should share your and our outrage that are talking about this subject tonight. It is absolutely shameless conduct. As you say, if you have some evidence on the special counsel, produce it or quit the nonsense and the PR and the charm going around this country.

I gave the gentleman a question I wrote out a few days ago on this very subject, which is what should be put to all candidates in the national debates. If the press sits in that debate and does not put the question, and I have put it about as succinctly as I can there, then I think you are doing the people a disservice before they vote in November, because what you described, your hunches, your instincts are absolutely correct.

I have spent a year and a half with Chairman CLINGER of the Committee on Government Reform and Oversight. I am chairman of one of the relevant subcommittees on this matter. On Filegate, Travelgate, call it anything you want in the Watergate tradition, what we have seen there is the most cruel treatment to civil servants, if you will, in quotes, who have served numerous presidents of both parties, were doing their job. And suddenly the Arkansas gang said, hey, we would like those jobs. Everybody knows any President can come in and fire anybody he wants. But this presidency knew that those people were respected by the media, so charges were trumped up and the FBI, I am sorry to say, was brought into the matter and even told what to write hither and yon.

When you look at that record that Chairman CLINGER, who regretfully is retiring from this institution, brought out, his instincts were right in the spring of 1993; he knew something was wrong. And there is a law on the books that says, if so many, seven or eight of us on Government Operations, as it was at that time, sign, requesting the executive branch to produce the papers, we can do it.

□ 2100

And we did it, and we were stiffed every single week for weeks. Now our friends on the other side say, ''Well, gee, why are you bringing this up in an election year?'' Well, if they produced the documents that the law says they should have produced, we would have had that thing wound up in 1993 and 1994.

Now some of us are objective on that committee. And I will tell you, I did not know CHRIS SHAYS until I came here, but I never was so proud to serve with an individual in my life as CHRIS SHAYS. In the previous Congress, when you had the HUD scandal that occurred under the Reagan administration, he, as a Republican, went after the witnesses to get the truth, just like any of us should, regardless of who is in the White House.

What we want is the truth. That is what Chairman CLINGER wanted. That is what I wanted. That is what most of us on the committee wanted. And slowly we are getting it. But it is dribbled out to us after subpoena, after subpoena is issued, after we have to threaten them with contempt of Congress, after passing a resolution here which could mean jail time, and finally it is dribbled out.

And as my colleague from California knows, just the most amazing amount of miracles appear. Papers; it is like Peter Pan is running around dropping records on tables, and suddenly people come in and find them. You know, it is unbelievable, and where is the media to do the hard work that Woodward and Bernstein did which brought them the appropriate prizes because they were right on the track? They nailed it down. And where is the help to nail it down?

But I commend you for raising this subject, because it is on everybody's mind, and each presidential candidate should be asked that question.

Mr. WELDON of Pennsylvania. I thank my colleague.

Mr. HORN. And I would like to put the question in the——

Mr. WELDON of Pennsylvania. Put that question in the RECORD, Mr. speaker.

The question referred to is as follows:

> Mr. President: Will you promise the America people that if you are re-elected, or even if you should lose in November, that you will, under no circumstances, use the Presidential pardon power to pardon either Jim McDougal, or Susan McDougal, or Jim Guy Tucker, or any member, present or former, of the White House staff, or any member of your own family, or any other person that the Independent Counsel may investigate or prosecute?
>
> Potential follow-ups: Will you promise to resign if you should use the pardon power?
>
> Why will you not give a straight answer to this very simple question?

And I would just say to him that CHRIS SHAYS, in fact, signed the letter, as did many other moderate Republicans who stood up when there was a HUD scandal in the Reagan administration, asked the tough questions, went to the wall to go through the investigation in a bipartisan way, just as bipartisan Members did, Republicans and Democrats back in 1972.

And I would just ask the gentleman who has been involved in the oversight committee in this area, that individual who had, as you say, trumped up charges brought against him that basically ruined his career and his family and caused him to spend hundreds and thousands of dollars, Billy Dale; that led to a trial, also like Susan McDougal.

Would the gentleman tell me what the outcome of that trial was and how quickly the verdict came down?

Mr. HORN. It came within, I believe, 2 hours. It was a very quick verdict, and the sad thing is, after they wrecked not only Billy Dale's reputation, but other members of the Travel Office staff, they wrecked their reputations, and they cost hundreds of thousands of dollars collectively on the part of the individuals who were in that Travel Office, and, as I said earlier, they served Democratic and Republican administrations with good faith and efficiency, yet they were dragged out of the White House, told to get out of there by 5 o'clock, a station wagon comes up, they are lying on the floor as they are taken out.

I mean it was something that would happen in the Soviet Union, for Heaven's sake, and this has happened in 13 acres downtown. The White House of the United States; it is supposed to epitomize democracy. And talk about

the misuse of institutions of the Government. As was true of the Nixon administration, they misused the FBI. And when we get into Filegate, that is a whole other story we ought to——

Mr. WELDON of Pennsylvania. And what the gentleman did not mention was, that verdict that came down within 2 hours was a complete and total acquittal, unlike Susan McDougal, who went on television after a jury of her peers convicted her, I believe, of four counts and her husband of 18 or 19 counts. Unlike Susan McDougal, Billy Dale was acquitted by a jury of his peers of all charges within 2 hours. But his reputation was ruined.

Mr. Speaker, this kind of action is not America. We did not tolerate this when Richard Nixon was the president. We came together as a country and said this is not the kind of leadership that should be leading America. And in this case, this President had better answer for his actions and withdraw his political statements, answer whether or not he will pardon, or he should step aside, or this country should take action to remove him from office based on his actions in this situation.

Mr. ROHRABACHER. I think the President's action concerning the Travelgate affair does indeed show the character of the individual we are now talking about who happens to be President of the United States.

I worked in the White House for 7 years and knew Billy Dale very well, and the public should understand whom we are talking about here. We are not talking about a political appointee, who was appointed by the Republicans, who happened to be a holdover. No.

Billy Dale is a civil servant. He is a veteran who ran an office in the White House that had served President Carter as well as President Ford and as well as Ronald Reagan, a man who is just a civil servant like other civil servants, whose patriotism is demonstrated in the hard work and long hours that he takes in a job that is different than other civil service jobs, because he had to travel with the President, he had to make sure things are done.

Sometimes they work until midnight, but as a civil servant, he does not get overtime pay. This is someone whose patriotism was expressed in the fact that he was doing his very best job for those who held the office.

And that is the way it was with all those folks down in the travel office; we knew that. They were regular human beings, they were people that, you know, spend their times with their family and churches, and they are totally nonpolitical. You could always go to them with a problem, and they were there to help.

Well, these people were fired precipitously when President Clinton became President. Now why were they fired? Well, we know now that they were fired because the President had some cronies that he wanted to put in the office. One was an attractive female, and one had to do with a crony who basically was engaged in a travel company that wanted to get contracts, that had something to do with who was handling the travel office.

Well, before we can do that, of course, we have to get rid of these just average Americans. But who cares about them? Who cares about these civil servants?

What is significant is not only the President was off base and that the White House was off base in this matter, but that once that act happened, once it happened, it was a wrong thing to do.

Instead of admitting that they made a mistake, the White House set out to destroy these people, to destroy them, not just to fire them, but to charge then with improprieties and illegalities and to actually bring legal and criminal charges against them to utterly destroy them. In order to what? In order to make sure there was no political damage for the President for making a wrong decision.

This is the nature of the person who is occupying the Presidency of the United States today. This is wrong. This indicates an arrogance; it indicates an absolute disregard for other human beings. How can you look at another human being and treat them in that way? I would not treat my enemies in that way. I would not charge my enemies with crimes that they did not commit in order to gain some type of upsmanship in a political match. I would not do that.

This is even worse than that. This is charging a civil servant with crimes in order to give yourself a political advantage, someone who is not even your political enemy.

Let us just note that this wrongdoing was recognized almost immediately by the jury, and within 2 hours, as we said, Billy Dale and these loyal civil servants, these loyal Americans who had worked their lives out in this particular spot in the White House, they were totally exonerated, and then what was the President's action?

When we tried to ensure that these people would not have to sell their homes, that these people would not have to have all of their life savings drained away because they had to have such legal bills, what then did the President do? Do you remember?

The President at first agreed, OK—well, through his spokesman—well, yeah, we will sign the bill if the Congress passes a bill to take care of their legal fees, and then he took it back. And then he took it back because he says he wants the legal fees of these people who were charged with criminal activity themselves to be paid by the Government or we cannot take care of these people who were just absolutely victims of his own misdeeds.

Mr. WELDON of Pennsylvania. The gentleman is absolutely correct, and the actions there are appalling to those Members who have been involved in looking at this situation, and it has just been devastating for that family.

Unfortunately, as much as the media had a fond affection for Billy Dale, and some of them I even understand contributed to his legal defense fund, they did not take this case. It was early on in the Clinton administration. It was just kind of brushed aside.

And it has been confusing for the American people to understand, and some who do not tune in regularly say, Well, there is another they are just charging; you know, it is another accusation; these accusations fly back and forth all the time, and it is just politics as usual. But, Mr. Speaker, this is different.

As I said before, this struck me this week because I have not felt this way since I was outraged, as a public school teacher in 1972, when I, as a Republican, heard that Richard Nixon had, in fact, covered up a third-rate burglary and, in fact, accidentally or deliberately had part of his tapes erased that he kept in his office.

What do we have now, Mr. Speaker? We have a President who feels such arrogance that he can stand up in a public forum on national TV and he can say with a straight face, ''I don't know whether I'm going to deal with that issue of pardons or not, it will take its course,'' and then goes on to say, ''But there is no doubt that what is being done to Susan McDougal is politically motivated because they want to get Bill and Hillary Clinton.''

Mr. Speaker, I will say it again. No person in this country, be he or she Republican or Democrat, potentate or king, President or street worker, is entitled to violate the law and violate it especially with the arrogance that we have seen displayed this week.

