HOUSE OF REPRESENTATIVES—*Sunday, October 4, 1992*

The House met at 2 p.m.

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

We gather this day with the weariness of the week and many tasks to be accomplished, and we pray, Almighty God, that each person receive the strength and the patience and the attitude of respect that is so essential for this community. We know of the pressures of the moment and the tensions of the days ahead and yet at this time we come together in prayer to express our thanksgiving for the opportunities we have to be of service to others and the gratitude we can express for the trust that comes with public service. We pray, gracious God, that we will be worthy of the high calling we have received and be faithful stewards of the responsibilities before us. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts [Mr. MARKEY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MARKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he will receive not more than four 1-minute requests on each side.

PRESIDENTIAL VETO OF S. 12, CABLE CONSUMER PROTECTION AND COMPETITION ACT OF 1992

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

Mr. MARKEY. Mr. Speaker, President Bush's veto yesterday of the cable bill is mystifying because this issue is not an example of partisan politics. It is baffling because the bill is not special interest legislation. The veto is merely the final scene of the "Shootout at the Cable Corral," where on one side you have unprotected consumers and on the other you have the monopolist cable industry.

The cable bill represents bipartisan legislation. It was carefully crafted by Republican and Democratic House and Senate Members to control rates for consumers, who have seen their rates skyrocket 61 percent since 1986.

It is worth noting that the Consumer Federation of America has estimated that consumers currently are being charged $6 billion more for cable service every year than they ought to be because cable is unregulated and can reap monopoly rents. The Federal Communications Commission has said that if competition existed to the cable monopolies, consumers would save $5.3 billion.

The cable bill allows Americans to reap those savings immediately through the rate controls, and ultimately through the advent of viable competition to cable.

So I urge my colleagues to remember this tomorrow when we vote again on the bill. The $1 billion savings this bill will ultimately reap go right into the pockets of 60 million hard-working Americans who subscribe to cable television.

REPEAL THE EARNINGS LIMITATION

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

Mr. GILLMOR. Mr. Speaker, as an original cosponsor of the Older Americans Freedom To Work Act, I would like to express my disappointment with the continued failure of Congress to repeal the earnings limitation placed upon Social Security recipients between ages 65 and 69.

The earnings limitation unfairly penalizes senior citizens who remain active in the work force. In 1991, a senior could earn only $9,720 before beginning to lose Social Security benefits. This amounts to age discrimination. The earnings cap discourages seniors from pursuing opportunities and additional financial security once they reach age 65.

I believe that if a person chooses to remain actively involved in the community, we should offer every encouragement. The Social Security earnings cap sends a message to seniors that we think they have nothing left to offer our communities. I could not disagree more strongly. I ask my colleagues to join me in supporting the repeal of this discriminatory provision.

URGING OVERRIDE OF CABLE BILL VETO

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

Mr. MAZZOLI. Mr. Speaker, I am perplexed. I will concede that I was up until late last night, and perhaps I have not been able to focus this morning yet but, I am perplexed as to why the President has vetoed the cable bill. That is a pro-people bill. That is a pro-consumer bill. Above all, it is a pro-competition bill. These are all the things the President stands for.

We all know what the cable bill will do. It will again cause rates to be regulated. It will provide competition by allowing signals to reach the households other than across the strung cable. It will allow people to have a freer choice of programming, and, I think with competition, there would be a lowering of the prices and the fees. It will set standards for cable companies for consumer services and customer relations.

I believe this veto is another of the unnecessary vetoes of the President, and this veto, for the people of America, should be overriden by Congress.

CONGRESS MUST PASS A CRIME BILL

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

Mr. GILMAN. Mr. Speaker, earlier in the 102d Congress, the House passed the conference report for the omnibus crime bill. The conference report on the crime bill contains measures to assist our Federal, State, and local law enforcement agencies in fulfilling their responsibilities in protecting our lives and property.

In addition, Mr. Speaker, the crime bill contains tough anticrime measures and expands Federal penalties to a range of crimes. Of particular importance, the bill mandates tough penalties for a number of drug crimes and drug-related crimes, including drive-by shootings. The crime measure also contains the Brady bill, a measure to provide law enforcement with an important tool to enforce Federal law, banning the sale of handguns to felons.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Speaker, it is regrettable that the crime bill has become tied up in the other body. Our constituents are understandably impatient with Congress. Hopefully, we will convince the other body to enact this bill before adjournment. We need a tough crime bill that strengthens our fight against drugs. The American people are demanding that we pass such legislation. Let us pass it now.

AMERICA NEEDS AN EDUCATION REFORM BILL

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my distress over the recent action on the education reform bill. This bill, which would have constituted a positive step toward real reform and improvement in our Nation's schools, instead became a victim of partisan election year politics.

As you know, this House passed the Neighborhood Schools Improvement Act conference report with little enthusiasm and a filibuster in the other body has now killed the bill.

Mr. Speaker, I know I am not the only Member who has worked hard locally in my district to promote education reform. I am not the only Member who thinks the Federal Government can help our local school systems look forward to the educational demands of the future. Nor am I the only Member who thinks we need to take a long, hard look at our existing system and assist local educators in improving it.

But, Mr. Speaker, am I the only Member who thinks that the education of our children is too important to degenerate into a partisan political issue? Am I the only Member who thinks that of all the things we can do for our children, providing them with the opportunity for a quality education should be considered among the most important?

I sincerely hope that next year, we can set aside partisanship and pass an education reform bill that will encourage innovation in education and help improve our schools for the needs of the children of the 21st century.

□ 1410

EDUCATING THE NEXT GENERATION

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

Mr. SCHEUER. Mr. Speaker, I would say to my colleague, the gentleman from Florida [Mr. BILIRAKIS] no, he is not the only Member who feels deeply that Congress has not lived up to its responsibility to care for the education of the next generation of Americans.

As the 102d Congress approaches its waning days and hours, and as my congressional career is doing the same with 2 days to go, I must confess that the one deeply held regret I have is that Congress has not risen to the challenge of educating its young people, including the two-thirds or three-quarters of the American youngsters who are not college bound, but who will be producing the things that America is going to see in international trade, the goods, the services that will make us prosperous and make us productive and great. They are not competitive with young people from all over the world in the industrialized countries, and even in some less developed countries.

Mr. Speaker, our Congress in the last couple of years has completed cost-benefit studies of what the returns are to society from an investment in Head Start for the kids who are on the cutting edge of education failure, as well as postsecondary education, and the cost-benefit figures are phenomenal, indicating a rate of $7 to $12 back for every dollar of Government investment.

I hope the next President, whoever he is, will put educating American kids as the topmost item on the national agenda.

No leader in America has been more eloquent on the need to improve the skill and education levels of our youth than Governor Clinton. He testified brilliantly at a hearing of the Joint Economic Committee, which I chaired, when we were investigating the changes in American society that had to be made in order to produce an educated, competent, skilled work force, a work force that could compete effectively in producing goods and services in the global marketplace.

He was especially eloquent in articulating the need to upgrade the quality of vocational education for the two-thirds of the American youth who were not college bound. He advocated significant additional investment in training noncollege-bound youth at the secondary school level and making available to them the high-technology machinery and equipment that is available in Europe and Japan for industrial arts degree students.

Governor Clinton has shown deep commitment and resolve to improving education, expanding the Head Start Program for 3-, 4-, and 5-year-olds, enriching elementary and secondary education for college bound and non-college-bound youth, and providing an opportunity for a postsecondary education to every student who has the desire to have such an education.

Governor Clinton's election would be a shot in the arm for education.

ANGEL OF THE WORLD

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

Mr. LEWIS of Florida. Mr. Speaker, while some may doubt angels would venture into this Chamber they are present for the 10th time today. I am honored to present to my colleagues the 10th edition Angel of the World, Billy, the all American.

The residents of T&M Ranch in Indiantown, FL, have invited me to share their 1992 effort and final edition of this series.

These beautiful Christmas ornaments are produced by mentally handicapped adults residing at this special ranch.

Through projects like this residents are taught vocational skills allowing them to become working members of their communities.

While they have never sought praise let me acknowledge some special people behind the angels:

Bill Taylor, Susan Padgett, Jan Davisson, and all the staff who lovingly run the T&M Ranch; Bob Dittmer for his commitment; Laszlo Ispanky for creating the angel series, and Bill Brooks, general manager of WPTV, for his personal interest and support of this project.

Through this commitment a nonprofit foundation with no budget and all volunteers has survived and produced this gift creating not only revenue but a spirit of independence and self-worth money can't buy. On behalf of Congress, the President, and the Cabinet, I thank the T&M Ranch for enriching our lives these past 10 years. Congratulations and best wishes in your future endeavors.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5427, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. DERRICK, from the Committee on Rules, reported the following privileged resolution (H. Res. 599, Rept. No. 102–1008), which was referred to the House Calendar and ordered to be printed:

H. RES. 599

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 599 and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 599 provides for the consideration of the conference report on H.R. 5427, legislation to make appropriations for the legislative branch for the fiscal year ending September 30, 1993.

The rule waives points of order against the conference report on H.R. 5427 and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, swift passage of this rule will allow us to consider the conference report on H.R. 5427. With the passage of the legislative branch appropriations, Mr. Speaker, this body will have only two additional appropriations matters to complete before adjournment.

This conference report provides vast reductions over the fiscal year 1992 bill and over the estimates for fiscal year 1993. It is responsible and balanced and I urge the adoption of this rule and of the conference report.

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

Mr. Speaker, just briefly, this rule does waive all points of order to permit the House to consider the legislative branch appropriations. And while I have some reservations about a broad waiver of points of order, I am prepared to support this rule in order to move this necessary piece of legislation so late in the session.

The outlay level provided in the bill is 6.5 percent less than the outlay amount for fiscal year 1992.

And in addition, this is very important, the Hamilton-Gradison Joint Committee on the organization of Congress is authorized until December 31, 1993, that is over a year from now, by this conference agreement.

I would just point out that the Republican Members on both the Senate and House sides have been appointed, and I would hope that before this day is out perhaps the Speaker would appoint the Democrats in the House, and then we can push the majority leader over in the Senate to do the same.

The other important issue to mention is that there is one significant piece of legislation in this appropriation bill. It is legislation to deal with a court decision dealing with fruit growing that happens to be a very, very important industry in this country, particularly in the Hudson Basin that I represent. This will be very beneficial.

So I support the rule so that the House may proceed to consideration of this legislative appropriation.

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

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1420

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on consideration of the conference report to the bill, H.R. 5427, making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes, and that I may also include extraneous and tabular material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5427, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

Mr. FAZIO. Mr. Speaker, pursuant to House Resolution 599, I call up the conference report on the bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 599, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 3, 1992, page 31241.)

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

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

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

Mr. Speaker, I would like to begin, first of all, by speaking to the fact that three very, very prominent members of my subcommittee will not be back next year, one being that slot next to me in subcommittee seniority held by the gentleman from Florida [Mr. SMITH]. Then there is a longstanding colleague who is retiring, the gentleman from Michigan [Mr. TRAXLER], a good friend of mine and a contributor to the work of this subcommittee for many years. Finally, there is the one further down on the subcommittee held by the gentleman from Florida [Mr. LEHMAN]. They have all been great members, have made stellar contributions, and our subcommittee will miss them very much.

I also pay tribute to all the members of our subcommittee who contributed so much this year.

The gentleman from California [Mr. LEWIS], the ranking Republican on this subcommittee, has worked diligently to pursue the goals of his conference and the ideology of his party; but he has worked also very cooperatively for the best interests of this institution. We have together brought to the floor this afternoon, I think, a very successful conference. Forty amendments to the House bill have all been resolved. They are all, as the rule permits, inside the conference report.

I will, for the record, include a table showing the details of that conference agreement.

Our toughest problem was to reduce spending while at the same time providing the resources necessary for this very important legislative branch to carry out its responsibility as one of the coequal powers as envisioned by our Founding Fathers when they drafted the Constitution.

We have shown maximum restraint on legislative spending. We have applied higher standards to our own budget, frankly, than the administration applied to their administrative budget.

For example, part of the Botanic Garden had to be torn down due to structural weakness. The conferees had to determine how to get started with the restoration without breaching the budget limits.

For example, we could only provide for 1,800 less House staff than was authorized. That will not be an easy task for Members and others in this institution to absorb, but we did it.

We also had to balance the needs of the legislative branch agencies, such as the Library of Congress and the General Accounting Office, both of these institutions are very important to the country at large with values that go far beyond those of the Congress, the House or the Senate.

We did find some additional funds for the Library of Congress over last year in this bill; we wish we could have done more.

The GAO, a legislative agency designed to ferret out fraud, waste, and abuse, met with budget restraints; a $7 million reduction below the House bill. But I think the GAO is up to the task of continuing to increase their productivity and continue to make contributions to the effective management of Government across the spectrum.

Specifically, the conference agreement on budget authority is $2.27 bil-

lion. That is a 16-percent cut, a $395 million cut below the budget requests made to us. It is $53 million below our own committee's allocation to the Subcommittee on the Legislative Branch, the so-called 602(b) budget resolution target. It is $28.7 million below the 1992 level of budget authority. That is 1¼ percent below last year.

The conference budget authority, compared to the House bill, is as follows: The bill we sent to the Senate did not have funds for Senate operations, obviously. Through comity, we allowed that figure to be placed in the bill by the other body. The bill was then $32.2 million below 1992, or 1.8 percent below 1992.

We are still far below a freeze. But a scorekeeping change after House floor passage made our job more difficult in the meantime. We rescinded, as some of you may remember, $40 million in House and Senate mail funds in the rescission bill passed in response to the President's request several months ago.

That had the effect of lowering the 1992 base, which we were trying to freeze, making it more difficult to meet that objective. But I might say that if we had not made that intervening rescission, if we had not contributed to the overall reduction in Federal spending, the conference bill would be some $68.1 million below 1992, almost 3 percent below 1992.

In outlays, which is really what counts in terms of fighting the deficit, the expenditures from the appropriations in the bill will be down by $11 million below the 1992 bill. The bill we sent to the Senate was $95 million under 1992 in new outlays. This outlay reduction would be 5.4 percent.

But we have another category: total outlays. That is the concept that brings in expenditures that will be made in 1993 that result from appropriations made in prior years. That, for example, would include the construction projects on the west front of the Capitol, the restoration of the Library of Congress, et cetera.

So this is very important. According to the CBO, this conference agreement is $150 million below 1992 in total outlays, or a 6.5-percent reduction in total outlays under last year. I think that is a particularly important figure because I know Members are absolutely committed to coming back with something less than 5 percent. We do that in every sense. But I am particularly focused on giving the Members the impression, an impression that is accurate, that we have cut 6.5 percent in outlays over last year.

The House bill that was sent to the Senate was $109 million below 1992, and we are now at $150 million, based on current CBO estimates.

There are a number of other matters that I think we can place in the RECORD that show comparisons between the House and the conference report between the House and the Senate and between the House and the executive branch, specifically the executive branch, specifically the Executive Office of the President.

I also think, however, it is important to point out at this point that this institution continues to have its reputation besmirched by people who do not look at the facts. I would like to lay some of them out.

First of all, the legislative branch has not experienced the explosive staff growth that has been alleged. Between 1979 and the year ending 1991, the legislative branch has declined from 39,099 people to 38,251. That is a 2.2-percent decline in staff.

During the same period, the executive branch staff has increased by over 210,000 employees. That is not a comparable decline, obviously; it is an increase of 7.4 percent. Between 1979 and 1993's budgets, we have held the legislative branch to virtually zero growth in constant dollars, nine-tenths of 1 percent. The executive branch budget has grown by 34 percent in constant dollars; that is real growth as well. This is an apples-and-apples comparison. The legislative budget has been tightly constrained, and that hardly ever gets reported to the American people.

It would be interesting to look at how the deficit would have been affected by similar rates of increase between what the executive branch was asking for and permitted to have, and what we have done to ourselves here in the legislative branch.

Our 1993 Federal deficit has been estimated to be about $350 billion.

□ 1430

If the Federal budget had grown at the same virtually level growth of the legislative branch since 1979, we would have a surplus, a surplus, Mr. Speaker, in 1993 of $113 billion, not a deficit of $350 billion.

Since 1979, Federal budgets have accumulated deficits of $2.8 trillion, but if the Federal budget had grown at the legislative branch rate, we would have had no increase in Federal debt and would have had an accumulated surplus of $106 billion.

I make these points not simply for debating points, but simply because I want on the record to show the restraint that has existed here in the Congress.

In this bill, we have gone for another mail rescission of $21 million. We have eliminated all carryover balances that we know about. If more results when the books for 1992 are closed, we will see if they can be rescinded as well.

We have also, and I think this is very important because, a number of Members have come to me and asked for assistance in this area, we have instructed the Architect of the Capitol to obtain proposals from the local electric utility for a lighting retrofit program to save electrical energy. We have been told that the utility or a contractor will pay all installation costs, supplies, materials and labor, and then we would all share in the savings in our energy bills. We believe this is an important initiative for the Congress to save money in energy conservation.

We have an entity called the Palm House located at the Botanic Gardens Conservatory. It is a national treasure built in the 1930's. It had to be torn down because of structural weaknesses.

The Botanic Garden Conservatory needs major renovations. This is one of the foremost Botanic Gardens in the world. We have the responsibility to protect that asset for the American people. This project will cost over $23 million. We do not have the money for it at the present time. All we can do in this bill is to provide $2 million to have the design and construction documents prepared.

We took care of the needs for the Gettysburg National Military Park. The gentleman from Pennsylvania [Mr. GOODLING] I think has led the effort to continue for 2 years a loan of a Lincoln draft of the Gettysburg Address, which has been borrowed from the Library of Congress. The Joint Committee on the Library gave special exemption for that temporary loan, and we were pleased to help work that out.

We have asked the GAO to set audit standards for our legislative service organizations. I think that is a very important initiative. We all understand that we have to tighten up the manner in which the so-called caucuses or delegation groups operate their funding for their activities.

We have, however, not been able to totally respond to the Seymour amendment as we had been asked to.

We have determined that Senate amendment No. 36 [SEYMOUR] is not workable and will only lead to the hiring of many more accountants. In fact, the use of the term "obligations" in that amendment was particularly confusing. We are much more able to deal with budget authority or outlays.

So instead, we have met the spirit of that amendment by the outlay reductions I have already reported, going beyond the 5 percent requested, up to 6.5 percent.

We have also rescinded, as I have indicated, all known carryover balances in House funds, but we will not limit ourselves to carrying over funds in the future because there will be, as there has always been in capital outlay accounts, for example, a need to have no-year funding until the project has been completed.

As the gentleman from New York [Mr. SOLOMON] has indicated, our congressional staffing study which was again part of that amendment is part of the Hamilton-Gradison committee, which we have extended through December 31, 1993.

I want to touch also on the House Day Care Center. We have these employees, as most Members know, on our payroll. We transferred them last year. We have inserted language in the bill allowing the House to pay our share of benefits as the employer, but the share of benefits will not exceed $146,000. We have asked the House Administration Committee to set a salary schedule that is comparable to those in other public employee day care centers, and in the future the day care budgets will be subject to appropriations approval. We will expect more savings and fundraising to save appropriated dollars, particularly as the entity may be able to expand the number of children that it provides for. We think their overhead is rather fixed and we may be able to profit more by having more children in an expanded facility.

In summary, the bill, as I said, is almost $400 million below the request. It is almost $29 million below 1992 in budget authority. It is $150 million below 1992 outlays, 6½ percent.

We have a very tight bill, and I would hope that all Members would find it within themselves to support it.

COMPARISONS BETWEEN HOUSE BILL AND CONFERENCE AGREEMENT (BUDGET AUTHORITY)

House bill sent to Senate was $32.2 million below 1992 in budget authority (−1.8 percent).

Conference agreement is $28.7 million below 1992 (−1.25 percent).

But, that comparison reflects a scorekeeping change because we rescinded $20 million in House mail funds in the Rescission bill last summer that was scored against our 1992 base.

Using the same base used when the House bill was sent to the Senate, the conference agreement would have been $68.7 million below 1992, or a −2.9-percent reduction.

Conference agreements that changed amounts in bill House sent to the Senate:

	Millions
Library of Congress	+$4.5
Capitol grounds	+.4
Senate operations (above 1992)	+4.4
Congressional Research Service	+1.5
Offset by reductions:	
GAO	−7.0
House mail funds (rescission)	−21.0

HOUSE BUDGET COMPARED TO EXECUTIVE OFFICE OF THE PRESIDENT

House budget was pared even further in conference.

Overall, appropriations for House operations have been reduced by $22.7 million (−3.3 percent) below 1992.

If we can overlook rhetoric, the figures show we are down 3.3 percent in the House budget while the Executive Office of the President is up 0.8 percent.

I will insert comparisons into the Record:

HOUSE BUDGET COMPARED TO EXECUTIVE OFFICE OF THE PRESIDENT

[Budget authority]

	1992	1993	Increase (decrease)	Percent increase (decrease)
House of Representatives	$694.0	$671.3	−$22.7	−3.3
Executive Office of the President	318.3	320.7	+2.4	+.8
Such as:				
The White House Office	34.9	35.4	+.5	+1.4
Special Assistance to the President	2.9	3.2	+.3	+7.4
Office of Management and Budget	51.9	53.0	+1.1	+2.0
Office of Policy Development	3.7	3.8	+.1	+1.9

H.R. 5427 - LEGISLATIVE BRANCH APPROPRIATIONS, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	231,400					-231,400
Mileage and Expense Allowances						
Mileage of the Vice President and Senators	60,000	60,000		60,000	60,000	
Expense allowances:						
Vice President	10,000	10,000		10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000		10,000	10,000	
Majority Leader of the Senate	10,000	10,000		10,000	10,000	
Minority Leader of the Senate	10,000	10,000		10,000	10,000	
Majority Whip of the Senate	5,000	5,000		5,000	5,000	
Minority Whip of the Senate	5,000	5,000		5,000	5,000	
Chairmen of the Majority Conference Committee	3,000	3,000		3,000	3,000	
Chairmen of the Minority Conference Committee	3,000	3,000		3,000	3,000	
Subtotal, expense allowances	56,000	56,000		56,000	56,000	
Representation allowances for the Majority and Minority Leaders	30,000	30,000		30,000	30,000	
Total, Mileage and expenses allowances	146,000	146,000		146,000	146,000	
Salaries, Officers and Employees						
Office of the Vice President	1,387,000	1,483,000		1,431,000	1,431,000	+44,000
Office of the President Pro Tempore	419,000	536,000		432,000	432,000	+13,000
Offices of the Majority and Minority Leaders	2,012,000	2,098,000		2,076,000	2,076,000	+64,000
Offices of the Majority and Minority Whips	624,000	650,000		644,000	644,000	+20,000
Conference committees	1,826,000	2,004,000		1,884,000	1,884,000	+58,000
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	350,000	416,000		362,000	362,000	+12,000
Office of the Chaplain	161,000	190,000		172,000	172,000	+11,000
Office of the Secretary	11,357,000	12,472,000		11,715,000	11,715,000	+358,000
Office of the Sergeant at Arms and Doorkeeper	32,700,000	35,345,000		33,739,000	33,739,000	+1,039,000
Offices of the Secretaries for the Majority and Minority	1,059,000	1,245,000		1,133,000	1,133,000	+74,000
Agency contributions	18,000,000	20,133,000		16,307,000	16,307,000	-1,693,000
Total, salaries, officers and employees	69,895,000	76,572,000		69,895,000	69,895,000	
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,080,000	3,450,000		3,080,000	3,080,000	
Office of Senate Legal Counsel						
Salaries and expenses	833,000	905,000		833,000	833,000	
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Senate policy committees	2,398,200	2,538,000		2,398,200	2,398,200	
Inquiries and investigations	77,000,000	81,184,000		77,000,000	77,000,000	
Expenses of United States Senate Caucus on International Narcotics Control	336,000	346,000		336,000	336,000	
Secretary of the Senate	1,855,500	1,452,500		1,452,500	1,452,500	-403,000
Sergeant at Arms and Doorkeeper of the Senate	88,800,000	82,944,000		82,944,000	82,944,000	-5,856,000
Miscellaneous items	7,200,000	6,748,000		6,748,000	6,748,000	-452,000
Senators' Official Personnel and Office Expense Account	185,768,000	213,326,000		185,768,000	185,768,000	
Office of Fair Employment Practices		825,000		825,000	825,000	+825,000
Stationery (revolving fund)	13,000	13,000		13,000	13,000	
Official Mail Costs						
Expenses	32,000,000	35,700,000		20,000,000	20,000,000	-12,000,000
Rescission	-20,000,000					+20,000,000
Total, Official mail costs	12,000,000	35,700,000		20,000,000	20,000,000	+8,000,000
Total, contingent expenses of the Senate	375,370,700	425,076,500		377,484,700	377,484,700	+2,114,000
Total, Senate	449,568,100	506,161,500		451,450,700	451,450,700	+1,882,600

H.R. 5427 - LEGISLATIVE BRANCH APPROPRIATIONS, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	259,000	.....	.....	.....	.....	-259,000
Mileage of Members						
Mileage of Members	210,000	210,000	.....	.....	.....	-210,000
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,477,000	1,580,000	1,383,000	1,383,000	1,383,000	-94,000
Office of the Majority Floor Leader	1,127,000	1,224,000	994,000	994,000	994,000	-133,000
Office of the Minority Floor Leader	1,388,000	1,551,000	1,348,000	1,348,000	1,348,000	-40,000
Office of the Majority Whip	1,025,000	1,148,000	1,095,000	1,095,000	1,095,000	+70,000
Office of the Minority Whip	764,000	821,000	741,000	741,000	741,000	-23,000
Total, House leadership offices	5,781,000	6,324,000	5,561,000	5,561,000	5,561,000	-220,000
Members' Clerk Hire						
Clerk hire	218,500,000	243,092,000	228,313,000	228,313,000	228,313,000	+9,813,000
Committee Employees						
Professional and clerical employees of standing committees	67,900,000	103,894,000	70,950,000	70,950,000	70,950,000	+3,050,000
Committee on the Budget (Studies)						
Salaries and expenses	409,000	424,000	389,000	389,000	389,000	-20,000
Standing Committees, Special and Select						
Salaries and expenses	57,900,000	72,252,000	57,900,000	57,900,000	57,900,000	.....
House Information Systems						
Salaries and expenses	8,615,000	10,135,000	8,139,000	8,139,000	8,139,000	-476,000
Allowances and Expenses						
Official Expenses of Members	82,600,000	87,535,000	78,545,000	78,545,000	78,545,000	-4,055,000
Supplies, materials, administrative costs and Federal tort claims	19,116,000	24,886,000	19,116,000	19,116,000	19,116,000	.....
Office equipment	4,427,000	7,300,000	4,427,000	4,427,000	4,427,000	.....
Furniture and furnishings	1,810,000	1,901,000	1,720,000	1,720,000	1,720,000	-90,000
Stenographic reporting of committee hearings	1,100,000	1,100,000	1,055,000	1,055,000	1,055,000	-45,000
Reemployed annuitants reimbursements	1,000,000	1,160,000	1,039,000	1,039,000	1,039,000	+39,000
Government contributions	103,833,000	135,356,000	116,203,000	116,203,000	116,203,000	+12,370,000
Miscellaneous items	632,000	672,000	632,000	632,000	632,000	.....
Advance obligational authority from P.L. 101-520	4,500,000	.....	.....	.....	.....	-4,500,000
Total, allowances and expenses	219,018,000	259,910,000	222,737,000	222,737,000	222,737,000	+3,719,000
Committee on Appropriations (Studies and Investigations)						
Salaries and expenses	6,500,000	7,990,000	6,631,000	6,631,000	6,631,000	+131,000
Official Mail Costs						
Expenses	80,000,000	92,467,000	47,711,000	47,711,000	47,711,000	-32,289,000
Rescission	-20,000,000	.....	.....	.....	-21,000,000	-1,000,000
Total, Official mail costs	60,000,000	92,467,000	47,711,000	47,711,000	26,711,000	-33,289,000
Salaries, Officers and Employees						
Office of the Clerk	20,860,000	27,979,000	22,354,000	22,354,000	22,354,000	+1,494,000
Office of the Sergeant at Arms	1,288,000	1,616,000	1,369,000	1,369,000	1,369,000	+81,000
Office of the Doorkeeper	10,013,000	11,748,000	10,750,000	10,750,000	10,750,000	+737,000
Office of the Postmaster	4,377,000	6,020,000	4,079,000	4,079,000	4,079,000	-298,000
Office of the Chaplain	120,000	131,000	123,000	123,000	123,000	+3,000
Office of the Parliamentarian	946,000	1,003,000	854,000	854,000	854,000	-92,000
Office of the Parliamentarian	(648,000)	(684,000)	(587,000)	(587,000)	(587,000)	(-61,000)
Compilation of precedents of the House of Representatives	(298,000)	(319,000)	(267,000)	(267,000)	(267,000)	(-31,000)
Office of the Historian	361,000	369,000	310,000	310,000	310,000	-51,000
Office of the Law Revision Counsel	1,356,000	1,472,000	1,403,000	1,403,000	1,403,000	+47,000
Office of the Legislative Counsel	4,171,000	4,261,000	4,155,000	4,155,000	4,155,000	-16,000
Six minority employees	713,000	786,000	735,000	735,000	735,000	+22,000
House Democratic Steering Committee and Caucus	1,476,000	1,608,000	1,461,000	1,461,000	1,461,000	-15,000
House Democratic Steering Committee	(943,000)	(1,018,000)	(934,000)	(934,000)	(934,000)	(-9,000)
House Democratic Caucus	(533,000)	(590,000)	(527,000)	(527,000)	(527,000)	(-6,000)
House Republican Conference	1,476,000	1,608,000	1,461,000	1,461,000	1,461,000	-15,000
Other Authorized Employees	1,721,000	1,799,000	1,724,000	1,724,000	1,724,000	+3,000
Technical assistant, Office of the Attending Physician	(142,000)	(159,000)	(145,000)	(145,000)	(145,000)	(+3,000)