But I think, Mr. Speaker, the bending point and the breaking point has arisen, and I sense a frustration and a feeling of incense across the country that is being displayed by the media that perhaps was not displayed during the Bill Dale situation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair must remind all Members that it is not in order to engage in personalities toward the President.

Mr. WELDON of Pennsylvania. Mr. Speaker, I understand that comment, and I am not engaging in personalities, I am engaging in factual information in regard to comments made by the leader of this country in a national public forum where he basically allowed the impression to be left that a pardon could be offered to someone who right now is in jail for contempt, of not cooperating with the Federal grand jury and the U.S. prosecutor.

I yield to my friend and colleague, Mr. HORN.

Mr. HORN. I think you are absolutely right on that, and I regret to say, on the earlier point you made, that Billy Dale's legal fees and the others that were so terribly treated by White House officials have been stopped in this Congress by some of our friends on

the other side of the aisle and the other body, and those fees should certainly be paid.

I think one of the most eloquent members of our Committee on Government Reform and Oversight is the representative from Maryland, CONNIE MORELLA, and she has zeroed in over many hearings on just the point you have, the inhumane treatment of these workers, some of whom voted for the President, some of whom went back to the Kennedy-Johnson administration, and, as was said by my colleague from California, they were professionals, they were serving the media, and the media had a lot of demands, especially when you travel with the President, all that involved, and they did a splendid job, and they knew they were respected by the media, and they covered their tracks.

This was the modern coverup. They were covering their tracks on why they really wanted to get rid of the office. And as all three of us have said, and it is in the evidence under oath since all our witnesses are under oath, it was simply relatives of the President that want to take over the travel office.

Mr. ROHRABACHER. If the gentleman would yield, the fact is that when things are just permitted to happen and the proper attention is not paid to them by the press, other things that are worse happen. People get arrogant because they can get away with things.

For example, right off the bat we heard that the First Lady had been involved with some kind of commodity scheme that permitted her $100,000 profit. Now, if that had been any Republican President's wife, this would have been examined, and today, every time there would be a press conference during the election, you would be having people ask questions about it.

But that is just a distant memory now. It is a distant memory, and the fact that she got away with that, then we have—who hears about the Travelgate scandal now? Is the President being asked about this?

The fact is, if we were not bringing it up, the press would not be following through. And, my dear friend from Pennsylvania, you are talking about something and comparing it to the Watergate scandal wherein a third-rate burglary, which was wrong, which was a wrong thing for President Nixon and his staff to have gotten involved with during a political year, the incredible time and effort that was taken by members of the media to follow up, to dog it, to get every detail, to follow through every bank account was just something that they would not let go.

□ 2115

That sent a message to a lot of people. That was a good message: We in government cannot be arrogant and we cannot abuse power.

But what has happened with the current administration is that they came here believing that they could get away with things that no other administration could get away with. I am afraid that the news media, the news media is verifying this terrible fact.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank both of my friends and colleagues for appearing here tonight with me. I had originally come here to do a 5-minute special order, but felt the opportunity to take additional time and did so.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from California.

Mr. DORNAN. Mr. WELDON, my special order is following you, and I will ask my California colleagues to stay, because I want to see the same firestorm in the press about Clinton threatening to shut down the Government over giving Social Security to illegal immigrants, and demanding that we use up tens of thousands of schoolteachers like my brother Dick to educate the children of illegal immigrants, even though we have grandfathered in anybody who is already in school through grade 12. We are going to discuss that.

Here is something I want to tell you. I have a reputation around here, Mr. WELDON——

Mr. WELDON of Pennsylvania. No, I do not believe that.

Mr. DORNAN. For not being a shy, retiring type. But I just saw you do something that makes me feel not limp-wristed, but not as tough as I thought I was, because you challenged the Parliamentarian, and you were right.

Our great Speaker up here, the gentleman from Georgia, MAC COLLINS, the Speaker pro tem of the day, only transmits to us what the Parliamentarian tells him. The Parliamentary advice was to tell you that you were getting personal with Clinton.

We are talking about pirating funds from a bank, looting a bank. Webster Hubbell is in jail for the mirror image of doing what he and Hillary Clinton did together. So of course Clinton is thinking pardon, because Hillary Clinton is not protected by rule XVIII.

ANNOUNCEMENT BY THE SPEAKER P.T.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman will suspend.

Mr. DORNAN. Yes. I am going to fight back with the Parliamentarian. Let us have it out on the last day of Congress.

The SPEAKER pro tempore. The Chair must remind Members that, although remarks in debate may include criticism of the President's official actions or policies, it is a breach of order to question the personal conduct of the President, whether by actual accusation or by mere insinuation.

Mr. DORNAN. I deliberately did not mention him, Mr. Speaker. Tell the Parliamentarian to open up her ears and listen. I said Hillary is not protected by rule XVIII.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DORNAN. All right. I have had it.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DORNAN. Thank you. I said Hillary. She is not protected by rule XVIII. Only Mr. AL GORE and Mr. Bill Clinton.

Hillary, I can talk about Roger Clinton being a cocaine addict for the next solid hour. I can even quote what he said about his brother if I do not use the name. People will have to figure out who his brother is. He might have 10 brothers. He might have one half-brother. But I can do anything I want to Roger Clinton, and I choose not to bang on Hillary Clinton much, but tonight is an exception, because she is the twin of Webster Hubbell.

Together they did all the coverups in what the gentleman from California [Mr. ROHRABACHER] called the pirating, the looting, I am not talking about the President here, the looting and the pirating of funds for their own personal political gain in Arkansas.

I could talk for 1 hour without mentioning——

Mr. WELDON of Pennsylvania. I know the gentleman will talk for 1 hour. I would just ask the gentleman to let me conclude.

Mr. DORNAN. Mr. Speaker, I want to compliment the gentleman again for not allowing the Chair, through our pal, Mr. COLLINS, to chastise you incorrectly when you are discussing public crimes, not making personal attacks.

Mr. WELDON of Pennsylvania. I thank the gentleman.

Just in concluding, Mr. Speaker, once again it was with reluctance that I came over here tonight, but I had to do it.

I got involved in the 1970's in public life probably for the same reason the Presidentdid, to serve my constituents. I was outraged at what Richard Nixon did. He was in my party. I was dismayed at my party because of what he had done, in thinking he could be above the law and he could cover up a third-rate burglary.

What I saw this past week, Mr. Speaker, and I am not talking about anything that has gone before, what I saw this week in terms of publicly talking about an ongoing investigation, leaving the possibility out there of a Presidential pardon, and then making accusations with no proper backup, has to be dealt with.

Mr. Speaker, on behalf of the 186 Members of this institution, and perhaps some more who will join us, I, tomorrow, will have this communication delivered to the President of United States. I hope that he takes positive response to the first question, which is, in fact, to say yes, positively, he will not issue a Presidential pardon to any of those who have been convicted in the Whitewater scandal; and, second, I ask him to either provide documentation of political motives or efforts on the part of Mr. Starr or to withdraw the public statements that he has made.

I do so in the hopes of keeping this country the freest, the most democratic country in the world, and a country where everyone, including my friends back in Delaware County, who have to go to work every day and abide by the speed limits and the regular laws all of us have to abide by, understand that the man sitting in the White House is no better than they are, and must abide by those same rules and laws.

INTEGRITY NEEDED IN THE WHITE HOUSE

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

Mr. DORNAN. Mr. Speaker, a bit of bipartisan levity. In case the 1,300,000 audience from the territory of Guam, in which it is already tomorrow, on the other side of the dateline, all the way through our beautiful 50th State, Hawaii, down to the territory of Puerto Rico and the Virgin Island, not to forget Western Samoa, back in the Pacific, all of them watching may have missed it earlier today, because of the various time zones, my friend, the gentleman from Ohio JIM TRAFICANT, made this observation on our runaway, bloated Federal Government.

This is JIM TRAFICANT. He is the best one-minute man in the House, not I, so I hope I do it some justice. Here goes TRAFICANT, fighting Democrat of Ohio: ''Don't be fooled by the Clinton Administration's budget-cutting rhetoric, because nothing has changed,'' says Representative JAMES A. TRAFICANT, Ohio Democrat.

''In and effort to cut the budget, the GAO called the OMB and the CBO, the RTC and the NSC and the ITC and the GSA and the IRS, and they had no success.'' I am with him so far. I have tracked every one of those agencies. I have been here 20 years, so the alphabet soup is okay to the point.

Now, ''So since they had no success,'' Mr. TRAFICANT continues, ''The GAO then called the DOD, the DOE, the DOT, and the DDT.'' I think he lost me on DDT. ''Still, they could find no cuts. So then the GAO called the CIA, the DIA, and the OSI, and the PCBs and the PCPs.'' I fell off the charts on the last one. ''And they could find no cuts.''

''So then they called again the OSI and the ORI and the IUD, and could find no cuts. And finally, so frustrated, they called,'' and I am a married guy, I know the code on this next one, ''they called the PMS, and there were no cuts to be made. So they decided there should be a whole new program called the accounting selection system, hereafter to be known as A-S-S, which only goes to show us, when it comes to bureaucrats and cuts, it is still the same in Washington, D.C. It is called BS in D.C.''

That is the last time I will be lighthearted here, because I would like to read a letter. Last night I was happily incorrect. I did not make the last special order of the very successful 104th Congress. Canadian yearly multimillionare—meaning every year he becomes a multimillionaire over and over—Peter Jennings says this was not a productive Congress. Contraire, Peter, my Canadian friend, who pays a lot of U.S. income tax, I hope. It was very successful.

I though last night was it. So here I am back for an hour, to be joined by my friend, the gentleman from Huntington Beach and the greater area, including a lot of parts that I represented for 8 years in beautiful Orange County, he will be joining me. But I want to read a letter, I would say to the gentleman from California, Mr. ROHRABACHER, and then ask the Chair's unanimous consent to engage in a colloquy.