H.R. 5427 - LEGISLATIVE BRANCH APPROPRIATIONS, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
L.B.J. Interns	(1,056,000)	(1,096,000)	(1,056,000)	(1,056,000)	(1,056,000)	.....
Former Speakers' staff	(410,000)	(426,000)	(410,000)	(410,000)	(410,000)	.....
Miscellaneous items	(113,000)	(118,000)	(113,000)	(113,000)	(113,000)	.....
Total, salaries, officers and employees	48,878,000	60,400,000	50,778,000	50,778,000	50,778,000	+1,900,000
Total, salaries and expenses	693,501,000	856,688,000	699,109,000	699,109,000	678,109,000	-15,392,000
Rescission of prior year balances	.....	.....	-6,775,643	-6,775,643	-6,775,643	-6,775,643
Total, House of Representatives	693,970,000	856,898,000	692,333,357	692,333,357	671,333,357	-22,636,643
JOINT ITEMS						
Joint Committee on Inaugural Ceremonies	.....	906,000	.....	906,000	906,000	+906,000
Joint Economic Committee	4,020,000	4,264,000	4,020,000	4,020,000	4,020,000	.....
Joint Committee on Printing	1,391,000	1,568,000	1,391,000	1,391,000	1,391,000	.....
Joint Committee on Taxation	5,759,000	6,592,000	5,759,000	5,759,000	5,759,000	.....
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,509,000	1,543,000	1,509,000	1,509,000	1,509,000	.....
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	31,741,500	33,369,000	31,000,500	31,741,500	31,000,500	-741,000
Sergeant at Arms and Doorkeeper of the Senate	32,351,500	35,349,000	31,851,500	32,351,500	31,851,500	-500,000
Total, salaries	64,093,000	68,718,000	62,852,000	64,093,000	62,852,000	-1,241,000
General expenses	2,029,000	2,204,000	2,029,000	2,029,000	2,029,000	.....
Total, Capitol Police Board	66,122,000	70,922,000	64,881,000	66,122,000	64,881,000	-1,241,000
Capitol Guide Service						
Salaries and expenses	1,603,000	1,660,000	1,644,000	1,644,000	1,644,000	+41,000
Special Services Office						
Salaries and expenses	292,000	366,000	292,000	366,000	366,000	+74,000
Statements of Appropriations						
Preparation	20,000	20,000	.....	20,000	.....	-20,000
Total, joint items	80,716,000	87,861,000	79,496,000	81,737,000	80,476,000	-240,000
OFFICE OF TECHNOLOGY ASSESSMENT						
Salaries and expenses	21,025,000	23,868,000	21,025,000	21,025,000	21,025,000	.....
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	22,542,000	23,895,000	22,542,000	22,542,000	22,542,000	.....
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	8,144,000	8,913,000	8,286,000	8,144,000	8,144,000	.....
Travel (limitation on official travel expenses)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	.....
Contingent expenses	100,000	100,000	100,000	100,000	100,000	.....
Contract study of GAO	.....	.....	.....	2,000,000	.....	.....
Total, Office of the Architect of the Capitol	8,244,000	9,013,000	8,386,000	10,244,000	8,244,000	.....
Capitol Buildings and Grounds						
Capitol buildings	27,611,000	29,078,000	23,515,000	24,040,000	23,955,000	-3,656,000
Capitol grounds	5,266,000	5,600,000	5,256,000	6,000,000	5,600,000	+334,000
Senate Office Buildings	45,106,000	58,861,000	.....	47,339,000	47,339,000	+2,233,000
House Office Buildings	33,403,000	43,696,000	32,387,000	32,387,000	32,387,000	-1,016,000
Capitol Power Plant	35,203,000	35,307,000	35,288,000	35,288,000	35,288,000	+85,000
Offsetting collections	-3,200,000	-3,200,000	-3,200,000	-3,200,000	-3,200,000	.....
Net total, Capitol Power Plant	32,003,000	32,107,000	32,088,000	32,088,000	32,088,000	+85,000
Total, Capitol buildings and grounds	143,389,000	169,342,000	93,246,000	141,854,000	141,369,000	-2,020,000
Total, Architect of the Capitol	151,633,000	178,355,000	101,632,000	152,098,000	149,613,000	-2,020,000

H.R. 5427 - LEGISLATIVE BRANCH APPROPRIATIONS, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	56,583,000	61,274,000	56,583,000	58,000,000	57,291,000	+708,000
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	91,591,000	117,595,000	89,591,000	89,591,000	89,591,000	-2,000,000
Total, title I - Congressional Operations	1,567,628,100	1,855,707,500	1,063,202,357	1,568,777,057	1,543,322,057	-24,306,043
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	2,862,000	10,258,000	2,906,000	10,131,000	4,906,000	+2,044,000
LIBRARY OF CONGRESS						
Salaries and expenses	198,873,000	215,216,000	200,073,000	206,252,000	203,163,000	+4,290,000
Authority to spend receipts	-7,300,000	-8,200,000	-7,500,000	-7,500,000	-7,500,000	-200,000
Net total, Salaries and expenses	191,573,000	207,016,000	192,573,000	198,752,000	195,663,000	+4,090,000
Copyright Office, salaries and expenses	26,040,000	27,363,000	26,040,000	26,417,000	26,228,000	+188,000
Authority to spend receipts	-15,979,000	-16,717,000	-16,717,000	-16,717,000	-16,717,000	-738,000
Net total, Copyright Office	10,061,000	10,646,000	9,323,000	9,700,000	9,511,000	-550,000
Books for the blind and physically handicapped, salaries and expenses	42,184,000	46,017,000	43,144,000	43,144,000	43,144,000	+960,000
Furniture and furnishings	4,490,000	7,658,000	4,490,000	4,490,000	4,490,000	.....
Total, Library of Congress (except CRS)	248,308,000	271,337,000	249,530,000	256,086,000	252,808,000	+4,500,000
ARCHITECT OF THE CAPITOL						
Library Buildings and Grounds						
Structural and mechanical care	15,187,000	14,454,000	9,733,000	9,733,000	9,733,000	-5,454,000
COPYRIGHT ROYALTY TRIBUNAL						
Salaries and expenses	865,000	944,000	911,000	911,000	911,000	+46,000
Authority to spend receipts	-735,000	-802,000	-781,000	-781,000	-781,000	-46,000
Net total, Copyright Royalty Tribunal	130,000	142,000	130,000	130,000	130,000	.....
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	27,082,000	30,983,000	29,082,000	29,082,000	29,082,000	+2,000,000
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	448,860,000	488,683,000	443,367,000	441,367,000	436,367,000	-12,493,000
Offsetting collections	-6,213,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000	+5,013,000
Total, General Accounting Office	442,647,000	487,483,000	442,167,000	440,167,000	435,167,000	-7,480,000
Total, title II - other agencies	736,216,000	814,657,000	733,548,000	745,329,000	731,826,000	-4,390,000
Grand total	2,303,844,100	2,670,364,500	1,796,750,357	2,314,106,057	2,275,148,057	-28,696,043

NOTE: FY 1992 enacted includes $34,035,000 in advance obligational authority from P.L. 101-520, Sec. 312 distributed as follows:
Senate - $4,700,000
House of Representatives - $4,500,000
Other congressional operations - $10,028,000
Other agencies - $14,807,000

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the recognition. I would like to express to the Chair and to the Members, my appreciation for the work of my chairman on what is a very difficult bill.

It is apparent to Members of Congress that across the country people are calling for constraint in the role of Government. That is part of the reason why the legislative branch bill receives such focus.

I am proud to say that the bill we brought to the House back in June, was a very, very tight bill.

From there, responding to action that was taken on the Senate floor by way of amendments sponsored by JOHN SEYMOUR of California, the House instructed our conferees to make this bill even tighter.

I must say that the legislative branch, as my chairman suggests, has over the years progressively moved in the direction of trying to keep our belt tighter than inflation, and this piece of work reflects that continuing effort.

The bill itself is a little over $2 billion. $2.271 billion to be precise. That is approximately $400 million below the budget request.

Among other things, we have cut the GAO by more than $7 million over last year's level. I think the Members will recall my own concern about this issue.

I was also pleased that the Senate put in language that instructs the Appropriations Committee to begin the practice of paying for their own GAO detailees. We had an extensive discussion of detailees on last year's bill.

We have extended the authority of the Hamilton-Gradison reform projects through the 1993 fiscal year.

As you know, I was most pleased when the Klug amendment passed the House in June. In the spirit of the effort of the gentleman from Wisconsin [Mr. KLUG] the conferees rescinded an additional $21 million from the House accounts. These are funds that otherwise would have remained available through 1992, so we essentially eliminated any consideration of that which some people have referred to in the past as a slush fund.

I am also pleased that during conference, we eliminated the Architect of the Capitol's contingent fund.

I was particularly pleased with the chairman and the committee's response to my concern about legislative service organizations. Within the language of this bill, we provide a very specific accounting process, for the funds used by LSO's, as to how LSO's should operate.

Mr. Speaker, one more time I would very much like to express my appreciation not just to my chairman and the members of his committee, but also to my members on the minority side, the gentleman from Illinois [Mr. PORTER] and the gentlewoman from Nevada [Mrs. VUCANOVICH] for their help in what is a very difficult appropriations process, the legislative branch appropriations bill.

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

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

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

I have a question I would like to ask the gentleman from California [Mr. FAZIO], if I may.

Mr. FAZIO. Mr. Speaker, if the gentleman will yield, I would be happy to help.

Mr. DANNEMEYER. I was impressed by the gentleman's presentation to the House about the comparison between the growth of the Federal Government expenditures and the growth of the expenditures for the legislative branch. I think the gentleman's reference here was to 1979.

Mr. FAZIO. Mr. Speaker, if the gentleman will yield further, I am very pleased that the gentleman is impressed.

Mr. DANNEMEYER. I listened to that very carefully, and I have one simple question.

If the gentleman's point was to draw attention or criticism to the growth in the Federal Government since 1979 and kind of cast a few flowers to the benefit of the growth of the legislative branch, there is a simple question the American people would like to ask the gentleman.

Mr. FAZIO. Why does the gentleman not speak for them?

Mr. DANNEMEYER. Who has been authorizing or appropriating the money that resulted in the growth of the expenditures of the Federal Government so that this year we are looking at the addition to the national debt of close to $430 billion, who has been doing that?

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

Mr. DANNEMEYER. Yes; I yield to the gentleman from California.

Mr. FAZIO. I simply wanted to stipulate that we all understand that these are legislative enactments, which means that Presidents like President Reagan and President Bush have signed bills which have been sent to them by the Congress, which has at times been bipartisan in its leadership, and other times been partisan Democratic.

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So, the conclusion I could reach, the same as the gentleman, is that it has been a cooperative effort by Republican Presidents and Congresses of different stripes, but clearly in the years since 1979, the same period I am talking to, I think it has been made very public in this campaign that the Congress has actually appropriated some perhaps $31.8 billion less than was requested of it by the executive branch.

May I inquire? What year was that the gentleman made reference to?

Mr. FAZIO. That would cover the same 1980–90 timeframe.

Mr. DANNEMEYER. I am going to reclaim my time now and just observe for all of us to understand that that last statement I take issue with.

I have a comparison that I am going to put into the RECORD at this point, and I will say, "You know, people in the legislative branch point to the White House and say the White House is responsible for this runaway spending. You and I know, Mr. FAZIO, that the buck stops here. We're the House."

Mr. FAZIO. It certainly does not stop at the White House.

Mr. DANNEMEYER. We are the agency in this Federal Government where the taxing and the spending has to get approved in order for it to take place.

Mr. LEWIS of California. No, Mr. DANNEMEYER, the buck flows here.

Mr. DANNEMEYER. This excess of budget that we are witnessing today is the work product of the Congress of the United States of which the gentleman and I are all a part, and nobody should believe who is listening to this or reading it in the RECORD that somehow the guy in the White House is responsible. We in the House of Representatives are responsible for the fiscal disarray taking place in this country today.

The SPEAKER pro tempore (Mr. MONTGOMERY). The time of the gentleman from California [Mr. DANNEMEYER] has expired.

Mr. DANNEMEYER. May I have 2 additional minutes?

Mr. LEWIS of California. I yield the gentleman from California [Mr. DANNEMEYER] such time as he may consume.

Mr. DANNEMEYER. Let me just say that I have heard this statement made in my years here that Congress has appropriated less money than what the President has asked be spend. I am glad the gentleman points that out because I have got an analysis, and I do not have it with me right now, but I will bring it over here, and I will put it in the CONGRESSIONAL RECORD because I am serving on the Committee on the Budget, and I do not know whether the gentleman knows that or not, so this is the vantage point from which I speak. I made a comparison of the requests of President Reagan and President Bush in terms of what the Congress has appropriated all during the years of their Presidency, and would the gentleman believe that Congress has appropriated about $400 billion more in the 10-year span between 1982 and 1992 than what Presidents Reagan and Bush requested be spent?

My colleagues, we are in this mess, not because Presidents are asking too much or signing bills for too much. We

are in this fiscal mess because Congress appropriates too much money. This is the place where the American public wants to change this irresponsible and runaway spending. It has to control who serves in the Congress of the United States beginning next January.

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

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

Mr. FAZIO. Mr. Speaker, I just wanted to clarify, since we are off the subject——

Mr. LEWIS of California. Mr. Speaker, if the gentleman would yield, I just want to mention that I do need some time left over here.

Mr. FAZIO. I simply wanted to say that the statistics since 1979, which was the base year I had used, showed that we have appropriated $31.7 billion below the amounts requested by the Presidents.

Now I do not know what the gentleman's data includes. It may include interest on the debt. It may include other things, RTC, off-debt spending, and things of that sort which the President has asked us to provide for the bailout of the S&L's or something of that sort. I am talking only about appropriated matters.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] for yielding this time to me.

Mr. Speaker, I am not a member of this committee, but I am coming to the issue as a member of the Committee on House Administration. I am on the subcommittee that has the jurisdiction of the personnel and the funds that result from some of the projects that are approved by the legislative appropriations bill. We have the oversight, we have the oversight role for that jurisdiction.

I want to thank the chairman, and I want to thank the ranking member, for taking action in regard to legislative service organizations, or LSO's, or caucuses. It has been reported to me that the subcommittee has agreed to adopt into the conference report language that is somewhat similar to the language that I proposed that would require the Committee on House Administration to adopt some guidelines and some regulations in regard to the accounting and bookkeeping of the LSO's.

Now, back on June 24, the gentleman from New York [Mr. WALSH] and I offered an amendment to end the financial and other abuses that have occurred within the LSO's. At that time I predicted the entire situation was an accident that was simply waiting to happen. Since that time several news reports, and it was just last week, have detailed this abuse, and special interest relationships and other very questionable activities, and editorials have urged the adoption of accounting procedures, and public disclosure and even abolishment.

I am very pleased this action has been taken by the subcommittee and would hope that further actions would be taken by the Committee on House Administration to end questionable activities. This language, however, I want to tell my colleagues, does not address several questions, such as the financial reserves held by the LSO's, and questionable spending practices, such as taxpayer-funded lunches, and dinners, and receptions, and travel and trips, and the relationships with special-interest outside foundations. I would again urge the Committee on House Administration to simply address these situations.

What I had originally suggested was language that said this: The committee would direct the Comptroller General to conduct a financial audit, not a recommendation, but an audit, of the 30 House legislative service organizations, or what we call the caucuses, and these audits would detail the financial receipts, and disbursements and cash reserves over the last 5 years. Now that has not been done. We would have had a report in 30 days. That report would have been made public. What we have instead is language saying that the conferees direct the GAO in cooperation with the Committee on House Administration to provide accounting standards and guidelines, but no audit. I would just say to my colleagues this is still an accident waiting to happen.

It has been somewhat reported in the press, and until we have an audit, we are not going to have the kind of public disclosure that we need.

I would also like to say in addition that I only have very limited information and facts with regard to other spending in this bill due to the time constraints we have here. A report on this bill has been late in coming, and I would ask the chairman, if I could, if he could give me an assurance that no funds would be available in this bill for special funding projects. He and I have had a colloquy in the past on those matters.

I think my colleagues have some concern where there is a funding project or something in an overall spending bill, and magically we have new elevator floors, or maybe a gym under the Cannon steps, or a modular furniture study, or a visitors center, and these things magically appear, and I have on page 5 here under the Capitol Grounds section—I cannot find any of that, but I would remind the chairman that, when I asked him this question when we were considering this bill as of June, that somehow water leakage funds or funds to repair the water leakage that was occurring underneath the Cannon steps turned into a plan for a House gym for staffers. I am not opposed to that per se, but at the time of budget restrictions and many questions to be asked, I would just like to ask the gentleman: Are there any special funding projects such as construction of a House gym in the Cannon Building, a new $26 million visitors center in the Capitol, or any modular furniture studies or any other projects in this bill?

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

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

Mr. FAZIO. No, I know those three are very much in focus for the gentleman from Kansas. They are not specifically referenced in this bill in any sense, and, as I indicated to the gentleman, we have talked about this before. These are things that need to be done up front and with the concurrence of many different points within this congressional institution, and that is the only way that I would want to proceed on it.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO] for that assurance.

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

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

Mr. WALKER. Mr. Speaker, I am a little concerned about what we just heard. What we just heard was that they are not specifically referenced in here.

Now, if I recall correctly, the last time the gym moved through, the gentleman has said correctly that the money was used out of a water leakage fund in order to move the gym forward. I think we can probably be assured that none of these things are specifically in the bill. I wonder whether or not there is anything in here which could be used in any fashion whatsoever to proceed with a gym, with a visitors center and various other projects.

□ 1450

Mr. ROBERTS. Mr. Speaker, if I could reclaim my time, I have on page 5 here, and I would be happy to share it with the gentleman from Pennsylvania [Mr. WALKER], the section on Capitol Grounds. I am taking the chairman at his word, and we both agree that any projects of this type should be planned and discussed so that Members know what is going on on a priority basis.

I think everyone knows that budget restrictions we are under and the type pressure we have on funds. It is this business of all of a sudden something appearing magically.

I can assure the gentleman in my look-see over there I have seen, in cooperation with the Architect's Office, that the leakage has indeed been repaired, and it did not magically turn into a shower in regard to a gym.

Mr. FAZIO. Mr. Speaker, if the gentleman will yield further, I feel con-

strained to assure both gentleman there is no such thing as a water leakage fund. That does not exist. Occasionally when there are repairs that must be done on an emergency basis the Architect has the ongoing authority to do it. But that certainly, as the gentleman from Kansas [Mr. ROBERTS said, is not going to turn into anything like a shower. It should be repairing pipes or walls or what have you.

The gentleman referred to something in here on Capitol Grounds. We were asked by the Senate conferees to provide a large amount of funding and make improvements on the Capitol Grounds. We did not give them all the money. We earmarked some of it for street lighting for safety purposes, and left $144,000 to be allocated for a variety of ground improvements, including tree replacement and repairs to fountains and planters on the Capitol Grounds. It is pretty specific. So I do not think there is anything there that anyone should worry about.

I would reiterate my comments from earlier: we are going to make these decisions, if and when we make them, together and publicly.

Mr. ROBERTS. Mr. Speaker, reclaiming my time, I thank the gentleman for his contribution. I will take a very cold shower and maybe fly speck all the language of this report to make sure that some of these projects do not happen.

I would add only that the money that the gentleman has mentioned is in fact in regard to security. That was part of a plan that has been ongoing for several years.

What I am trying to point out here is whether it is a caucus, an LSO, or a special project, we need public disclosure. It is when we do not have public disclosure that we get into trouble.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume. I have looked at this issue, of water leakage, and have found that no money will go toward a staff gym.

Mr. WALKER. Mr. Speaker, if the gentleman would yield, the concern that I am expressing is we had a document room not far off the House Chamber here that all of a sudden became some kind of a lounge that I do not think was ever specifically referenced in any of the appropriations bills that went through this House.

Funds seem to appear magically along the way that end up being major expenditures. That one cost us a few million bucks.

Mr. LEWIS of California. Reclaiming my time, Mr. Speaker, I must say the gentleman is expressing concerns I have myself. There is kind of an extension on the Judiciary Building that suddenly appeared a year ago. Those kinds of changes are controlled by working in-house committees that reflect the majority and minority. But to really get a handle on those things and stop that sort of thing, separate from not having this bill at all, we would probably have to become the majority. The gentleman from Pennsylvania [Mr. WALKER] and I are working very hard to accomplish that.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, is there anything in the gentleman's bill that will assure some equitable assignment of the new space that is being completed in the Capitol Building with the new west wing extension? Do we have some assurance that that space is going to be used for legislative purposes and is not going to be redesigned into a series of hideaways?

Mr. LEWIS of California. Mr. Speaker, there is no language that is specific about that in this measure. I can assure the gentleman that we have had detailed discussions with the Speaker and the leader regarding the question the gentleman is asking, and I am satisfied that we have every assurance that there will be a fair allocation.

Mr. Speaker, I further did want to express my own feelings about the change that is going to take place in our subcommittee. The Committee on Appropriations is a very special place itself. There are three of our Members on the other side of the aisle that are going to be leaving us that have been of great service to the House over the years. The gentleman from Florida [Mr. LEHMAN], the gentleman from Florida [Mr. SMITH], and my dear friend, the gentleman from Michigan [Mr. TRAXLER], are not going to be with us in subsequent years. They have made a great contribution not just to the House, but especially the Committee on Appropriations and the subcommittee.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in support of the conference report on fiscal year 1993 legislative branch appropriations. It's a step in the right direction.

The House-Senate agreement cuts total legislative branch outlays by $150 million or 6.5 percent below the current level, which surpasses the proposed Senate reduction of 5 percent below the fiscal year 1992 level. The House version of the bill had already cut funding for its own operations below the 1992 level. This agreement makes an even deeper cut by rescinding $21 million in funds for official mail. This reduction will eliminate any carryover balances in official mail accounts remaining from fiscal year 1991 and fiscal year 1992.

I want to clarify that the amount in the conference agreement is higher than the House-passed bill. That is because the House version traditionally excludes funding for Senate operations and buildings. However, as I noted, funding in this agreement for all congressional operations and related agencies is below the 1992 level. If we exercised such discipline for all agencies of Government we wouldn't be facing enormous deficits.

No doubt there is more to do in reducing waste in the legislative branch—as in the other two branches of Government. I intend to work for the reforms outlined in the report of the Democratic Caucus Task Force on Government Waste—which I chaired—in order to achieve that goal. But this conference agreement shows some fiscal discipline and I support it.

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

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 143, not voting 36, as follows:

[Roll No. 463]

YEAS—253

Abercrombie	Dixon	Jones
Ackerman	Donnelly	Jontz
Anderson	Dooley	Kanjorski
Andrews (ME)	Dorgan (ND)	Kaptur
Andrews (TX)	Downey	Kennelly
Annunzio	Durbin	Kildee
Applegate	Dymally	Kleczka
Aspin	Early	Kolter
Atkins	Eckart	Kopetski
AuCoin	Edwards (CA)	Kostmayer
Bacchus	Edwards (OK)	LaFalce
Ballenger	Edwards (TX)	Lancaster
Beilenson	Engel	Lantos
Bennett	English	LaRocco
Bentley	Espy	Laughlin
Berman	Evans	Lehman (CA)
Bevill	Fascell	Lehman (FL)
Bilbray	Fazio	Lent
Blackwell	Feighan	Levin (MI)
Boehlert	Foglietta	Lewis (CA)
Bonior	Ford (MI)	Lewis (GA)
Borski	Ford (TN)	Lloyd
Boucher	Frank (MA)	Long
Brewster	Frost	Lowery (CA)
Brooks	Gallo	Lowey (NY)
Browder	Gaydos	Luken
Brown	Gejdenson	Manton
Bruce	Gephardt	Markey
Bryant	Gibbons	Martin
Bustamante	Gillmor	Martinez
Byron	Gonzalez	Matsui
Cardin	Gordon	Mavroules
Carr	Grandy	Mazzoli
Chapman	Green	McCloskey
Clay	Guarini	McCurdy
Collins (IL)	Hall (OH)	McDermott
Collins (MI)	Hamilton	McGrath
Condit	Hatcher	McHugh
Conyers	Hayes (IL)	McMillen (MD)
Cooper	Hefner	McNulty
Costello	Hertel	Mfume
Cox (IL)	Hoagland	Michel
Coyne	Hochbrueckner	Miller (CA)
Cramer	Horn	Mineta
Darden	Horton	Mink
de la Garza	Houghton	Moakley
DeFazio	Hoyer	Molinari
DeLauro	Hutto	Mollohan
Dellums	Jefferson	Montgomery
Derrick	Jenkins	Moody
Dicks	Johnson (SD)	Moran
Dingell	Johnston	Morella

Morrison	Rangel	Stenholm
Mrazek	Ray	Stokes
Murphy	Reed	Studds
Murtha	Richardson	Swett
Myers	Riggs	Swift
Nagle	Rinaldo	Synar
Natcher	Ritter	Tallon
Neal (NC)	Roe	Tanner
Nowak	Rose	Tauzin
Oakar	Rostenkowski	Taylor (MS)
Oberstar	Rowland	Thornton
Obey	Roybal	Torres
Olin	Russo	Torricelli
Olver	Sabo	Traficant
Ortiz	Sanders	Traxler
Orton	Sangmeister	Unsoeld
Owens (UT)	Scheuer	Valentine
Parker	Schiff	Vento
Pastor	Schroeder	Visclosky
Patterson	Schumer	Volkmer
Payne (NJ)	Serrano	Washington
Payne (VA)	Sikorski	Waters
Pease	Sisisky	Waxman
Pelosi	Skaggs	Wheat
Penny	Skeen	Whitten
Perkins	Skelton	Wilson
Peterson (FL)	Slaughter	Wise
Peterson (MN)	Smith (FL)	Wolpe
Pickle	Smith (IA)	Wyden
Porter	Smith (NJ)	Yates
Poshard	Solarz	Yatron
Price	Spratt	
Rahall	Stark	

NAYS—143

Allard	Gradison	Quillen
Allen	Gunderson	Ramstad
Archer	Hall (TX)	Ravenel
Armey	Hammerschmidt	Regula
Barrett	Hancock	Rhodes
Barton	Hansen	Ridge
Bateman	Harris	Roberts
Bereuter	Hastert	Roemer
Bilirakis	Hefley	Rogers
Bliley	Henry	Rohrabacher
Boehner	Herger	Ros-Lehtinen
Broomfield	Hobson	Roth
Bunning	Hopkins	Santorum
Burton	Hubbard	Sarpalius
Callahan	Hughes	Saxton
Camp	Hunter	Schaefer
Campbell (CA)	Hyde	Schulze
Campbell (CO)	Inhofe	Sensenbrenner
Clinger	Ireland	Sharp
Coble	Jacobs	Shaw
Coleman (MO)	James	Shays
Combest	Johnson (CT)	Shuster
Cox (CA)	Johnson (TX)	Slattery
Crane	Kolbe	Smith (OR)
Cunningham	Kyl	Smith (TX)
Dannemeyer	Lagomarsino	Snowe
DeLay	Leach	Solomon
Dickinson	Lewis (FL)	Spence
Doolittle	Lightfoot	Stallings
Dornan (CA)	Machtley	Stearns
Dreier	Marlenee	Stump
Duncan	McCandless	Sundquist
Emerson	McCollum	Taylor (NC)
Erdreich	McEwen	Thomas (CA)
Ewing	McMillan (NC)	Thomas (WY)
Fawell	Meyers	Upton
Fields	Miller (OH)	Vander Jagt
Fish	Miller (WA)	Vucanovich
Franks (CT)	Moorhead	Walker
Gallegly	Nichols	Walsh
Gekas	Nussle	Weber
Geren	Oxley	Weldon
Gilchrest	Packard	Williams
Gilman	Pallone	Wolf
Gingrich	Paxon	Young (AK)
Glickman	Petri	Zeliff
Goodling	Pickett	Zimmer
Goss	Pursell	

NOT VOTING—36

Alexander	Coughlin	Levine (CA)
Andrews (NJ)	Davis	Lipinski
Anthony	Dwyer	Livingston
Baker	Flake	McCrery
Barnard	Hayes (LA)	McDade
Boxer	Holloway	Neal (MA)
Carper	Huckaby	Owens (NY)
Chandler	Kasich	Panetta
Clement	Kennedy	Roukema
Coleman (TX)	Klug	Savage
Sawyer	Thomas (GA)	Wylie
Staggers	Towns	Young (FL)

□ 1524

The Clerk announced the following pairs:

On the vote:

Mr. Anthony for, with Mrs. Roukema against.