Mr. Speaker, this is from a doctor in the hometown where by mom and my aunt, Flo Haley, grew up, Wilkes-Barre, Pennsylvania, the great Scranton Wilkes-Barre, Wyoming Valley. That is where the State of Wyoming got its name, right there in eastern Pennsylvania.

This is Dr. Gerald Ferry—I will not give his address. Jerry Ferry, kind of an easy name to remember, said ''Dear Congressman DORNAN, I respectfully request that you consider organizing a series of special orders regarding Clinton's attempted reelection similar to those conducted in 1992,'' when, of course, he was not protected by rule XVIII, which is to keep us from going for one another's throats here and in the other, as Tip O'Neill used to say, ''the other body;'' I like the great American's way of calling the Senate ''the other body.''

Dr. Ferry continues, ''Please, do whatever you can to rid our great Nation of the Clinton menace.'' He means the Clinton administration; he is not being personal there, I am sure. Dr. Ferry would not do that. ''Your friend, Jerry. No response necessary.''

We had talked, and we were called Tiger Flight. This post-Korean War fighter pilot and three combat pilots, the gentleman from Texas, SAM JOHNSON, a few years older than I, fought in Korea and came back in Vietnam. That is what almost 30 years of service did for that great American; shot down in both wars, captured in Vietnam, horribly tortured. Only the torture of Red McDaniel, our friend, and a few others ever went beyond SAM JOHNSON of Texas, our colleague's torture.

He joined me on the floor one night after our colleague, the gentleman from California, DUNCAN HUNTER, joined me. And then the only aerial ace since World War I began to ever serve in the U.S. House or Senate, our colleague, the gentleman from California, ''DUKE'' CUNNINGHAM, he joined us. His district adjoins DUNCAN HUNTER's.

That was 4 years ago this very day, and we went into October. I think we adjourned late into the night of October 4–5, and we became known as Tiger Flight, and I was getting a thousand calls every 24 hours from smart Americans who saw what was coming.

There were no books out on either Clinton, no talk about, it takes a Clinton village to raise my children. You know where my kids were raised. Mr. Speaker, you may not know; but you know, DANA, in Westwood Village and Brentwood. I do not think O.J. Simpson's Brentwood or Westwood Village at the foot of UCLA is the village that was going to help raise my five kids, who are all thoughtful but outspoken and passionate conservatives, particularly on life issues, in raising what will soon be 11 grandkids.

My daughter Terry, who ran my presidential campaign, she is great, Terry Dornan Cobban, she does not need any help from Springfield Village or Burke Center Village or anybody. She knows what to do with her kids, and she knows good teachers from bad teachers.

So going back 4 years ago, people remembered that, and they expected about 10 days here, and it did not happen.

I would ask the gentleman from California [Mr. ROHRABACHER], did you see the movie, ''The Longest Day?'' General Eisenhower, by then a four-star, said, ''I am not putting men on the beach unless we control the air.'' And we so pounded the Luftwaffe, the Flying Army, so that by the time D-Day rolled around we had air superiority; not supremacy, yet. The Luftwaffe only sent up two airplanes, two Messerschmitts, the first helicopter seen over simulating a strafing run across the beach on a camera in oil, to steady the camera; an early steadying device.

The German fighter pilot, who is still alive, he just died recently, his name is something like Pappin, Pippin, he gave the exact dialogue he said that day. It is in Cornelius Ryan's book, ''The Longest Day,'' after they strafed. And they killed some Americans; so when the audience laughed, I did not like it. They strafed the whole beach and killed some Americans. That was it, one pass. Ran for their lives.

As he pulled off the target, our young men hitting the beach at Omaha, way after the first waves, first two waves, he said, ''Well, the Luftwaffe has had its day.'' Two fighters.

□ 2130

Mr. ROHRABACHER, it is you. It is me. This is it. There will be no special orders tomorrow. We are going to adjourn sine die. So we will respect this rule XVIII for the last time. Because when we meet in December and organize, it is going. If we have to find people trained as Republicans to be parliamentarians, that is not good enough. I want rule XVIII out the window, for anyone. Let us say Bob Dole wins and our pal Jack Kemp whom we love. I do not want to hamstring—that means tie their ankles together—I do not want to hamstring the minority, and I hope

they are still the minority, bless their hearts. Out of the last 66 years, they have had 60 and they had 40 in a burst right up through November 8, 1994. So bless their hearts. They had their 40 years to run up $5 trillion of debt. I hope we hold a majority here. But I do not want to hamstring the minority.

I know what it is like to be in the minority. I was in the minority for 18 years. You were in the minority for 8 years. It is not nice. Or 6 years.

So Mr. Dole, President Dole and Vice President Jack Kemp, they are going to have to take a pounding, because my colleagues on the other side have destroyed the value in this Chamber of two words: Extremist and radical. They have made them synonymous, at least in their minds, with the word ''conservative'' and the word ''Republican.'' I have never called a Member on the other side an extremist on this floor or a radical and they do it all day long. Where do they pick it up? From the White House.

Mr. ROHRABACHER. If the gentleman would yield, I do not ever remember someone on the left being referred to as an extremist.

Mr. DORNAN. Not in this Chamber or in the U.S. Senate.

Mr. ROHRABACHER. Actually in the news media as well. It seems to me you actually have to be carrying a gun and trying to kill someone to be an extremist on the left. And on the right you basically have to be someone who, even if your views are parallel to, let us say, 75 or 80 percent of the American people but opposed to what the liberal news media believes is a standard, basically the standard belief in our news columns, then you are an extremist if you are a conservative.

Mr. DORNAN. If you want to balance the budget, you are a child-hating extremist radical.

Mr. ROHRABACHER. I believe that the President said that the Gallegly amendment was a nutty idea, which was something that got quoted, and that ''nutty idea,'' of course, passed overwhelmingly in the House of Representatives.

Mr. DORNAN. With a lot of bipartisan support.

Mr. ROHRABACHER. If I could mention, as we get into this illegal alien issue, which is one of the reasons I am here tonight and I am so concerned, is that President Clinton has repeatedly promised the people of California that he would be helpful on that issue and that I am sorry to say tonight that what we see happening in Washington, DC today is that not only is the President not trying to help us on the illegal alien issue but the President is using all of his powers, all of the threats that he can make in terms of the legislative process and the Presidential involvement in it to try to prevent us from passing a meaningful immigration bill.

It has reached the point today that during our negotiations, what President Clinton is doing is basically threatening to shut down the entire U.S. Government if we refuse to gut the immigration bill that passed with a substantial margin here in the House of Representatives. Those things that apparently are upsetting the President are that, he claims it is our restrictions on legal immigrants that he is upset with.

The American people should understand, and I believe for the record that we should state that the restrictions on legal immigration that are now being discussed by the President and which he adamantly is opposed to deals with SSI, welfare, and Medicaid. The President of the United States is threatening to close down the Federal Government unless we take out our immigration reform bill provisions that prevent people who come here and never contributed to the system from immediately getting on the SSI. He is also worried about, for example, that we have restrictions to prevent people who come here from other countries, now, they are supposed to be healthy when they come here, they are supposed to be, and the idea is if someone comes here, that they do not become a ward of the State and that they do not drain money that is meant to be for the American people themselves. But the President wants us to take out a provision that permits people who come here from every other country, legally or not, from receiving Medicaid. We are talking about $20 billion of Federal expenditures. The President is threatening to shut down the Government, prevent the widows and orphans and veterans of this country from getting their benefit checks from the Federal Government, in order to protect foreigners who come here and who are now currently draining money out of our SSI system and out of the health care system that was meant for American citizens.

This is totally contrary to the promises that he made the people of California. But the people of California should not be the only ones that are upset. The people of the entire country are the ones who are having to pick up this bill. If our social infrastructure in California breaks down, our education system and our health system and we go belly up financially, this is only a harbinger of what will happen to the entire country.

Mr. DORNAN. Exactly.

Mr. ROHRABACHER. If we send a message to the people of the world, which we have, ''Come on in, come on in, because you will get the benefits if you can come to the United States, legally or illegally.''

One of the things that concerns me the most is that we have seen this incredible flood of illegal immigration into our country at a time when this administration is trying to speed up the process of naturalization.

In the last 12 months there have been more immigrants naturalized than in any other year in the history of our country. In fact, it is three times greater than the year before. This administration is intentionally speeding up the naturalization process in order to make voters out of foreigners, many of whom came here illegally and were given amnesty back in 1986.

What is happening, then, is that in a speedup of the naturalization process, thousands upon thousands of convicted criminals, of felons, are being given U.S. citizenship by a President of the United States who is hell-bent to try to gut our ability to come to grips with this challenge to the people of not only California but of the entire country.

Who do we care about? Why are we here? Who are we supposed to represent? We are elected by the people of the United States to care for them. We have different philosophies and people with different philosophies can disagree. There can be honest disagreements. But we must always keep in mind what is the benefit to the people of the United States

I am afraid that what has happened is there is a political power block in this country that sees that they are losing their power. The liberal left that controlled the news media and communications and controlled the political apparatus of this country for decades is losing their grip. The political liberal left thinks that there is one way they can keep hold, and they look at millions and tens of millions of people coming illegally and legally into our country as a potential voting block to save them from the political oblivion of a time when the American people are rejecting their liberal left philosophy.

This is a threat to the Democratic process, it is a threat to the well-being of every American. I would hope that those people reading the CONGRESSIONAL RECORD and those people who watch over C–SPAN will pay close attention to the negotiations that are now going on.

Why would a President of the United States insist that we provide tens of billions of dollars worth of benefits to foreigners at a time when we are having to cut down on programs for our own people? Why is that? Why would the President of the United States be willing to close this Government, to close the U.S. Government and to prevent our widows, our orphans, our own veterans from receiving their benefits in order to insist, to add pressure on Republicans to gut a welfare reform bill that protects our own budgets from being looted by foreigners?