Messrs. LIGHTFOOT, GILMAN, HALL of Texas, and HUGHES, Mrs. VUCANOVICH, and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

Messrs. RINALDO, EDWARDS of Oklahoma, and CRAMER changed their vote from "nay" to "yea."

□ 1520

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS of New Jersey. Mr. Speaker, I regrettably missed the rollcall vote on the legislative appropriations conference report due to a promise I made to the Polish-American Society in my district, who hosted a parade this afternoon. Had I been present, I would have voted in the affirmative.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5368, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 4, 1992, to file a conference report on the bill, (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

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

There was no objection.

MOTION TO ADJOURN

Mrs. VUCANOVICH. Mr. Speaker, I send to the desk a privileged motion.

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

The Clerk read as follows:

Mrs. VUCANOVICH moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAHALL. I understand the gentlewoman from Nevada made a motion to adjourn.

The SPEAKER pro tempore. A recorded vote has been ordered on the motion to adjourn. It is a 15-minute vote, and Members will vote either "aye" or "no."

The vote was taken by electronic device, and there were—ayes 83, noes 316, not voting 33, as follows:

[Roll No. 464]

AYES—83

Allard	Gunderson	Nussle
Allen	Hancock	Packard
Armey	Hansen	Paxon
Ballenger	Hastert	Quillen
Barton	Hefley	Rhodes
Bentley	Henry	Ridge
Bilbray	Herger	Riggs
Boehner	Houghton	Roberts
Burton	Hunter	Rohrabacher
Clinger	Hyde	Santorum
Combest	Inhofe	Schaefer
Cox (CA)	Johnson (CT)	Skeen
Crane	Johnson (TX)	Smith (OR)
Cunningham	Kasich	Smith (TX)
Dannemeyer	Klug	Stearns
DeLay	Kolbe	Stump
Doolittle	Kyl	Sundquist
Dreier	Lagomarsino	Taylor (NC)
Duncan	Lehman (CA)	Thomas (CA)
Emerson	Lewis (CA)	Thomas (WY)
Ewing	Lowery (CA)	Upton
Fields	Marlenee	Vucanovich
Franks (CT)	McCandless	Walker
Gallegly	McEwen	Weber
Gekas	Miller (OH)	Young (AK)
Gilchrest	Molinari	Zeliff
Gingrich	Moorhead	Zimmer
Goodling	Myers	

NOES—316

Abercrombie	Callahan	Dymally
Ackerman	Camp	Early
Anderson	Campbell (CA)	Eckart
Andrews (ME)	Campbell (CO)	Edwards (CA)
Andrews (TX)	Cardin	Edwards (OK)
Annunzio	Carr	Edwards (TX)
Applegate	Chapman	Engel
Archer	Clay	English
Aspin	Coble	Erdreich
Atkins	Coleman (MO)	Espy
AuCoin	Collins (IL)	Evans
Bacchus	Collins (MI)	Fascell
Barrett	Condit	Fawell
Bateman	Conyers	Fazio
Beilenson	Cooper	Feighan
Bennett	Costello	Fish
Bereuter	Cox (IL)	Foglietta
Berman	Coyne	Ford (MI)
Bevill	Cramer	Ford (TN)
Bilirakis	Darden	Frank (MA)
Blackwell	Davis	Frost
Bliley	de la Garza	Gallo
Boehlert	DeFazio	Gejdenson
Bonior	DeLauro	Gephardt
Borski	Dellums	Geren
Boucher	Derrick	Gibbons
Brewster	Dickinson	Gillmor
Brooks	Dicks	Gilman
Broomfield	Dingell	Glickman
Browder	Dixon	Gonzalez
Brown	Donnelly	Gordon
Bruce	Dooley	Goss
Bryant	Dorgan (ND)	Gradison
Bunning	Dornan (CA)	Grandy
Bustamante	Downey	Green
Byron	Durbin	Guarini

Hall (OH)	Mfume	Sanders
Hall (TX)	Michel	Sangmeister
Hamilton	Miller (CA)	Sarpalius
Hammerschmidt	Miller (WA)	Saxton
Harris	Mineta	Scheuer
Hatcher	Mink	Schiff
Hayes (IL)	Moakley	Schroeder
Hefner	Mollohan	Schulze
Hertel	Montgomery	Schumer
Hoagland	Moody	Sensenbrenner
Hobson	Moran	Serrano
Hochbrueckner	Morella	Sharp
Hopkins	Morrison	Shaw
Horn	Mrazek	Shays
Horton	Murphy	Shuster
Hoyer	Murtha	Sikorski
Hubbard	Nagle	Sisisky
Hughes	Natcher	Skaggs
Hutto	Neal (NC)	Skelton
Ireland	Nichols	Slattery
Jacobs	Nowak	Slaughter
James	Oakar	Smith (FL)
Jefferson	Oberstar	Smith (IA)
Jenkins	Obey	Smith (NJ)
Johnson (SD)	Olin	Snowe
Johnston	Olver	Solarz
Jones	Ortiz	Solomon
Jontz	Orton	Spence
Kanjorski	Owens (UT)	Spratt
Kaptur	Oxley	Stallings
Kennelly	Pallone	Stark
Kildee	Parker	Stenholm
Kleczka	Pastor	Stokes
Kolter	Patterson	Studds
Kopetski	Payne (NJ)	Swett
Kostmayer	Payne (VA)	Swift
LaFalce	Pease	Synar
Lancaster	Pelosi	Tallon
Lantos	Penny	Tanner
LaRocco	Perkins	Tauzin
Laughlin	Peterson (FL)	Taylor (MS)
Leach	Peterson (MN)	Thomas (GA)
Lehman (FL)	Petri	Thornton
Lent	Pickett	Torres
Levin (MI)	Pickle	Torricelli
Lewis (FL)	Porter	Traficant
Lewis (GA)	Poshard	Traxler
Lightfoot	Price	Unsoeld
Lloyd	Pursell	Valentine
Long	Rahall	Vander Jagt
Lowey (NY)	Ramstad	Vento
Luken	Rangel	Visclosky
Machtley	Ravenel	Volkmer
Manton	Ray	Walsh
Markey	Reed	Washington
Martin	Regula	Waters
Martinez	Richardson	Waxman
Matsui	Rinaldo	Weldon
Mavroules	Ritter	Wheat
Mazzoli	Roe	Whitten
McCloskey	Roemer	Williams
McCollum	Rogers	Wilson
McCurdy	Ros-Lehtinen	Wise
McDermott	Rose	Wolf
McGrath	Rostenkowski	Wolpe
McHugh	Roth	Wyden
McMillan (NC)	Rowland	Yates
McMillen (MD)	Roybal	Yatron
McNulty	Russo	
Meyers	Sabo	

NOT VOTING—33

Alexander	Dwyer	McDade
Andrews (NJ)	Flake	Neal (MA)
Anthony	Gaydos	Owens (NY)
Baker	Hayes (LA)	Panetta
Barnard	Holloway	Roukema
Boxer	Huckaby	Savage
Carper	Kennedy	Sawyer
Chandler	Levine (CA)	Staggers
Clement	Lipinski	Towns
Coleman (TX)	Livingston	Wylie
Coughlin	McCrery	Young (FL)

□ 1543

Mr. OWENS of Utah changed his vote from "aye" to "no."

Mr. THOMAS of California and Mr. ZIMMER changed their vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. (Mr. MONTGOMERY). The gentleman will state it.

Mr. RAHALL. Mr. Speaker, is it this gentleman's correct interpretation that the House is in session today awaiting action on the energy conference report and not completion of the current pending legislation?

The SPEAKER pro tempore. This is not a parliamentary inquiry that the gentleman has stated to the Chair.

MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the vote on the adoption of House Resolution 574, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

REQUEST TO SPEAK OUT OF ORDER

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

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

Mr. RAHALL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The SPEAKER pro tempore. The vote is on the resolution.

The vote was taken by electronic device, and there were—yeas 251, nays 146, answered not voting 35, as follows:

[Roll No. 465]

YEAS—251

Abercrombie	Cooper	Ford (TN)
Ackerman	Costello	Frank (MA)
Anderson	Cox (IL)	Frost
Andrews (ME)	Coyne	Gejdenson
Andrews (TX)	Cramer	Gephardt
Annunzio	Darden	Geren
Applegate	de la Garza	Gibbons
Aspin	DeFazio	Gilman
Atkins	DeLauro	Glickman
AuCoin	Dellums	Gonzalez
Bacchus	Derrick	Gordon
Bennett	Dicks	Green
Berman	Dingell	Guarini
Bevill	Dixon	Hall (OH)
Blackwell	Donnelly	Hall (TX)
Boehlert	Dooley	Hamilton
Bonior	Dorgan (ND)	Harris
Borski	Downey	Hatcher
Boucher	Durbin	Hayes (IL)
Brewster	Dymally	Hefner
Brooks	Early	Hertel
Browder	Eckart	Hoagland
Brown	Edwards (CA)	Hochbrueckner
Bruce	Edwards (TX)	Horn
Bryant	Engel	Hoyer
Bustamante	English	Hughes
Byron	Erdreich	Hutto
Cardin	Espy	Jacobs
Carr	Evans	Jefferson
Chapman	Fascell	Jenkins
Clay	Fazio	Johnson (SD)
Collins (IL)	Feighan	Johnston
Collins (MI)	Fish	Jones
Condit	Foglietta	Jontz
Conyers	Ford (MI)	Kanjorski
Kaptur	Oakar	Sensenbrenner
Kildee	Oberstar	Serrano
Kleczka	Obey	Sharp
Klug	Olver	Shays
Kolter	Ortiz	Sikorski
Kopetski	Owens (UT)	Sisisky
Kostmayer	Pallone	Skaggs
LaFalce	Parker	Skelton
Lancaster	Patterson	Slattery
Lantos	Payne (NJ)	Slaughter
Laughlin	Payne (VA)	Smith (FL)
Lehman (CA)	Pease	Smith (IA)
Lehman (FL)	Pelosi	Smith (NJ)
Levin (MI)	Penny	Snowe
Lewis (GA)	Perkins	Solarz
Lloyd	Peterson (FL)	Spratt
Long	Peterson (MN)	Stark
Lowey (NY)	Petri	Stenholm
Luken	Pickett	Stokes
Machtley	Pickle	Studds
Manton	Poshard	Swett
Markey	Price	Swift
Martinez	Quillen	Synar
Matsui	Rahall	Tallon
Mavroules	Ramstad	Tanner
Mazzoli	Rangel	Tauzin
McCloskey	Ravenel	Taylor (MS)
McCurdy	Ray	Thomas (GA)
McDermott	Reed	Thornton
McHugh	Regula	Torricelli
McMillen (MD)	Richardson	Traficant
McNulty	Ridge	Traxler
Meyers	Rinaldo	Unsoeld
Mfume	Roe	Valentine
Miller (CA)	Roemer	Vento
Mineta	Ros-Lehtinen	Visclosky
Mink	Rose	Volkmer
Moakley	Rostenkowski	Washington
Mollohan	Roth	Waters
Montgomery	Rowland	Waxman
Moody	Roybal	Whitten
Moran	Russo	Wilson
Mrazek	Sabo	Wise
Murphy	Sanders	Wolpe
Murtha	Sangmeister	Wyden
Nagle	Sarpalius	Yates
Natcher	Saxton	Yatron
Neal (NC)	Scheuer	Zimmer
Nowak	Schumer	

NAYS—146

Allard	Gallo	McEwen
Allen	Gekas	McGrath
Archer	Gilchrest	McMillan (NC)
Armey	Gillmor	Michel
Ballenger	Gingrich	Miller (OH)
Barrett	Goodling	Miller (WA)
Barton	Goss	Molinari
Bateman	Gradison	Moorhead
Bentley	Grandy	Morella
Bereuter	Gunderson	Morrison
Bilbray	Hammerschmidt	Myers
Bilirakis	Hancock	Nichols
Bliley	Hansen	Nussle
Boehner	Hastert	Olin
Broomfield	Hefley	Orton
Bunning	Henry	Oxley
Burton	Herger	Packard
Callahan	Hobson	Pastor
Camp	Hopkins	Paxon
Campbell (CA)	Horton	Porter
Campbell (CO)	Houghton	Pursell
Clinger	Hubbard	Rhodes
Coble	Hunter	Riggs
Coleman (MO)	Hyde	Ritter
Combest	Inhofe	Roberts
Coughlin	Ireland	Rogers
Cox (CA)	James	Rohrabacher
Crane	Johnson (CT)	Santorum
Cunningham	Johnson (TX)	Schaefer
Dannemeyer	Kasich	Schiff
Davis	Kolbe	Schroeder
DeLay	Kyl	Schulze
Dickinson	Lagomarsino	Shaw
Doolittle	LaRocco	Shuster
Dornan (CA)	Leach	Skeen
Dreier	Lent	Smith (OR)
Duncan	Lewis (CA)	Smith (TX)
Edwards (OK)	Lewis (FL)	Solomon
Emerson	Lightfoot	Spence
Ewing	Lowery (CA)	Stallings
Fawell	Marlenee	Stearns
Fields	Martin	Stump
Franks (CT)	McCandless	Sundquist
Gallegly	McCollum	Taylor (NC)

Thomas (CA)	Vucanovich	Williams
Thomas (WY)	Walker	Wolf
Torres	Walsh	Young (AK)
Upton	Weber	Zeliff
Vander Jagt	Weldon	

NOT VOTING—35

Alexander	Flake	Neal (MA)
Andrews (NJ)	Gaydos	Owens (NY)
Anthony	Hayes (LA)	Panetta
Baker	Holloway	Roukema
Barnard	Huckaby	Savage
Beilenson	Kennedy	Sawyer
Boxer	Kennelly	Staggers
Carper	Levine (CA)	Towns
Chandler	Lipinski	Wheat
Clement	Livingston	Wylie
Coleman (TX)	McCrery	Young (FL)
Dwyer	McDade	

□ 1602

Mr. MCGRATH changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 574 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 918.

□ 1603

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 918) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as read the first time.

The gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes; the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes; the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 10 minutes; and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

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

Mr. Chairman, the year was 1872.

Ulysses S. Grant resided in the White House.

Union troops still occupied the South.

The invention of the telephone and Custer's stand at the Little Bighorn were still 4 years away.

And in 1872 Congress passed a law that allowed people to go onto public lands in the West, stake mining claims, and if any gold or silver were found, mine it for free.

In an effort to promote the settlement of the West, Congress said that these folks could also buy the land from the Federal Government for $2.50 an acre; 1872, $2.50 an acre—OK, back then probably a decent price.

That was 1872. This is 1992. Yet, today, the mining law of 1872 is still in force.

And, for the most part, it is not the lone prospector of old, as we see in pictures of the good old days, pick in hand, accompanied by his trusty pack mule, who is staking those mining claims.

Today, it is large corporations, many of them foreign controlled, foreign owned or controlled conglomerates, who are mining gold owned by the people of the United States for free, and snapping up valuable Federal land at fast food hamburger prices.

Remaining as the last vestige of frontier-era legislation, the mining law of 1872 played a role in the development of the West. And a highly successful role at that, I might add.

But it also left a staggering legacy of poisoned streams, abandoned waste dumps, and maimed landscapes.

Obviously, at the public's expense, the western mining interests have had a good thing going all of these years. And this effort today makes them mad, very mad.

But the question has to be asked for the sake of sound public policy: Is it right to continue to allow this speculation with Federal lands, not to require that the lands be reclaimed, and to permit the public's mineral wealth to be mined for free?

Make no mistake about it.

Today, you, or me, or anybody else watching this debate can go onto Federal lands in States like Nevada and Montana and stake any number of mining claims, each averaging about 20 acres.

In order to maintain our mining claim, all that we are required to do is to spend $100 per year on it.

Say you value your time at $5 an hour. Over the course of a year, if you spend 20 hours digging around with a shovel on that mining claim you've met the requirement.

Now, in the event we find gold or silver on that mining claim, we mine it for free. We are not required to pay the Federal Government any rental for the use of the land, or any royalty in return for the profit we make from producing minerals from these Federal lands.

During 1990, an estimated $9 billion worth of hardrock minerals were mined like this in the Western States.

Yet, the Federal Government did not collect one red penny in royalty from any of this mineral production that was conducted on public lands owned by all Americans.

Incredible you say. Oh, it gets better. Does it ever.

As it stands, we have a mining claim on Federal lands.

We pay no rent for the use of the land, or royalty for the production of minerals from this land.

And all that we are required to do to keep the claim is to dig around a bit each year, or at least say that we did. With about 1.2 million claims out there, who is going to know the difference.

But say we decide that we want to own the Federal land that is embraced by our mining claim. For whatever reason, we want to actually buy this Federal land.

The mining law of 1872 says that we can do this. And it says that we can do this by first showing that the lands have valuable minerals, and then by paying the Federal Government $2.50 or $5 an acre.

You heard me right.

Depending on the type of claim, $2.50 or $5 an acre.

You heard me right.

Depending on the type of claim, $2.50 or $5 an acre for land that may contain millions of dollars worth of gold, silver, copper, lead, and zinc.

This is called obtaining a mining claim patent. Perhaps a good feature in 1872, when we were trying to settle the West. But today, I hardly think we need to promote the additional settlement of Los Angeles, San Francisco, or Denver.

To give you an idea of what is going on, recently a mining company received preliminary approval to obtain 25 of these patents covering about 2,000 acres of public land in Montana.

This company will pay the Federal Government little more than $10,000 for land estimated to contain $32 billion worth of platinum and palladium.

Now, once we own those lands, nothing in this so-called mining law says that we have to actually mine it.

The land is now ours to do with what we will. We are free to build condos or ski slopes on this land. We are free to sell the land for whatever price we can charge. We can do this because the land is now ours.

Why, just last week the Arizona Republic carried a story about a gentleman who paid the Federal Government $155 for 61 acres worth of mining claims.

Today, these mining claims are the site of a Hilton Hotel. The gentleman now estimates that his share of the resort is worth about $6 million. Not a bad deal, uh, except from the American taxpayer's point of view. Are these the types of jobs my dear opponents to this bill claim I'm eliminating? Do you want mining jobs or maids' jobs? Rather, my effort is to preserve and create jobs for the serious mineral developer in accord with sound public policy governing the public lands.

But to this gentleman's credit, even he admits, and I quote him: "The government is selling the land, and they aren't making any money off of it. I

would favor that the government would retain ownership of the land."

But all of this is still not even the whole story.

As it turns out, you can mine these Federal lands with minimal reclamation requirements.

Two States, New Mexico and Arizona, do not even have reclamation laws on their books.

Meanwhile, the only Federal requirement is that when operating on these lands you do not cause unnecessary or undue degradation.

And what does this term mean? It means that you can do whatever you want as long as it's pretty much what all of the other miners are doing.

That, my colleagues, is the standard that has given rise to an incredible amount of environmental damage.

How can this be, you might ask. This is incredible. This is absurd. This is unreal, unbelievable, crazy, idiotic. Why this is a rip-off!

Well my dear colleagues indeed, it is.

If you are mining coal, this is not the case. There's a very stringent Federal law on the books that says coal miners must completely reclaim the land, whether on private or public lands.

It simply makes no sense whatsoever to provide a lesser degree of protection to people and communities who happen to be near hardrock mining operations than those near coal mining operations.

And I would remind my colleagues that the mining law and the pending legislation does not deal with coal, or for that matter, oil and gas. These energy minerals, if located on Federal lands, are leased by the Government, and a royalty is charged. The American taxpayer is not being ripped off in these areas.

Further, the mining law of 1872, and the pending legislation, does not deal with private lands. The scope of the mining law and this bill is limited to Federal lands in the Western States.

The pending legislation addresses all of these concerns.

It would prohibit the continued giveaway of public lands.

It would require that mining claims are diligently developed.

It would require that a rental be paid for the use of the land, and that a royalty be paid on the production of valuable minerals extracted from these Federal lands.

And, it would require industry to comply with some basic reclamation standards.

We are beginning a historical debate. A debate, I would maintain, that is long overdue.

I am here to suggest that if we continue under the current regime, that if we do not make corrections, the ability of the mining industry to continue to operate on public domain lands in the future is questionable. And this, I dare say, will put mining jobs in real jeopardy.

While the mining law of 1872 over the years has helped develop the West, and caused needed minerals to be extracted from the Earth, the fact of the matter is that we have already passed the point in time when this 19th century law can be depended upon to serve the country's 21st century mineral needs.

And to do so in a manner accepted by society.

Reform of the mining law of 1872 is also a matter of the public interest.

The interest of the American taxpayer. The interest of all Americans who are the true owners of these public lands. The name of every American is on the deed of these lands.

□ 1610

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I ask the gentleman to yield because my district involves some 20,000 square miles of territory. You could put four eastern States in it easily. There is a lot of mining territory in there, and yet I do not serve on this committee.

I am curious, the gentleman has described this law, 1872. Has the law ever been changed since 1872?

Mr. RAHALL. Oh, yes, the law has been changed a few times to take out, as I mentioned in my opening comments, oil and gas, to take out coal, to put them under a separate regime where they do have to pay a royalty to the Federal Government. Yes; it has been amended in that way.

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

Mrs. VUCANOVICH. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I know it is the time for the flu season. I would like to suggest that is not why I feel ill. It was just the previous speaker and his statements that made me very disgusted with what I heard.

Mr. Chairman, in fact, the mining law has been changed 127 times since 1872, 127 times, just as recently, beginning in 1918, it has been changed as recently as 1990, so to have someone sit here or stand here and say it has not been changed is absolutely so much droppings as we would find in the wild where this mining takes place. It is not true.

Mr. Chairman, I would like to just suggest respectfully that in a way I want to thank the chairman of the subcommittee for allowing us to debate this issue. It is dead. It is a filler for the next legislative package, the energy bill that is coming up today.

Last night, as I said, that side of the aisle over here talks a great game. They talk about the poor, they talk about joblessness, they talk about the economy, they talk about having more jobs and workers working in America, and increasing the tax base.

Think of it. They cry out for affordable housing, but they also tell us, "Do not cut any trees. Do not cut any trees; we are going to build houses out of Alice in Wonderland material." So we import the wood from Canada at a higher rate, about $5 more per house. The price of housing goes up, the American dream goes down.

They complain about the energy crisis, the imports. At the same time they kick all of our energy companies out of this country, 370,000 jobs down to less than 100,000 jobs in less than 14 years, that side, the Democrat side. The energy companies go on to Russia, Colombia, China, Vietnam, they go on where they can drill, because we are told, "They cannot drill here." We are told, "They cannot drill anywhere in the United States," so Americans spend twice as much on foreign oil as we do on Japanese cars, and then that side speaks of the trade deficit.

This country does not have a trade deficit, it has an oil deficit.

Last Friday we locked up lands in Montana to resource development. Today we are telling the miners to go out and flip hamburgers. Tomorrow we are going to cut off water to farmers in California, our richest agricultural State.

Sometimes I think that some of the people in this body who are puppets of the extreme environmental groups will not be happy until the opportunity to work in America on any job where you can get dirt under your fingernails is gone. Then we can sit around and sue each other with our bunches of lawyers and watch Russia, China, Japan, and Europe pass us by.

Like going to Reno to get married, people from other parts of the world will come to the States to sue each other. While here, they can help support our declining standard of living by seeing the sights and buying a hamburger made by an ex-logger, an exroustabout or toolpusher, or an exminer. This is the new covenant of Bill Clinton and "Owl" GORE. In this new age service economy, we can eat new fruits from exotic places, since California's agricultural lands will return to the desert. We will buy finished product from foreign nations made of foreign minerals derived from foreign lands. Our automobiles will be gone—as AL GORE has said they should be gone, because of the pollution—and we will ride on public transportation to do-nothing, make-work jobs.

We can live like drones, and our standard of living decreases each day. I blame that side. Again, I challenge them to show me where they passed one law in 20 years that has produced a real job, a job that comes from the resources of this land. It has not happened.

I hear a lot about how the mining law is over a hundred years old. By the way, the Yellowstone Park is over 100 years old. So is our Bill of Rights. So in our Nation, blessed by God with the natural resources which built us into the world power that we are today. I wish to God that the wisdom of the Congress that saw the need to encourage the development of our minerals through the mining law, the development of our agriculture through the Homestead Act, and the blooming of our deserts through water development in the arid Western United States would be visited upon us today. For on this day, we squander a legacy.

Mr. Chairman, I would suggest to this body that we have lost sight about what America is. We have become a body in this Congress of creating make-believe. That is all this is, make-believe: Pass these laws, the Clean Air Act, 350,000 jobs; and the Coal Act, "back to the original contour," that is a lot of jobs. We are not mining the coal we should be. We are not developing the resources we have here and we should be developing in an environmentally safe way.

□ 1620

But I can tell you, the day of reckoning has come, and it will be here sooner than you think, because you cannot make something out of nothing. And that is what you are doing. You have borrowed the dollars to fulfill all of these good, and feel-good, and fuzzy-wuzzy programs, and borrowed them, and decreased the ability to produce the resources of this Nation.

You have driven manufacturing overseas, and now you are driving the oil industry overseas, and the mining industry overseas, and now agriculture overseas, and you ought to be happy. You ought to be real happy because you have driven America overseas. You have made us a third-rate country instead of the first-rate country we should be.

Mr. JOHNSON of South Dakato. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to state my strong support for moving forward with legislation to reform the 1872 Mining Act. This act, signed by President Grant, may have been appropriate to its time, but changes in our society, changes in our values, and simply in mining technology have made reform long overdue. New recovery techniques now make it possible and profitable to crush 100 tons of mountain rock to obtain a single ounce of gold. And we have seen a tenfold increase in gold recovery over the past decade alone.

The old law has long since ceased to adequately protect either the interests of the environment or the taxpayers.

There are some areas where gold mining is no doubt the very best use of public lands. But the 1872 act gave primacy to mining over all other uses, almost regardless of the nature of that land. Public land managers are currently not in a position to adequately weight scenic, recreational, wildlife, grazing, timber, or air and water-quality values in a balance between mining and other uses. I believe it is particularly important for competing potential uses of public land to be thoughtfully and carefully balanced where, as in the case of my own State, mining areas are interwoven with timber, grazing, tourism, business, recreational, and residential uses.

Where mining does take place, it is essential that the Federal Government insist on reasonable reclamation standards, certainly standards which the mining industry can realistically meet, but which also restore the land for the use of future generations.

There are currently some half million acres of public land that have been mined out and abandoned. Forty-eight of the Superfund sites in this country are abandoned mines, with the largest of all being in my neighboring State of Montana. Huge pits carved for miles in the mountain, and left with water contaminated by arsenic and mercury, are not a legacy that this Nation wants to leave to future generations.

While much is made of the fact that 15 of the 25 largest gold-mining companies in the United States are owned by foreign interests, the 1872 act prevents professional management of smaller mining sites. In California, in particular, literally thousands of trailers, shacks, and cabins have been set up in the foothills on public land, ostensibly as mining operations, but in fact as homes to full-time squatters and vacation-shack seekers. One BLM manager in California contends that his region contains 10,000 mining claims to supervise, but that only 4 or 5 are actually involved in mining.

In the meantime, the public loses access to what is supposed to be public lands, and environmental damage occurs, and pristine wildernesses are esthetically blighted.

Mr. Chairman, it is long overdue that this Congress moves forward with balanced reform of the 1872 Mining Act, reform which will allow this key industry to continue to profitably pursue mining, but which, at the same time, balances it with the interests of the environment, the taxpayers, and a whole other range of uses of public land.

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

Mr. RAHALL. Mr. Chairman, I yield 4½ minutes to the gentleman from Ohio [Mr. REGULA], a very valuable member of the Committee on Appropriations and a great help on this legislation.

Mr. REGULA. Mr. Chairman, I think we ought to get some facts in this issue. First of all, we are the custodians of about 800 million acres of America, the Federal lands that are owned by the U.S. Government, and we have a responsibility to manage this resource not only for today, but for tomorrow and for future generations. These lands are precious and become even more so.

The question today is how do we effectively deal with the issue of mining. Certainly we have had amendments to the 1872 act, and that is why it is fitting to consider again some amendments that should be made in light of present-day conditions.