Something is going on here. Something terrible is going on here. Every American should be aware of this. Thank goodness for talk radio, and thank goodness for the fact that we have a CONGRESSIONAL RECORD that is distributed to libraries throughout the United States and a C–SPAN that is seen by the American people throughout the country, because the news media is not doing their job. It is very easy to see that the news media is not doing their job.

Does anyone remember, for example, we have talked tonight about the commodities, the tens of thousands, if not $100,000 made in the commodities market by Hillary Clinton before she became First Lady? Not many people talk about that anymore. We talked about the details, the horrible details of the Travelgate scandal where some civil servants, their lives were destroyed for just trying to protect someone's political career.

Well, what about the FBI Filegate scandal? That was just a few months ago, and already we do not hear anything about that. That is not in the media. Already people are sort of ignoring that. In fact, just yesterday and the day before there were dramatic revelations that the logbook that was kept on the people who saw these FBI files that were being illegally kept by the White House, that there is a logbook that has a 6-month gap, and that they do not know who looked at the FBI files during this 6-month period.

Well, let us remind the public what the FBI Filegate scandal is all about.

Church Colson, during the Watergate scandal, showed one-half of one FBI file to one person and was sent to prison for 2 years because this was considered and is considered today a horrible personal assault on the privacy rights of those individuals who the FBI has gathered information on. When that scandal broke, the President first announced that it was 35 files. Then, if you remember, it became 50, and then 100, and then it became 900 FBI files.

Then, if you remember, the President mentioned something about, oh, this was just a low-level detailee from the Defense Department. Only later did we find out that what we were really talking about, was what? We were talking about a man who had been engaged, a professional opposition researcher who worked in several major Democratic campaigns, who just happened to have the FBI files land on his desk.

My goodness, a detailee from the Defense Department becomes an opposition researcher, or vice versa, and 35 files become 900. Well, that is sort of miraculous but I think that there is even a better answer than thinking that this is a miracle, of how these things happen.

If you remember, BOB, there was recently also what we have, and by the way, we would have none of this information except for the fact that the Republicans took control of this House and began to subpoena this information from the White House. If we would not be in control, this would have all been covered up, this arrogance of power, the fact that people have illegal possession of FBI files and have violated the privacy of people throughout Washington, DC and people throughout the country, in fact, political activists, and we have not gotten anywhere near the bottom of this yet. But we would not know this except for the fact that Republicans got this control and subpoenaed this information.

Right after the Republicans took control of this body, the legal counsel's office at the White House did a study and they created what they call a task list. What it is, is what I call a blueprint for coverup. I think there is no other really more reasonable description of this list.

□ 2145

What it is, it was a list that was developed by the White House, and it basically said these are the areas of a potential scandal within the administration. That is what basically they were saying in this memo, this long memo. They tasked various people to look into and investigate all of the possible scandals.

Now, this happened two years ago. This happened right after the Republicans took control of the House of Representatives, because the White House understood at that point they were vulnerable to being asked under oath questions and being subpoenaed.

Who was on that list? Mr. Livingstone, the man in charge of the FBI files, had his hand on the FBI files, was on that list of potential scandals. Two years ago this White House asked people within the White House structure to go to Mr. Livingstone and look at this matter so they would be prepared to handle the scandal.

Now, was their instructions after they interviewed Mr. Livingstone and after they developed the plan of how to handle this problem once it becomes problem, that there has been an abuse of problem, was part of the plan that the first statements to come out of the White House were to try to act, one, confused, like there were only 35 FBI files, or act confused that the President did not know, that maybe it was just a low level Defense Department detailee, as if the President did not know that it was really a opposition researcher who had been involved in major democratic political campaigns? Was this part of the plan that was developed by whoever it was in the White House, who was asked to go and see Mr. Livingstone?

Well, we do not know that. But the public deserves to know, because they deserve to know when the President of the United States is speaking to them, whether or not the President of the United States is speaking truthfully, or whether he is involving himself in a straegy intentionally aimed at deceiving people.

Now, when the President came to California and promised to help us stem the flood of illegal immigration, people took his word for it. And the fact that today we see that the President is threatening to close down the government unless we gut our immigration bill, well, some people in public office, I think all people in public office, deserve a little bit of leeway, and they deserve to be given the benefit of the doubt. It has happened a lot with this President, and I think it is becoming very difficult for people to give him the benefit of the doubt.

We have seen it in the FBI scandal. But I will say this: When it comes to the liberal news media, they seem to have a ceaseless reservoir of patience and are giving the President the benefit of the doubt, time and time again. They do not even feel they have to follow through on many of these things we have talked about today, much less ask follow-up questions that would be done to any Republican, especially NEWT GINGRICH.

So, with that said, I am pleased to be with you here tonight, because I know that Bob and I share Orange County together, and we have seen what has happened to Southern California because of this flood of illegal immigration. It is destroying the infrastructure of our State. It is a horrible, horrible burden, that people who have worked all of their lives, all of their lives, trying to build up a decent place for the Amercian people, for their children to live, and now they see it is all being destroyed because we do not have the courage to set the policies that will prevent foreigners from coming into our country. They may be good people, they may be very good people, but our allegiance, again, who are we here for? We are here to protect the interests of the American people.

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to engage in a colloquy, and Ace DUKE CUNNINGHAM did not join us, but Ace of the Waves, BRIAN BILBRAY, has joined us. We will hear from him in a second.

Mr. ROHRABACHER. The best surfer in Congress. But, I might add, the second best surfer in Congress is here as well.

Mr. DORNAN. That is true. It is not me. I am the 19th best, according to my grandkids. I am going to speak about the Chosin Reservoir in a few moments, because on POW day, September 20th, I had a press conference, I know you tried to make it, in the middle of Orange County in the Civic Center, beautiful World War I, for my dad, World War II, Korean and Vietnam memorial. The largest contingent that showed up were, and it is a wonderful play on words, the ''Chosin Few.'' Your dad is Marine, a retired colonel. I learned there were more Army guys trapped on one side of the big lake created by the Chosin Reservoir than there were Marines trapped on the eastern side. But I am going to read off the names.

Mr. ROHRABACHER. I have to go now, because there is a radio interviewer waiting for me. If I could say this, my father, when I was young, who was a career military officer, told me many times of how he flew the generals and officers and enlisted men from the Chosin Reservoir back in his plane, across the Pacific, in order to bring them back to the United States after that incredible military action.

Mr. DORNAN. Your dad, I know, was a fighter pilot. He also flew everything.

Mr. ROHRABACHER. My dad was also a transport pilot. He had three

fighter squadrons, but also two transport squadrons. He flew these fellows back, and there was one general, I remember him telling me about this conversation with this general, but that was something worth going into.

Mr. DORNAN. Let me finish this commercial, and thank you, DANA, for joining me. I just want to let people know I will keep my promise to discuss about our great victory today, and I wanted to thank both of you, 404 to 0, for the MIA–POW Protection Act, to restore into law what has been law for almost a year, that was stripped out when Clinton signed the defense authorization bill on Tuesday. I wanted to talk a little bit about Korea.

This report, and I showed this to you the other day, the transfer of U.S. Korean war prisoners to the Soviet Union, a heck of a way to end this year. Then McNamara, this book again, The Living and the Dead, our lost prisoners of war, sold down the river. I will put in the RECORD a shockingly, or not shockingly, a pridefully excellent piece by Bruce Neelon, of Time Magazine, a bad Xerox, the issue dated on September 30, a few days from now.

And then I want to close out talking about the worst vote of the year in either Chamber, the vote to certify that Clinton is the abortion President, the first abortion President in our history, and aggressive, pro-abortion President. And I know that CHRIS SMITH has said that many times from this mike, that mike, that mike, the lectern, so I do not anticipate any Parliamentarian thinking that is a personal attack. But Clinton has taken on all the Protestant bishops, Billy Graham, the Pope, Mother Theresa, every single cardinal in the world, almost every practicing Islamic person in the world, everybody who understands what the code of ethics of Buddhism, of Shintoism, Confucianism, it is just unbelievable this vote in the Senate.

I will read some quotas from religious leaders about this. Some of them get pretty tough. My pal Jim Donaldson says we are afraid if we fail today, the judgment that will be wreaked upon this Nation. I know atheists hate to hear that. Tough. It is my time.

Before we do that, Brian Bilbray of California was so good last night. I asked him to come back, because I did not know that you actually lived, Mr. BILBRAY. Again, I ask unanimous consent to have a colloquy, with Mr. BILBRAY, where you can see the border, where you feel Tijuana is a friendly town, where you have 5, 6, 7, 8 generation Hispanic Americans living in your county, beautiful San Diego, bigger county than mine, took the number 2 spot away from us, we are number 3 in Orange County, we are identical cultures. We love our Hispanic culture. Our streets are named after beautiful Hispanic names. We put tile roofs on. We theme our whole southern part of the state, and all the way up through Monterey, we are proud of our Spanish heritage.

But, please capture for a new audience some of the words you said last night about how this has nothing to do with individuals, it has to do with law and law breaking and fairness.

Mr. BILBRAY. I appreciate the gentleman from California, and I want to first clarify that the gentleman from Huntington Beach who just left has to qualify as the Member of Congress who is improving in surfing faster than any other Member of Congress.

Mr. DORNAN. He has a good coach, finally.

Mr. BILBRAY. My stepfather actually was a PBY pilot, decorated in World War II. But when we talk about the border issue, I grew up along the border, as you know. It is part of our culture to be binational.

In fact, I was mayor when I was 27 years old with a city that was sister cities with Tijuana. And we would constantly have that intercultural communication again and again.

Mr. DORNAN. You were mayor of National City?

Mr. BILBRAY. I was mayor of Imperial Beach. It is easy to find my hometown, if you know where the Pacific Ocean and where the Mexican border is. Where they meet is where I live.

Mr. DORNAN. It is where Jonathan Winters starred in his movie, ''It's a Mad, Mad, Mad, Mad World.''

Mr. BILBRAY. It is a mad, mad world down there right now. The fact is those of us that live along the border, like I have, when I was a lifeguard, I rescued illegal aliens drowning. But what I have seen——

Mr. DORNAN. Drowning trying to swim around the border fence?

Mr. BILBRAY. They were actually trying to swim across the rivers. Now what happens is while there are floods going on, the cayotes, the smugglers, tell them swim across this body of water, and they do not realize how swift it is and how hard it is to make it across. There is debris in there. I have actually, when I was chairman of San Diego County, gone out with the lifeguards. They asked me to come help them because they needed somebody who was a lifeguard, who knew the area. I went out and rescued illegal aliens and put them on the skids of helicopters so we could pick them up and carry them off.

Let me remind you, the Federal Government did not say anything about the expense of rescuing those people. Those of us in San Diego County paid for this expense. The thing that really shocked me was how many people did not make it? In one year, when I was chairman of the county, we spent over $30,000 sending people back to Mexico in body bags, $30,000 worth of dead people that were caused from the lack of control.

So when people talk about——

Mr. DORNAN. All of them drowning or from desert dehydration?

Mr. BILBRAY. There were drowning, there were cliffs, they were running off cliffs. They still do it tonight, and they were killed on the highways. But just the County of San Diego, the taxpayers of one county had to pay $30,000 just to send people back. The most heartbreaking situations.

So I am trying to come here to Washington to wake up this body, that this is a Federal responsibility. The Constitution says the people of San Diego and the people of California do not have the right to control the border. They do not have the right to enforce immigration law. By law, only the Federal Government has the right to do that. And you can hear people again and again in this hall talk about we need to hire more law enforcement, and we need to hire more teachers.

Well, let me tell the gentleman from California, it does not take an act of Congress for a city like when I was mayor to hire a police officer. We can do that locally. It does not take an act of Congress for a school district to hire a teacher. But it takes an act of Congress and an act of the President to stop the carnage along our borders.

If I have to say anything else, please, please be sensitive to the fact of how many people are dying in this situation. Over the last few years, and if you say 3 or 4 years, more people have died trying to cross into our country illegally than were killed in Oklahoma's explosion. And I wish this institution could have people stand up as outraged and infuriated about the terrorism along our border, as they said about Oklahoma. And it was right to be outraged about Oklahoma, but it is wrong for this institution or the President to ignore the problems along the border.

The thing that really hit me——

Mr. DORNAN. In less than a month, more people can die, good citizens, coming to North America for a dream, a percentage coming to rob cars, three cars stolen in L.A. in Orange County, and we found one of them on a hill in Tijuana only partially stripped. The chief of police in Tijuana called. It had congressional plates on it. They had not yet completely stripped it. It had an engine. I could drive it back. I repeat again the atrocity of Oklahoma City happens every 2 or 3 weeks.

Mr. BILBRAY. It happened over the last few years. You have to recognize that that atrocity is happening today and continues to happen, while those of us in Washington fiddle, people today are driving off roads and crashing. I saw a brother and a sister, and these were not young kids, these are 15 and 16 year old brother and sister, trying to run across a freeway late at night, actually it was afternoon, following a smuggler. And what happens is the old and the young are usually in the back of these linings and there may be 30 people running across a freeway. And the smuggler is in the front. And the poor people that are the slower, younger, older people in the back, and when you have seen what has happened when they get hit by a car, you have to say when will Washington wake up to the fact that this is a cruel hoax?

What we are doing is we are saying officially you are supposed to come into this country legally. But, but, if you come in here illegally, we will give your children free education, we will give you welfare benefits, we will give you health benefits. We will give you a world that you can only dream of where you are now.

□ 2200

And no wonder these people risk their life and play this game. We had a poor group of illegals that died within less than a mile of a hospital in Chula Vista, CA; died from exposure and thirst, sitting in a canyon. Within a mile. And this is supposed to be a great humane thing to do?

So when somebody comes up here and says you are mean-spirited because you want to control illegal immigration, you are mean-spirited because you want to stop this carnage, all I can say is come in my neighborhood and see what is going on.

Mr. DORNAN. What was the question that you asked Member BARNEY FRANK of Massachusetts that sent him off into hyper-speed talk?

Mr. BILBRAY. All I know is what is happening now is we have heard that the President's administrative aides are asking that a thing called title V be taken out of our immigration bill. And the title V section is the section where our hospitals in California and around the country that have to give emergency health care to illegal aliens will be reimbursed.

It does not sound like a big thing. It is $375 million a year. And let us remember, these are not rich hospitals in wealthy neighborhoods that are impacted. These are poor neighborhoods. These are in neighborhoods of the working class.

And we here in Washington and at the White House say we care about the working class. This is really the proof of the pudding. Do they care enough to send the resources to pay back to these people the cost of providing health care to people that were not supposed to be here and the Federal Government is responsible for?

Let me tell you, the Federal Government and this administration is the biggest deadbeat dad in this country if they do not pay for this baby, if they do not pay for this expense, because it is coming out of the working class.

Mr. DORNAN. So title V says it is a Federal failure to control our borders and, therefore, we all want to be merciful, but it is the Federal responsibility.

Mr. BILBRAY. To pay the bill.

Mr. DORNAN. Because they mandate this, another Federal mandate, to pay the bill.

Mr. BILBRAY. To pay the bill. The other aspect is, when I operated, as chairman of San Diego County, I operated a welfare system that was larger than 32 States in the Union. Much larger than Arkansas.

Mr. DORNAN. And more effective.

Mr. BILBRAY. Our county actually started the concept of workfare back in 1977. Finally got to Washington. A little slow but we are moving.

But the real thing here that comes down is that we are not allowed to ask people to prove that they are legal or illegal, because they say that that may be a violation of some kind of Federal regulation. And you run into the frustration of trying to make sure that illegal aliens are not coming into our country and getting these benefits.

The American people I think strongly believe that those who are truly needy, those who are deserving, should be allowed to get benefits, but you do not reward somebody for breaking the law.

And I need to really make sure I clarify for the American people. Where I live, when you look up on the hills at night, you see Tijuana. A million people living in Mexico that have never broken one of our laws.

Mr. DORNAN. Big as Houston. Houston is a little over a million.

Mr. BILBRAY. It is well over a million in Tijuana. They have never broken one law. They have not snuck across and broken our national sovereignty. There are a lot of children that would love to have a free education, a lot of people who would love to have free health care. They do not get it.

But if they break the law, jump the fence, run down our freeways, swim across our rivers, then Washington says you have got to give them all these free services that the law-abiding citizens that are staying in Tijuana, in their own country, do not receive.

Now, I went to a high school, it was interesting, and I always have to chuckle about this, I went to a high school where a lot of kids were from Mexico. They gave American addresses and we went back and forth. And the fact is those of us that were here in the States legally had to prove that we could not provide the resources to be able to pay for our health care. But if they perceive that you are here illegally, they automatically assume, do not worry, we will pay for it. That is wrong.

It is wrong then American citizens and legal residents have to stand behind someone who has broken the law. It is wrong when somebody says I will sponsor, and here is the other part of title V, I will sponsor this person and make sure this person does not go on public assistance. And then when the person does go on public assistance, people walk away from that responsibility.

I have to say this to you. The one thing I did not tell you, Congressman, is my mother was an Australian war bride. She was an immigrant. In fact, my family is very proud, and you may not know this, my family is very proud that my mother was the first Australian war bride to get her citizenship.

Mr. DORNAN. Her name was not Sheila, was it? That is what they called all those beautiful war brides then.

Mr. BILBRAY. Obviously, with a name like Mavis, she had to be from Australia. But the interesting thing: They met in General MacArthur's office.

Mr. DORNAN. I have a MacArthur quote right in front of me.

Mr. BILBRAY. The only Army man my father ever really appreciated. He was a Navy man.

But getting back to the issue. What we are talking about is, I do not understand why the President and Mr. Panetta would hold up the continuation of Government operations because they want to bust up what is called title V, which has reimbursements for the health care; to those of us that need to be reimbursed for the health care of illegal aliens that says that those who want to sponsor people coming into this country have to be responsible for it. It says that those who come here illegally will not get the social benefits; that law-abiding American citizens should get the first priority when it comes to being provided Social Security.

Mr. DORNAN. Social Security.

Mr. BILBRAY. Social Security. You hear people say, what are we doing about Social Security? Maybe the one thing we should do is start talking about who is getting Social Security benefits. But the President and this administration think there is so much money to be able to be spent on health care, education, Social Security for everybody, even those who should not be here.

Mr. DORNAN. Are they meeting as we speak at 10 o'clock?

Mr. BILBRAY. They are meeting now, and I hope they work this out.

Mr. DORNAN. Is the Speaker down at the White House?

Mr. BILBRAY. I hear they are trying to work this out to have it ready for tomorrow. And we have to work together. This is key. We have to cross the aisle and make sure Democrats and Republicans work on this, because, frankly, I think the American people are fed up with the partisan fighting, and I think the President and Mr. Panetta think that somehow it is an advantage by trying to mess with this immigration bill. It is really sad.

Mr. DORNAN. There is a handful of people who do want to circle the wagons, seal the country up, forget that we are a nation of immigrants, and I am tired of the liberal part of the news media going after them for quotes. They are not part of the debate.

It is the average generous American who says I believe in the Statue of Liberty, I believe in the Golden Gate, ''Send us your tired, your poor, your huddled masses, yearning to breathe free, the wretched refuge of your teaming shores. Send these, the homeless, tempest-tost to me. I lift my lamp beside the door.''

That was punishment from a nun in the sixth grade, but I love Emma Lazarus' words. What we are talking about is law, justice, fairness and

lawbreaking, and making a fool out of every Mexican who has decided he cannot stand the corruption and wants to be an American and does it legally. Every Ecuadorian, every Argentinian, every Tibetan.

I was at your border in your district and they took and introduced me to two English-speaking Finns from Finland. And I said why not do it legally? ''Well, your border is so open down here, so porous, we just thought we would come through this way and stay a couple of years.''