One of the things that troubles me as the ranking member on the Interior Appropriations Subcommittee is this fact. In 1991 we approrpiated $6 million to buy mining claims in Denali National Park. In 1992 we appropriated $3 million to buy additional mining claims. In 1993 we appropriated another $3 million. This figures out to $8,571 per acre for land that the U.S. Government conveyed for $2.50 an acre.

Something is wrong when we do that type of management of these resources. What we are trying to address in this legislation is a way to ensure that the taxpayer gets value received.

The bill that passed the House from the Interior Appropriations Subcommittee had a moratorium on any patents being granted that I placed in the bill. Unfortunately the Senate insisted that this provision come out of the bill.

We need to reform the law to prevent this happening in the future.

Clearly the patent provisions in the 1872 mining law are not consistent with current Federal land management policies in that they allow patented mining claims to pass into private ownership, which removes these lands from multiple-use management, impedes effective multiple-use management of adjacent public lands and does not permit the government to receive a fair return on the land or minerals. BLM estimates that 3 million acres of Federal lands have been virtually given away to private ownership through this 120-year-old statute.

Another problem is reclamation. As has been pointed out before, every State has a different set of laws. Certainly we have the Federal act that applies to certain minerals, but not to the hard rock. This bill attempts to address the problem of restoring these lands for useful purposes. Keep in mind that these lands are already in the Federal domain, and we have an obligation to the owners, the people of the United States, to restore them to the condition they were in before mining.

To give an example of the problem, 50 mine sites have been placed on EPA's superfund list and will cost the taxpayer $11 billion to clean up something that we gave away. We need to address that kind of a problem. This bill takes a step in the right direction.

The United States is the only major country that does not require royalties

and require reclamation. Canada, Australia, and South Africa are examples of countries that charge royalties for hard-rock mineral mining, but not the United States. Likewise these nations retain title to the land, therefore ownership reverts to the people when mining is completed.

I think it is important that we take a new look at this. We have removed coal, sand, gravel, stone, oil and gas, from the 1872 act. Now I think it is time to examine the question of hard-rock minerals to ensure that we do not convey away lands for $2.50 an acre that we are going to buy back as we are doing in the Interior appropriations bill for $8,571 an acre in Denali National Park.

I am a proponent of multiple use, and I think there is a proper place for it. But what we are talking about today is a proper management tool to ensure reclamation, to ensure fair value to the taxpayers of these United States, the people that own these lands, and to ensure that we can recover the hard-rock minerals, but in a useful way.

By enacting this long overdue reform measure we will bring the hard-rock mining industry into the 20th century and allow the Federal land management agencies to evaluate this use of the public lands fairly against other uses and receive a fair return for allowing mineral exploration on public lands.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

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

□ 1630

Mr. THOMAS of Wyoming. I guess I am curious. I understand the gentleman's concern, and I do not disagree with it at all. But I am interested in why, when there was an opportunity in the Interior bill to do this, a bill that would have been signed, the gentleman did not support that but rather would come to talk about a bill that will not get through the Congress.

Mr. REGULA. What was in the Senate Interior appropriations bill on mining is different from what we are talking about today, and we do not have enough time to get into the differences. But in any event it did not have the elements that we need to address; namely, reclamation, fair market value for patents, royalty payments and so on. This is not a perfect bill. I do not claim that it is. However, I think it is important that this body that manages the Federal lands on behalf of the people of these United States, pass amendments to the Mining Act of 1872 that insure fairness to the people of this Nation.

Mr. THOMAS of Wyoming. I thank the gentleman.

The Interior bill was not perfect either, but you had a chance to do something that you wanted; here, you have no chance and you and I know that.

Mr. REGULA. You know, the westerners in the other body are difficult to deal with on the mining issues.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this measure to amend the mining law of 1872.

Unlike others who have spoken previously, I must state at the outset that my objections to this measure are not based primarily on process. It is clear to anyone who has followed this initiative that the gentleman from West Virginia has worked very long and hard on this bill, although the procedure of discharging it from subcommittee was unusual.

I commend him for the extensive data gathering and hearing process that he has undertaken.

Likewise, I have no quarrel with his overall objectives to amend certain provisions of law regarding how hardrock mining on public lands is carried out.

Nearly everyone from the Interior Committee on both sides of the aisle who spoke on this measure during full committee consideration agreed that fixes were required.

My quarrel today with this bill is with the substance of it, because I am convinced that it will result in shutting down many mines across this country and putting thousands of people out of work, the fact that there is no objective analysis of the economic consequences of this bill further underscores my concern.

I believe that because shutting down the mining industry is clearly the objective of the extreme environmental groups who are the primary proponents of this measure.

Mr. Chairman, just like many other bills which have emerged from the Interior Committee in the 102d Congress, this bill puts growth in the economy and people last.

I truly believe that we can have both environmental protection and economic growth, but we cannot have both environmental extremism as practiced by the Interior Committee in the 102d Congress and economic growth.

The Interior Committee majority believes that in order to protect the California Desert, you must lock up over 8 million acres in wilderness and parks.

The Interior Committee majority believes that we should spend over $900 million in Federal funds to save about 4,000 acres of redwood trees, the most protected commercial tree species in the world.

The Interior Committee majority believes that we should lock up over 8 million acres of timber in the Pacific Northwest and close down entire towns in order to save the spotted owl.

With this bill the Interior Committee majority is saying the way to solve existing problems with the mining industry is to close it down.

Many people argue that just because the mining law is 120 years old, it must be obsolete; I would remind my colleagues that 1872 was also the year in which we designated Yellowstone National Park and I don't believe anyone is arguing that park is obsolete just because it is 120 years old.

The mining law has been amended over 40 times, many times to address environmental concerns; additionally, all of the Federal environmental protection laws apply to mining operations on Federal lands.

Mr. Chairman, I agree with those who argue for changes in the patenting procedures, holding fees, and reclamation requirements.

I also agree that provisions dealing with financial return to the Federal Government for the privilege of extracting Federal minerals need to be established.

I would hope that after the rhetoric of today subsides, those persons from both sides would be willing to sit down and jointly develop some of these needed reforms so that this Congress can spend its time debating this issue next time productively rather than waste its time on a bill which is headed nowhere.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield 3½ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the chairman here, and although I have opposed everything he has wanted to do with this act in committee, and if I have the opportunity I will oppose some of what he wants to do in this act here on the floor, I commend him for trying to bring this 120-year-old law up to date, and in this general effort I lend him my support.

Mr. Chairman, I understand and support the need to reform the mining law of this Nation. The mining law was passed during the Ulysses Grant administration in order to provide a rudimentary, fair system of facilitating development of the West's mineral estate. It was developed to protect the rights of those who went out on the public land, found a valuable mineral deposit, and proceeded to mine and profit from that deposit.

The 1872 law accomplished these goals. During the last 120 years an enormous wealth of minerals was developed from the public domain. Many thousands of acres were transferred into private ownership at $2.50 an acre under the land patenting process, enabling, in many cases, individuals to obtain public land at fire sale prices and use that land either for mining or for any other purpose they so chose. Over

the last century hundreds of mines were developed with no regard for the fundamental environmental protections we require today, and at most of those the miner finished his work and then walked away, leaving our generations with an environmental cleanup task of mind boggling dimensions. And these mineral resources were given away, with not a dime of these enormous profits going to the American people who owned the resources.

As written in 1872, and as it has gone unchanged in 120 years, the law sanctions mining as the highest and best use of public land, and it requires that the right to mine ultimately supercedes all of the other values which may be present on the land. Clearly, Mr. Chairman, the law's relevance in today's world must be considered suspect.

Consider the Sweetgrass Hills of northern Montana, one of the most sacred places to the native Americans of the northern Great Plains, and a place that is deeply, profoundly loved by the farmers and ranchers who've lived for generations in their shadow. The hills are now the subject of an EIS for a major hard rock exploration project, involving extensive roading and trenching through one portion of the area. Yet under the current law there is no circumstance in which the BLM could deny this mining company's permit to explore for minerals. Again, Mr. Chairman, we need to have this discussion.

There are things in this legislation that are good for Montana and for the West. I would compliment the chairman of the Mining Subcommittee, and his staff, for their good work in devising minimum standards of reclamation to apply in all States. Montana leads the Nation, as I've said, in the establishment of mining reclamation standards. There is a good reason for that, Mr. Chairman. Montana paid a price for a century of unregulated mining, and so in recent years my State has said enough is enough, we will no longer allow unrestrained, environmentally unregulated mining in our State.

This legislation sets up a process to reclaim abandoned mines. The Montana reclamation office tells me that while we've spent $30 million to reclaim abandoned mines, we have a billion dollars of work left to be done. This is slightly less than one-half of the total hard rock reclamation need of the entire Nation, and I tell my colleagues that we Montanans are very serious about cleaning up the tens of thousands of acres of lands and miles of streams that are polluted by past mining abuses. This effort would create many good paying jobs in my State and we should get on with the abandoned mine reclamation effort.

Mr. Chairman, mining reform, not necessarily this bill, is terribly important both to the protection of the environment and to how we will allow responsible mineral development to go forward in this country. I have serious concerns about certain provisions in the legislation and I am hopeful we will correct those in our work today. But it has taken us since the Grant administration to revisit this law here on the floor of the House, and so I support this effort to change the mining law to reflect the changed world we now live in.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I thank the gentlewoman for yielding.

Mr. Chairman, I rise to speak against the bill, H.R. 918.

The issue is something that keeps coming back to us year after year like a stray dog.

For the third time in 6 years the House is trying to gut the general mining law of 1872, largely to make an election year splash and to please those who think the mining industry is raping the land for a pittance.

Sure, some change may be appropriate; sure, the 1872 law is not perfect, and I think that is shown by the fact that we have amended it so many times over the years. And this year we had a chance to do something really meaningful, but instead we come here at this 11th hour to discuss something that is going nowhere and that fails on all counts.

□ 1640

The Senate has indicated it has no intention of reconsidering this measure at this late date. Even if by some wild stroke of fortune this bill were to reach the President's desk, he has indicated he would veto it in the form in which it is now.

Critics of the general mining law had their chance for real reform in the Senate. There, the mining industry worked with the Senate to reform the fee-on patent, insure mine reclamation, stop the use of mining patents to claim public lands for other purposes, and many other things; but none of this is in this bill. We are back to the same measure that had 1 day of hearings over here and will do little but to shut down mining on public land and generate attorneys' fees.

This is a cynical measure that plays with the feelings of those who like to see reform.

Mr. Chairman, I urge defeat of this bill.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we hear a lot from the other side about how the industry wrote a great reform bill over in the Senate and this is not real reform.

Well, this bill was not written by the industry and the special interests that are involved. This was written in great part by people who represent Western States, more than half owned by the Federal Government, and have some concern about the long-term viability of those lands. I will have a lot to say later in this debate about some amendments, but I just want to relate one story now. It is about the Oregon Dunes National Recreation Area.

In 1972 we adopted legislation and made that into a wonderful recreation area. Millions of Americans have visited that area, but now there are 780 acres of it that are set off from public access by a family from Washington State who filed a claim on that precious sand, something that we should certainly not allow people to take private lands for, take public land into private ownership for. They get 780 acres of the Dunes National Recreation Area for $1,950, plus a lot of attorneys fees under existing law.

Now, those same people, the Forest Service said, "You can't mine it under Oregon's land-use law. How about an exchange?"

"Oh," they said, "we would be interested in an exchange."

The Forest Service went out and located a number of parcels that were suitable for exchange. Do you know what those people did? They filed new claims on every single one.

So they said to the Forest Service, "You don't have anything to trade us. We got claims on that land."

Now they want a little bit of cash, $12 million for their $1,950 purchase of our precious Dunes National Recreation Area.

That is not an abuse, my colleagues on the other side of the aisle tell me. That is the wild West. That is keeping America strong. That is industrial development.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. MARLENEE. Mr. Chairman, I am a member of the Subcommittee on Forests, Family Farms and Energy, of the Committee on Agriculture. I am the second ranking member on the subcommittee.

We were allotted some time for this legislation. Is that time still available, and how much time is there?

The CHAIRMAN (Mr. MFUME). The time is still available. The Chair was under the impression that the gentleman from Missouri [Mr. COLEMAN] was controlling the time.

Mr. MARLENEE. Mr. Chairman, I will claim control of the time.

Mr. COLEMAN of Missouri. Mr. Chairman, if I may be recognized, we have 10 minutes. I would allow the gentleman from Montana [Mr. MARLENEE] to control the remaining 10 minutes of our time from the Republican side on the Agriculture Committee.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I might consume, and I thank the ranking member of the full committee for allowing me this time.

Mr. Chairman, I would like to comment on the remarks of my colleague, the gentleman from Oregon, his eloquent, if somewhat heated and somewhat excitable debate about the surface and the property that has been forfeited by the taxpayers and the people of the United States of America.

The answer is very simple. The President and the administration and the Senate side, the other body, had sent over here some amendments that would have allowed for the fix of any perceived difficulties that did exist, and the chairman of the committee said these really were just, if I may characterize it, a show and they really did nothing; but they would have allowed for the payment of the surface market value of those claims that were filed.

So I want to correct the misconception of the gentleman from Oregon.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, sometimes we just do not seem to learn. In October 1990, Congress adopted a tax measure designed to reduce the deficit. We loaded up a tax on people building boats and luxury cars, figuring that we would get additional revenue to the Government. We find out now that people are building less boats and luxury cars in America.

The proponents of this bill tell us that if we have an 8 percent royalty tax on the value of minerals produced annually, estimated at $1.4 billion, that will produce $80 million to the Federal Treasury.

What they have failed to take into account is that with the reduction of mineral production caused by this royalty, it is estimated that there will be a loss of corporate income taxes to the Federal Government of $70 million and a loss of personal income taxes paid to the Federal Government of $160 million, meaning the adoption of this measure in the form that is before the House, with an 8-percent royalty on the value of minerals extracted from Federal lands, is going to result in a loss of revenue to the Federal Treasury of the U.S. Government of $80 million a year.

Now, this to me, if the reason for this bill is to correct a deficiency in the law that was adopted in 1982, would at least strike from this bill this provision that gives an additional tax on those seeking to produce a mineral that the country needs.

I look at this as a means of decreasing employment of people in this country, decreasing mineral production, and that is not the direction I think we should go.

Yesterday, I noticed that there was a Montana wilderness bill, mostly supported by my friends on this side of the aisle. We find that bill will lock up 2 to 3 trillion cubic feet of natural gas badly needed by the energy base of this country.

Mr. Chairman, I do not think this is the direction in which the country should go.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I appreciate the gentleman yielding me this time.