Mr. BILBRAY. I was on the House floor yesterday and a Member of Congress called me down because I said my cousin from Australia said, we hear you can just break your immigration law and then there is no problem.

In Australia they have learned that if you fly to Tijuana and walk across the border, do not worry about it. You get in this country and you get more benefits if you break the rules than playing by the so-called silly rulings.

That really scares me. Can you imagine what the rest of the world thinks of this country when they think of immigration issues; when they think about what kind of country would not only allow but telegraph around the world to come break our laws and we will reward you? This is the greatest Nation in the world.

Mr. DORNAN. There are 185 nations in the United Nations, 7 that are not, Switzerland by choice, a few islands, Tonga and Nauru and a few other island nations, and the Vatican City, which is not a member of the United Nations, but of the 185 nations in the United Nations and these 7 tiny countries, can you name one besides the United States that lets lawbreakers receive all the benefits of the country?

Mr. BILBRAY. Let me name you one that does not. It is the Republic of Mexico. When I met with the Senators and Congressmen of Mexico, I held up our new immigration law and held up their immigration law. And I said where we are changing it is to make ours more like yours.

And when they looked at it, they said you are right, you are making your law more reasonable.

Mr. DORNAN. I have to reclaim my time.

Mr. BILBRAY. Let me just tell you what Australians say, though. When my cousin stood up at the border and stood up and watched 135 illegals run by us——

Mr. DORNAN. Where is he from?

Mr. BILBRAY. He is from Brisbane. Queensland. He stood up and said, and this is a passivist, he said you are the greatest military power, the greatest strongest Nation in the world. You go all over the world to defend other people's borders and you cannot even defend your own.

And I said, Jim, that is not the crime; that is not the sin. The crime and the sin is not that we cannot, but we choose not to.

Mr. DORNAN. Wow. Mr. BILBRAY you were as eloquent tonight as last night, and I hope all of America on Saturday clicks on C–SPAN. I hope the great MAC COLLINS of Georgia is in the Chair and that we have America watching a merciful, fair, reasonable debate tomorrow if the White House digs in their heels and tries to demagog this issue and find people in uniforms or children to grind into the mix and keep hitting us with this destruction of the English language, calling us extremists and radicals who want fairness and low-respecting people to file and come here as our brothers.

Mr. BILBRAY, do you not love, did you not love, as the mayor of a small city and the chairman of San Diego County, did you not love to go to ceremonies and get a lump in your throat watching new American citizens, by choice, get sworn in? It is the best way I can spend the Fourth of July.

We always do it on the Fourth of July in Orange County. I love it. I think they are all wonderful law-abiding citizens who learn our Constitution, learn what we say every morning, the Pledge of Allegiance to the Flag. They answer civics questions better than most high school students.

Mr. BILBRAY. In fact, let me tell you a story. An old, old friend of mine, a newscaster in San Diego, Maria Velazquez.

Mr. DORNAN. I know her.

Mr. BILBRAY. And she was there doing a reporter's job about these citizens becoming the new U.S. citizens. One of them was her mother. And she came up to me and said, my mother is so proud. Not because she just passed the test, but she did it in English because she wanted to be mainstream American.

And you could see in Maria's eyes, someone who has lived her whole life here, that lump in her throat. She was so proud of her mother wanting be mainstream American and proud to be an American. And that is what it is all about.

Mr. DORNAN. We will fix some of that language silliness next year. We touched on it some this year, but it is going to take a conservative, thoughtful, heartful Congress doing it, and we will do it.

Thank you, Mr. BILBRAY.

Mr. BILBRAY. Thank you very much.

Mr. DORNAN. I am going to do my tribute to the chosen few, and then the pro-life closing statement for me, and there is another gentleman who will get to close out the last special order, probably, unless something goes wrong tomorrow and this whole immigration thing blows up in our face. Because it is all being played for politics down at Foggy Bottom.

The men who showed up at the memorial in Santa Ana, CA, the chosen few, the ones who made it back, wanted me to read the names. They gave me these beautiful documents, I will hold it up for camera six, the battle stars. In the case of these men they have five battle stars on their Korean ribbon. I am a Korea veteran, an era veteran, but I did not set foot on Korea until after the war, so I cannot wear the U.N. colors of the beautiful Korean ribbon.

But, first, I want to read these words of General MacArthur, who Mr. BILBRAY's father admired. And my father was a boxing coach in the 1928 Olympics, and General MacArthur, as an Army four-star, led the Olympic team to Holland in 1928.

General MacArthur said at the end of World War II, ''Spiritual strength and power has brought us through to victory. Our men are homeward bound. Take care of them.''

Take care of them. Five years later men started getting captured by the company, by the battalion, when the Chinese troops poured across the Yalu River, and we had almost liberated, under MacArthur, all of Korea.

Take care of them. One of the witnesses in front of my committee, quoted here in Time magazine, Col. Philip Corso, said, ''We sold them down the river.'' General MacArthur was still alive. He lived until my birthday in 1964, when he went to his reward, well advanced in years, in his late eighties. And I am sure that he knew we had left the young men captured under him because a cabal, British traitors, Burgess, Maclean, Philby and Alan Blout, ''The Fourth Man'', the great movie with Sir Anthony Hopkins, those people betrayed all of our top secrets. Told the Chinese that Harry Truman was crippled and frozen in his thinking now on Korea; that if they came across, we would never respond or even bomb the bridges on the Chinese side of the Yalu.

□ 2215

So it cost these men their lives: Thomas E. Seward, same spelling as one of Lincoln's Cabinet members who bought Alaska, Thomas E. Seward, Greensville, VA, born 1930, all of these men and only 2 or 3 years older than I am, as my older brother said, a year younger than my older brother. U.S. Army private first class, gives his serial number, killed in action November 28, 1950, fighting the Chinese. We had already whipped the North Korean agressor army.

Alfred Underbaggage, Shannon, SD, born 1928, Army sergeant, killed in action, 29 November. Harry C. Sutton, this is all at the Chosin Reservoir on the Army side of the struggle, Hartford, CT, born 1922, these are one of the old men in their early 30's that the younger guys called Pappy or Doc or a lifer, U.S. Army master sergeant, killed in action, December 1, sad Christmas in the Sutton house; Connie M. Conner, Irish Connie, a male Connie, LA, CA, born just 2 years ahead of me, U.S. Army corporal, died while prisoner of war, December 6, 1950. Top kick. U.S. Army Sfc. Billy James Allen, Norton, KS, born 1921, killed in action December 6. All of these are in the same unit. Doyle L. Smith, born 1931, U.S. Army corporal, died of

wounds while missing in action, this is one of the ones left behind, the 1,200 of which 5- or 6-, 7-, 900 were left behind, the wounded and the ones with amputations or mental trauma from torture and exposure. Clyde E. McElroy, Montgomery, PA, born 1930. I wish I could do this in front of the Congress on the exact 46th anniversary next month or in 2 months. He was born 1930, Clyde McElroy, corporal, died of wounds while missing in action, December 6. Harold L. Hodge, Adams, WI, born 1922, a captain, killed in action, December 6, 1950, 28-year-old young captain. Beverly E. Russell, Frederick, VA, born 1930, corporal, died of wounds while missing in action, what a tragedy. Let me show that report again, Mr. Speaker. The transfer of U.S. Korean war POW's to the Soviet Union, suppressed from the families after 3 years. It is an August 26, 1993 report.

I used the word ''beg'' twice on the floor today, my staff tells me, my wife tells me. It is kind of sad, after 20 years I have to beg my Speaker to put the MIA-POW Protection Act, restoring into law what the families want into the CR, the appropriations continuing resolution, or any one of the Senators can blackball it, one human being, as though they in and of themselves are a parliament. Strange way the Senate has evolved. I had some scholars tell me today it was not meant to be that way, 100 independent people blocking a House vote of 404 to zero.

Mr. Speaker, last night I mentioned some books on the floor. It is up to 12 now on Clinton: ''On the Make,'' Meredith Oakley; ''The Agenda,'' Bob Woodward; First in His Class, meaning a baby boomer to get power, he never graduated first in his class in anything academically; ''Inside the White House,'' as the Brits would say, it is poor form, it is unseemly to use foul language in front of the help and to throw things at one another in front of the help, that is a fascinating book; then a book called ''Clinton,'' by George Carposi, who now has a fascinating article out that Ross Perot was in collusion with Hillary Clinton even before the election to socialize medicine in this country. I will call Ross to see if there is any truth in George Carposi Jr.'s article, but he did the definitive reporting in the book, ''Clinton, the Confidential Story.'' He really found all the mysteries and exposed them on the Prague-Moscow trip. ''Blood Sport,'' James T. Stewart, hired by the Clintons to kind of blow away the whole Whitewater thing. Like Joe McGinnis writing about the Green Beret, Dr. McDonald who killed his family, he switched in the middle of it when he looked at the evidence and changed his mind completely, James Stewart's ''Blood Sport.''

Then next to come out in order was ''Primary Colors''. We now know it is by Joe Klein. Then came ''The Choice'' by Woodward again. Then came ''Boy Clinton'' Bob Turow, Jr. who publishes American Spectator. Then ''Unlimited Access'' comes out. Then came ''Partners in Power,'' page 325, which gave its name to book number 12 by Floyd Brown, a ''Nose like a Vacuum,'' yes, ''Nose like a Vacuum.'' There they are, 12 books.

If any American reads one of them and they are thinking of voting for Clinton, they will pause. They probably will not, but if they read 2, I do not know any American who can read 2 or 3 of these 12 books that would not either abstain, if they cannot stomach voting for a war hero like Bob Dole, or they would start supporting Bob Dole and then support their local Democrats for other offices maybe. But this is amazing.

I will close with this tonight. The debate on partial birth abortion. I dedicate the closing 5 minutes to my wife, Sally. She begged me to point out the ignominious way this Congress closed with these debates on infanticide.

My wife said, call Kevorkian what he is, a serial killer, a serial murderer. Euthanasia is Greek for death with dignity. He is a serial killer. Any abortionist is a first degree serial murderer if he gives birth to a baby, breach block, which is a distressful situation, and takes out 80 percent of the body, holds the baby's head and stabs it in the back of the head, murdering it while he is looking at the arms and legs flailing.

I will ask unanimous consent to put all of these James Dobson, Paul Weyrich, stunning quotes in this, you could not hear a pin drop in the Senate and a baby screamed from the hall. Everyone was silent for about 30 seconds.

The SPEAKER pro tempore. Without objection, according to the rules of the House.

There was no objection.

Mr. DORNAN. Mr. Speaker, I thank the Chair.

And then, impossibly, in an already hushed gallery, in one of those moments when the floor of the Senate looks like a stage set, with its rich wooden desks somehow too small for the matters at hand, the cry of a baby pierced the room, echoing across the chamber from an outside hallway.

No one mentioned the cry, but for a few seconds no one spoke at all.

I truly fear that infanticide—legal infanticide—will not be far behind,'' said the archbishop of Philadelphia, Cardinal Anthony Bevilacqua. ''No nation, no civilization that loses its moral life, that murders its children, can possibly survive.''

A nation which sanctions infanticide is no better than China, Colson said, no better than Nazi Germany.

If it seemed the language could not get hotter, it did: Standing in the antechamber, of Majority Leader Trent Lott's office; in the very room where senators cast 34 ballots before choosing Thomas Jefferson over Aaron Burr for president, the Rev. Richard John Neuhaus, a prominent Catholic writer and pastor, said, ''It is not hyperbole to say that we are at a point at which millions of conscientious American citizens are reflecting upon whether this is a legitimate regime. That is the solemn moment we have reached.''

Mr. STUPAK. Mr. Speaker, the gentleman asked for unanimous consent. I stand to object if the gentleman is going to put that extraneous material into the RECORD.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman's objection is untimely.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUPAK. Mr. Speaker, the Chair indicated that the extraneous material which is proposed to be put into the RECORD would be in accordance with the rules of the House; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. STUPAK. In particular, it would be in accordance with the rules of the House, in particular rules XVII and XVIII concerning Special Orders and the insertion, if I may quote from the footnotes thereafter, a Member may not read or put forth extraneous material critical of Members, and it goes on to include the President or the Presidential family. Would that be a correct parliamentary inquiry as to the wishes or the directions of the Chair?

The SPEAKER pro tempore. It would be in accordance to all rules of the House, particularly in reference to clause (1) of rule XIV of the rules of the House, avoiding personalities.

Mr. STUPAK. With that direction from the Chair, I will withdraw any objection I may have.

Daily Digest

HIGHLIGHTS

House agreed to FAA Authorization Conference Report.

House agreed to Coast Guard Authorization Conference Report.

House took action on 28 measures.

Senate

Chamber Action

Routine Proceedings, pages S11469–S11609

Measures Introduced: Seventeen bills and two resolutions were introduced, as follows: S. 2136–2152, and S. Con. Res. 72 and 73.

Pages S11539–40

Measures Passed:

FERC Project Extension: Senate passed H.R. 2501, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 1014, to authorize extension of time limitation for a FERC-issued hydroelectric license, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 1290, to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 657, to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 2695, to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 1011, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 1335, to provide for the extension of a hydroelectric project located in the State of West Virginia, clearing the bill for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 1366, to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project, clearing the measure for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 2773, to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, clearing the measure for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 680, to extend the time for construction of certain FERC licensed hydro projects, clearing the measure for the President. **Page S11571**

FERC Project Extension: Senate passed H.R. 2630, to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, clearing the measure for the President.

Pages S11571–72

FERC Project Extension: Senate passed H.R. 2816, to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, clearing the measure for the President.

Pages S11571–72

FERC Project Extension: Senate passed H.R. 2869, to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky, clearing the measure for the President.

Pages S11571–72

FERC Project Extension: Senate passed S. 737, to extend the deadlines applicable to certain hydroelectric projects, after agreeing to the following amendment proposed thereto: **Pages S11572–73**

Nickles (for Murkowski) Amendment No. 5412, in the nature of a substitute. **Pages S11572–73**

Portrait Monument Relocation: Senate agreed to H. Con. Res. 216, providing for relocation of the Portrait Monument. **Page S11573**

Medicaid Certification Act: Senate passed H.R. 1791, to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, clearing the measure for the President. **Page S11573**

David H. Pryor Post Office Building: Senate passed H.R. 3877, to designate the United States Post Office building in Camden, Arkansas, as the "Honorable David H. Pryor Post Office Building", clearing the measure for the President. **Page S11573**

Federal Aid Highway Exemption: Senate passed H.R. 2988, to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency rules, clearing the measure for the President. **Page S11583**

Extension of Free Trade Benefits to the West Bank and Gaza Strip: Senate passed H.R. 3074, to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone, after rejecting the committee amendment in the nature of a substitute, thus clearing the measure for the President. **Pages S11583–S11604**

Journeyman Boxers Safety: Senate passed H.R. 4167, to provide for the safety of journeyman boxers, clearing the measure for the President. **Page S11605**

Water Resources Development Act—Conference Report: Senate agreed to the conference report on S. 640, to provide for the conservation and development of water and related resources, and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, clearing the measure for the President. **Pages S11519–27**

Child Abuse Prevention and Treatment Act: Senate concurred in the amendment of the House to S. 919, to modify and reauthorize the Child Abuse Prevention and Treatment Act, clearing the measure for the President. **Pages S11573–82**

Water Desalinization Research and Development Act: Senate concurred in the amendments of the House to S. 811, to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, clearing the measure for the President. **Pages S11582–83**

False Statements Penalty Restoration Act: Senate concurred in the amendment of the House to the amendments of the Senate to H.R. 3166, to prohibit false statements to Congress, and to clarify congressional authority to obtain truthful testimony, clearing the measure for the President. **Pages S11605–09**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the annual report of the Railroad Retirement Board for fiscal year 1995; referred to the Committee on Labor and Human Resources. (PM–172). **Page S11537**

Transmitting the annual report of the Federal Labor Relations Authority for fiscal year 1995; referred to the Committee on Governmental Affairs. (PM–173). **Page S11537**

Transmitting, a draft of proposed legislation entitled "The Family-Friendly Workplace Act of 1996"; to the Committee on Labor and Human Resources. (PM–174). **Page S11537**

Nominations Received: Senate received the following nominations: Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 1999.

Routine lists in the Coast Guard, Marine Corps. **Page S11609**

Messages From the President: **Page S11537**

Messages From the House: **Pages S11537–38**

Measures Referred: **Page S11538**

Measures Read First Time: **Page S11538**

Communications: **Page S11539**

Statements on Introduced Bills: **Pages S11540–57**

Additional Cosponsors: **Pages S11557–58**

Amendments Submitted: **Page S11559**

Additional Statements: **Pages S11560–61**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:54 p.m., until 10 a.m., on Saturday, September 28, 1996. (For Senate's program, see the remarks of the Assistant Majority Leader in today's Record on page S11609.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 45 public bills, H.R. 4228–4272; 1 private bill, H.R. 4273; and 11 resolutions, H. Con. Res. 224–228, and H. Res. 544–545, 547–550, were introduced. **Pages H11525–27**

Reports Filed: Reports were filed as follows:

Conference report on S. 1004, to authorize appropriations for the United States Coast Guard (H. Rept. 104–854);

H. Res. 546, providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die (H. Rept. 104–855);

H.R. 4067, to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives, amended (H. Rept. 104–856);

Year 2000 Computer Software Conversion: Summary of Oversight Findings and Recommendations (H. Rept. 104–857); and

Crude Oil Undervaluation: The Ineffective Response of the Minerals Management Service (H. Rept. 104–858). **Pages H11485–H11524, H11525**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Inglis of South Carolina to act as Speaker pro tempore for today. **Page H11397**

Order of Business: Pursuant to H. Res. 525, the rule providing for expedited procedures for the remainder of the 2nd Session of the 104th Congress:

Representative Mica announced the consideration today of H. Con. Res. 218; **Page H11408**

Representative Linder announced the consideration today of H.R. 4000, H.R. 4041, H.R. 3219, S. 1004, S. 1505, H.R. 2729, and S. 1972; **Page H11466**

Representative Longley announced the consideration today of S. 1918; and **Page H11467**

Representative Goodling announced the consideration today of H.R. 4139. **Page H11476**

FAA Authorization: By a yea-and-nay vote of 218 yeas to 198 nays, Roll No. 446, the House agreed to the conference report on H.R. 3539, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration. **Pages H11455–66**

H. Res. 540, the rule waiving points of order against consideration of the conference report, was agreed to earlier by a yea-and-nay vote of 222 yeas to 187 nays, Roll No. 445. **Pages H11452–55**

Suspensions: The House voted to suspend the rules and take the following actions:

Health Centers Consolidation: Passed S. 1044, to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers; **Pages H11402–08**

Historical Records Commission: Passed S. 1577, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001. **Pages H11408–09**

Walhalla National Fish Hatchery: Agreed to the Senate amendments to H.R. 3546, to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina—clearing the measure for the President. **Page H11410**

Indian Health Care Improvement: Agreed to H. Res. 544, providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3378, to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors. **Pages H11416–18**

Fishery Conservation: Passed S. 39, to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management—clearing the measure for the President (passed by a yea-and-nay vote of 384 yeas to 30 nays, Roll No. 448); **Pages H11418–45, H11468–69**

Supreme Court Security: Passed H.R. 4164, to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; **Pages H11445–46**

Dispute Resolution: Passed H.R. 4194, to reauthorize alternative means of dispute resolution in the Federal administrative process; **Pages H11446–52**

Dos Palos, California Land Conveyance: Passed H.R. 4041, to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school; **Pages H11469–70**

Restoring POW/MIA Provisions: Passed H.R. 4000, amended, to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 (passed by a yea-and-nay vote of 404 yeas, Roll No. 449); **Pages H11470–76, H11540–41**

Older Americans Act Relating to Indians: Passed S. 1972, to amend the Older Americans Act of 1965 to improve the provisions relating to Indians; **Pages H11476–85**

Bass Conservation: Passed H.R. 4139, to reauthorize and amend the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act. **Pages H11529–30**

Pipeline Transportation: Passed S. 1505, to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids (passed by a yea and nay vote of 276 yeas to 125 nays, Roll No. 450)—clearing the measure for the President; **Pages H11530–40, H11541**

Suspension Failed:

National Underground Railroad Center: House failed to suspend the rules and pass H.R. 4073, to authorize the National Park Service to coordinate programs with, provide technical assistance to, and enter into cooperative agreements with, the National Underground Railroad Freedom Center in Cincinnati, Ohio (failed to pass by a yea-and-nay vote of 244 yeas to 170 nays, Roll No. 447, two-thirds required to pass). **Pages H11410–16, H11468**

Unanimous-Consent Consideration: By unanimous consent, the House agreed to consider the following measures:

Supreme Court Security: House passed S. 2100, to provide for the extension of certain authority for the Marshall of the Supreme Court and the Supreme Court Police. Subsequently H. 4164, a similar House-passed bill was laid on the table—clearing the measure for the President; **Pages H11445–46**

Coast Guard Authorization: Agreed to the conference report on S. 1004, to authorize appropriations for fiscal year 1996 for the Coast Guard; **Pages H11485–H11524**

Operation Sail: Passed S.J. Res. 64, to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship. **Pages H11546–47**

Civil Service Reform: Passed H.R. 3841, to amend the civil service laws of the United States. Agreed to the Mica amendment in the nature of a substitute that strikes section 201 dealing with seniority and performance in a reduction-in-force; **Pages H11547–65**

L. Clure Morton United States Post Office Courthouse: Passed S. 1931, to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office Courthouse"; **Page H11565**

Ted Weiss United States Courthouse: Passed H.R. 4042, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse"; **Pages H11565–67**

William Augustus Bootle Federal Building and United States Courthouse: Passed H.R. 4119, to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse"; **Pages H11567–68**

Carl B. Stokes United States Courthouse: Passed H.R. 4133, to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse"; **Pages H11568–71**

Robert Kurtz Rodibaugh Bankruptcy Courthouse: Passed H.R. 3576, to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert Kurtz Rodibaugh United States Courthouse". Agreed to the committee amendment, and agreed to amend the title. Earlier, vacated the proceedings on the passage of the bill on September 26; and **Pages H11571–72**

Martin Luther King, Jr. Memorial: Passed H.J. Res. 70, A joint resolution authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs. **Pages H11572–73**

Senate Bill Returned: House agreed to H. Res. 545, returning to the Senate, S. 1311, to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports. **Pages H11466–67**

Presidential Messages: Read the following messages from the President:

Railroad Retirement Board: Message wherein he transmits his annual report of the Railroad Retirement Board—referred to the Committees on Transportation and Infrastructure, and Ways and Means; **Page H11469**

Federal Labor Relations Authority: Message wherein he transmits his annual report of the Federal Labor Relations Authority—referred to the Committee on Government Reform and Oversight; and **Page H11469**

Legislative Proposal: Message wherein he transmits his proposed legislation on the Family Friendly Workplace Act of 1996—referred to the Committee

on Economic and Educational Opportunities and ordered printed (H. Doc. 104–270). **Page H11469**

Private Calendar: On the call of the Private Calendar, the House passed the following bills:

Sent to the Senate, amended: H.R. 1031 and H.R. 1087.

Passed over without prejudice: H.R. 4025.

Pages H11545–46

Committee Resignation: Read a letter from Representative Richardson wherein he resigns as a member of the Permanent Select Committee on Intelligence. **Page H11567**

Subsequently, the Chair announced the Speaker's appointment of Representative Harman to the Permanent Select Committee on Intelligence.

Page H11567

Legislative Program: Pursuant to H.Res. 525, the rule providing for expedited procedures for the remainder of the 2nd Session of the 104th Congress, Representative Wolf announced measures for consideration under suspension of the rules for Saturday, September 28: H.R. 4233, Metric Conversion; S. 1918, Normal Trade Relations; H.R. 3219, Native American Housing, and H.R. 4088, Stanislaus County, California Land Conveyance. **Page H11573**

Senate Messages: Messages received from the Senate appear on pages H11397–98.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of the House today and are found on pages H11454–55, H11466, H11468, H11468–69, H11540–41, and H11541. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 10:24 p.m.

Committee Meetings

COMMITTEE BUSINESS

Committee on Commerce: Subcommittee on Oversight and Investigations met and approved pending Subcommittee business.

POLITICAL MURDERS IN HAITI

Committee on International Relations: Concluded hearings on Administration Actions and Political Murders in Haiti: Part II. Testimony was heard from Representatives Kennedy of Massachusetts, Foglietta and Conyers; the following officials of the Department of State: Eric J. Boswell, Assistant Secretary, Diplomatic Security; Joseph Sullivan, Special Haiti Coordinator; and Ambassador William L. Swing, U.S. Ambassador to Haiti.

BALLISTIC MISSILE DEFENSE PLANS

Commitee on National Security: Subcommittee on Military Procurement and Subcommittee on Military Research and Development held a joint hearing on Ballistic Missile Defense plans, programs, and policies. Testimony was heard from the following officials of the Department of Defense: Paul Kaminski, Under Secretary, Acquisition and Technology; and Gen. William Ralston, USAF, Vice Chairman, Joint Chiefs of Staff; and public witnesses.

CERTAIN RESOLUTIONS IN PREPARATION FOR SINE DIE ADJOURNMENT

Committee on Rules: Granted, by voice vote, a rule providing for the consideration of certain resolutions for the adjournment sine die of the second session of the 104th Congress. These include: (1) a joint resolution waiving certain enrollment requirements for any appropriations bill, subject to one-hour of consideration in the House; (2) a joint resolution appointing the day for the convening of the first session of the 105th Congress and a day for counting the electoral votes for President and Vice President, subject to one-hour of debate in the House; (3) the self-executed adoption of a House resolution authorizing the commencement of organizing caucuses for the 105th Congress on or after November 15, 1996; (4) the self-executed adoption of a House resolution providing for the printing of a revised edition of the House Rules and Manual for the 105th Congress; (6) authorizing the filing of committee investigative reports after the adjournment sine die of the second session; (6) authorizing the filing and printing of committee activity reports; (7) authorizing the Speaker and Minority Leader to accept resignations and make certain appointments following the adjournment sine die of the 104th Congress; (8) authorizing committee and subcommittee chairmen and ranking minority members to revise and extend their remarks in the Record summarizing the work of their committees; and (9) authorizing all House Members to revise and extend their remarks in the Record on matters that occur prior to the sine die adjournment of the second session.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

MISCELLANEOUS MEASURES AND RESOLUTIONS

Committee on Transportation and Infrastructure: Ordered reported the following bills: S. 1931, to provide that the U.S. Post Office building that is to be located at 9 East Broad Street, Cookeville, TN, shall be known and designated as the "L. Clure Morton Post Office and Courthouse"; H.R. 4042, to designate the

U.S. courthouse located at 500 Pearl Street in New York City, NY, as the ''Ted Weiss United States Courthouse''; H.R. 4119, to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the ''William Augustus Bootle Federal Building and United States Courthouse''; and H.R. 4113, to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the ''Carl B. Stokes United States Courthouse.''

The Committee also approved the following resolutions: 18 lease; 12 construction; and 5 site acquisition.

Joint Meetings

AUTHORIZATION—U.S. COAST GUARD

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 1004, to authorize appropriations for the United States Coast Guard.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D1013)*

H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997. Signed September 26, 1996. (P.L. 104–204)

CONGRESSIONAL PROGRAM AHEAD

Week of September 30 through October 5, 1996

Senate Chamber

On *Monday,* Senate is scheduled to vote on a motion to close further debate on the conference report on H.R. 2202, Illegal Immigration Reform.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: October 2, to hold hearings to examine renewable fuels and the future security of United States energy supplies, 9 a.m., SD–628.

Committee on Environment and Public Works: October 2, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold oversight hearings to examine the Federal Emergency Management Agency response to Hurricane Fran, 9:30 a.m., SD–406.

Committee on Foreign Relations: October 1, Subcommittee on European Affairs, to hold hearings to examine the current situation in Bosnia, 9:30 a.m., SD–419.

Committee on the Judiciary: October 2, Subcommittee on Immigration, to hold oversight hearings on activities of the Immigration and Naturalization Service, 10 a.m., SD–226.

Committee on Indian Affairs: October 2, to hold oversight hearings on the regulatory activities of the National Indian Gaming Commission, 9:30 a.m., SH–216.

Select Committee on Intelligence: September 30, closed business meeting, to consider pending committee business, 4:30 p.m., S–216, Capitol.

House Committees

Committee on Government Reform and Oversight, October 1, Subcommittee on National Security, International Affairs and Criminal Justice, hearing on Review of Internal Administration Study Critical of the Administration's Drug Policy, and White House Suppression of Study, 10 a.m., 2154 Rayburn.

October 3, Subcommittee on Civil Service, hearing on Campaigning at Taxpayer Expense: Politicizing the Federal Workplace, 9 a.m., 2154 Rayburn.

October 3, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on White House Data Base (WhoDB), 10 a.m., 2247 Longworth.

Next Meeting of the SENATE

10 a.m., Saturday, September 28

Senate Chamber

Program for Saturday: Senate will consider any items cleared for consideration.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m. Saturday, September 28

House Chamber

Program for Saturday: Consideration of 4 Suspensions:

1. H.R. 4233, Metric Conversion;
2. S. 1918, Normal Trade Relations;
3. H.R. 3219, Native American Housing; and
4. H.R. 4088, Stanislaus County, California Land Conveyance.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.