First of all, I rise in opposition to the bill.

I would like to chat about it a bit. Actually, Wyoming is not as affected by this as we are by many other kinds of minerals, but I think it is the wrong direction to go. I think there need to be some changes in the law. Some of those need to be statutory changes, some of which we have had an opportunity to do, others can be done administratively.

We hear a lot of talk about how easy it is to transfer this land into ownership. I would like to take this $20 and say to my friend, the gentleman from West Virginia, I would like to have him take this and go out and patent 8 acres of Federal land.

The fact is that it costs tens of thousands, maybe millions of dollars to find the kind of minerals that make it possible to patent the land. So I would like to see that done very readily.

I think sometimes in the course of this, we have sort of forgotten the notion of what was involved here in the effort under the mining bill. It is always talked about as being so old and never changed. Obviously, it has been changed.

The most important part, of course, is that mining is covered under the environmental laws in this country, under the Clean Air Act, the Clean Water Act, the Threatened Endangered Species Act, the Archaeological Resources Protection Act, and in my State particularly, very stringent State laws.

It was designed for free access to public domain to explore for locatable minerals in lands that have not been withdrawn.

There is somehow a notion that people are running into Teton Park or Yellowstone National Park and making claims. Not so. Fifty percent of our State is in public ownership. It is not Teton Park.

As a matter of fact, most of it are lands that were left after access to homesteading, lands that were residual lands. The lands that were set aside for a reservation can be kept from mining simply by having them withdrawn, administratively or by law.

□ 1650

The other purpose, of course, was to initiate, to have self-initiating under this law whether or not the BLM or the Forest Service agreed before one could look for minerals. It was self-initiating, very important principle that is still there. Certainly secure tenure needs to be there. The notion of patenting does not have to be. One does not have to patent, nor do they have to offer patents on the surface. One can go into it with ownership in minerals without having a patent on the surface.

We have heard a lot of things here that really are not so. We have heard an awful lot about some awful aberrational examples. They should be changed, and I am for that. But to say one has to suggest that we take away the principles that were involved in the basic mining law to help for the economy of States where 50 to 87 percent of the States in Federal ownership I think is the very wrong direction.

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I support the bill, and I have an amendment. The amendment is straightforward. It says:

What are the percentages of ownership of these hardrock mining claims on Federal land by foreign interests?

Let me say that again. I want the support on both sides of the aisle because I predict the next President will conduct someday a press conference on the east lawn of the White House in a rice paddy. Domino's Pizza will be delivering with a ricksha. That is because we are auctioning and selling the whole dam country off, and of the top gold mines in America, my colleagues, 18 of them are owned by foreign interests who have more than 40 percent ownership in the top 18 gold mines in America. What the hell do we have left? Hamburgers?

Mr. Chairman, I want my amendment accepted. I do not know all the ramifications of this bill. I have heard about the bowels of the Earth testimony. All I know is this:

I have confidence in the chairman from West Virginia, and I know he is a tenacious fighter for American jobs, and I think it is time we find out who owns America's minerals and valuables under the earth and who can bring them out.

So, Mr. Chairman, I am hoping the gentleman from Montana [Mr. MARLENEE] will support the gentleman from Ohio, and the gentlewoman from Nevada, because some of these mining claims are in fact in their States.

So, I appreciate the opportunity to have the time, and I would appreciate the support of the chairman.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it very interesting, the latest delivery on the floor of the House by my colleague, the gentleman from Ohio [Mr. TRAFICANT]. I

think what I heard him say is, "Take your chips and go home. We don't want you investing in America."

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I did not say that.

Mr. MARLENEE. "We don't want you creating jobs in America"; I think that is what I heard, and I wonder if my colleague, the gentleman from Ohio [Mr. TRAFICANT], understands that the typical ounce of gold production, who owns the companies that produce it? Fifty-eight percent U.S. ownership of production. Sixteen percent British ownership of production. Sixteen percent Canadian ownership of production. Ten percent the rest of the world.

Mr. Chairman, that hardly sounds like an invasion in America. It sounds more like an investment to create jobs, to create economic activity, to create a tax base that supports the schools and communities.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to H.R. 918. As I said during debate on the rule, this bill is clearly aimed at promoting disincentives for investment in mining in America. That is why I have referred to it may times as the Latin American Mineral Exploration Incentives Act. I firmly believe H.R. 918 is a recipe for continued migration of mining exploration capital to foreign shores in search of investments in mineral prospects that those governments will allow to be mined.

I do not exaggerate, Mr. Chairman, when I say that H.R. 918 is a bill that would kill the goose that laid the golden egg. If my congressional district were an independent nation, it would be the third or fourth largest gold-producing country in the world. And if H.R. 918 somehow became law, we would want to be an independent nation.

There are so many provisions in the substitute that provide opportunity for the Federal Government or antimining citizens to "just say no" to a proposed operation that no rational person will expend his or her time, energy, and funds in the very risky business of mineral exploration and development.

The current mining law has fundamental concepts that are not just 120 years old, as is the 1872 act that this bill seeks to dispose with. No, the idea that one who explores for valuable mineral deposits must be given the right to mine his or her discoveries is at least 500 years old. Our country tried other systems in the first half of the 19th century to foster development of the old Lead Belt of Missouri and the lead, zinc, and iron deposits of the Upper Mississippi region, but they did not work, and the laws were repealed.

By contrast the mining law system of location and patent of valuable minerals on the public lands has withstood the test of time. Yes, it has been amended on many occasions to change the scope of minerals it covers and the States to which it applies, but the fundamental guarantees of access and right to mine have remained intact. It is these concepts which the bill would give lip service to but in fact would deny. Let me be clear, Mr. Chairman, the current law's guarantees do not come without conditions. Miners must comply with environmental statutes just as everyone else must. The mining law of 1872 does not apply its own environmental standards, but it does not immunize miners from existing laws, State or Federal.

My point, Mr. Chairman, is that miners today are willing to invest in the search for metals and nonmetals on the public lands because their tenure is secure. If a deposit is sufficiently valuable to pay the cost of its extraction and processing in an environmentally sound manner then the Federal land managing agency must allow its development, albeit conditions to prevent unnecessary or undue degradation of the public lands are imposed. In other words, discretion to "just say no" is limited to the Congress placing the lands off limits through wilderness legislation and the like—which we do with unrelenting abandon—or to the land manager denying plans because environmental thresholds would be exceeded.

In contrast, H.R. 918 would build in the discretion to say no for any reason—often after extensive data gathering efforts have already expended much of the proponents capital. Incredibly, Mr. Chairman, substitute to H.R. 918 passed by the Interior Committee would have extended the provisions of title II to privately owned mineral estates. There were field hearings in the West on the original bill, but never did the iron ore miners of Minnesota and Michigan believe that a substitute would apply to them. Nor did zinc owners in Tennessee, such as the ALBERT GORE family, nor lead miners in Missouri and clay mine operators in Georgia, and so forth.

Now the subcommittee chairman may allege that the new substitute fixes this private property concern, but I'm not so sure. That's because the bill defines the term "locatable mineral" to mean minerals not subject to a list of leasing acts and the Materials Act. For example, lead deposits in southeast Missouri on acquired Federal lands is not disposed of under any of the listed statutes in title I. Rather, it is leased under authority of the Weeks Act of 1911, as amended. Thus, it is a locatable mineral for the purposes of H.R. 918. Likewise, privately owned mineral rights are not disposed of under any of the listed acts, hence one may argue that the permitting provisions of this bill apply to them as well.

I know this may sound like a tortured interpretation to some Members, but let's examine the viewpoint of the sponsor of this substitute. Chairman RAHALL comes from coal mining country and in that business we have a nationwide law applying to all classes of ownership. It is SMCRA, the act of August 3, 1977, wherein Congress set Federal rules for coal mining reclamation and specifically declined to do so for hard rock minerals.

Instead, that Congress asked the National Academy to do a study of the need for and feasibility of nationwide hard rock mining reduction. That report, the so-called COSMAR study firmly stated that rigid Federal rules were ill-advised and would likely make hard rock mining unprofitable, harming an important sector of our economy.

Now, I believe we are seeing "a shot across the bow" on revisiting the issue of nationwide regulation of mining by the Federal Government. And this is being done in a legislative vehicle that was a public lands bill originally. Perhaps it has been fixed in this substitute, perhaps not. I don't think that the sponsor knows for sure, or else he would have included the proper citation for disposition of hard rock minerals on acquired land national forests.

From the "Dear Colleague" letters we have all circulated in the past days, the average Member may think that the royalty issue is key to this bill. But, Mr. Chairman, it really is not. The critical issue in H.R. 918 is the loss of secure tenure to existing claims, and the inability to gain secure tenure to new claims located under the act.

I believe that existing claimants would have a strong case at the court of claims in seeking a takings awards if they become unable to mine their deposits discovered under the old right to mine laws because the bill makes their proposed unsuitable or off-limits for any other reason. This is the crux of the debate—pure and simple, refined to its essence. Shall we bar the prospector and miner from the environmentally conditioned right to mine they have today and substitute the judgment of nonelected Government officials, driven by citizen suit provisions, to just say no to miners despite the remediation measures required by law.

Mr. Chairman, in my view, the answer is easy: Vote "no" to the radical reforms of H.R. 918 and continued to let responsible miners and prospectors have access to the public land minerals necessary to our Nation's security and desired by all our constituents.

The Mining Subcommittee was discharged of its responsibilities on H.R. 918 because a majority of its members did not agree with the chairman that this bill, in its original form or the radically different substitute before us today, served the Nation well.

Mr. Chairman, before I yield back the balance of my time, I'd like to make an historical observation. The 42d Congress passed the act of May 10, 1872, the general mining law which is under attack here today, just 2 months after taking the step to create the world's first national park, Yellowstone. I think the Members of the 42d Congress were a pretty smart bunch to have passed both those acts.

The champion of the mining law bill in that Congress was Senator William Morris Stewart of Virginia City, NV, not far from my home of Reno. His chief adversary was the chairman of the House Public Lands Committee, a gentleman from Ohio, who had insisted that the public mineral lands be disposed of at auction. Obviously, he lost that battle. Probably, because his colleagues decided that Western Members knew better about public lands issue than did a midwesterner. I have a sense of deja vu, here, Mr. Chairman. And like my predecessor from Nevada, Bill Stewart, westerners will prevail again this Congress, no matter what the results of the vote on H.R. 918, because the other body won't accept the exodus of mining jobs that this bill would bring. Its dead. I yield back the balance of my time.

□ 1700

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume in order to engage in a colloquy with the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mr. Chairman, I would ask the gentlewoman, you represent the State of Nevada. What is the largest mining State in the United States of America?

Mrs. VUCANOVICH. Mr. Chairman, if the gentleman will yield, Nevada.

Mr. MARLENEE. Nevada. And the gentlewoman represents the committee in what capacity?

Mrs. VUCANOVICH. Mr. Chairman, I am the ranking Republican on the Subcommittee on Mining of the Committee on Interior and Insular Affairs.

Mr. MARLENEE. How many times has the mining law been amended since its inception?

Mrs. VUCANOVICH. Well over 100 times. I think it is probably 150, 160 times.

Mr. MARLENEE. There have been that many amendments to the mining law?

Mrs. VUCANOVICH. There have been.

Mr. MARLENEE. So that mining law has been perfected a number of times throughout the years?

Mrs. VUCANOVICH. Yes.

Mr. MARLENEE. As changing conditions required it?

Mrs. VUCANOVICH. That is correct.

Mr. MARLENEE. Mr. Chairman, I would ask how much of the exploration budget at the present time is being spent overseas?

Mrs. VUCANOVICH. Probably about 50 percent.

Mr. MARLENEE. About 50 percent. In other words, we are losing in this Nation right now about 50 percent of the budgets that could be utilized in mining, is that correct?

Mrs. VUCANOVICH. That is correct.

Mr. MARLENEE. Mr. Chairman, a further question for the gentlewoman from Nevada: Can the gentlewoman give me some kind of an estimate on the amount of profit in a mine, such as a gold mine?

Mrs. VUCANOVICH. I will give the gentleman an estimate. Probably 5 percent.

Mr. MARLENEE. Mr. Chairman, this is a very important colloquy I am having with the ranking member of the subcommittee. This legislation does impact the State of Montana tremendously. It impacts the State of Nevada even more than it does the State of Montana, and we have a ranking member who understands what she is talking about, and we have a lot of Members down here in the well who have no concept of what this legislation will do to the United States of America. It will destroy the mining industry.

Mr. Chairman, let us take the Stillwater Mine. The Stillwater Mine that the gentleman from West Virginia [Mr. RAHALL] has referred to holds $32 billion in platinum. This is one of the only platinum mines in the world for that strategic mineral outside of the Soviet Union and South Africa; $32 billion in platinum, and they are in the red. In other words, to mine 32 billion dollars' worth of ore, it will take over $32 billion in costs. This is without the imposition of a Federal royalty which H.R. 918 would impose.

Mr. Chairman, let us suppose that the 5 percent is the profit on a lot of mines, and we impose that 8 percent royalty that is in H.R. 918. What does that do to the rest of the industry and what kind of an impact does that have on the Stillwater Mine?

Mr. Chairman, I would ask the gentlewoman from Nevada [Mrs. VUCANOVICH], in Nevada how many people are employed in the mining industry?

Mrs. VUCANOVICH. Mr. Chairman, if the gentleman will yield, probably 40,000 to 50,000 people.

Mr. MARLENEE. Forty to fifty thousand people. We have somewhere between 8,000 and 10,000 people who would be driven out of work should this legislation pass.

Mr. Chairman, let me ask the gentlewoman a further question. Did not the Senate address this legislation?

Mrs. VUCANOVICH. They did. That is correct.

Mr. MARLENEE. Was it sent over so we could consider it?

Mrs. VUCANOVICH. Yes, I guess it was. I have not seen it.

Mr. MARLENEE. Did that legislation include a provision that would allow for the payment of surface value?

Mrs. VUCANOVICH. Yes, that is correct, it did.

Mr. MARLENEE. Was that refused by the subcommittee chairman?

Mrs. VUCANOVICH. Mr. Chairman, we have not gone to conference on that. It was the Reid-Domenici amendment and the Reid-Bumpers amendment, two amendments, and the President would have signed it with those two amendments in there.

Mr. MARLENEE. Mr. Chairman, I thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for engaging in a colloquy with me.

Mr. Chairman, I rise in the strongest opposition possible to H.R. 918. This is, indeed, the Overseas Investment Incentive Act. Moreover, it will destroy our ability to secure the strategic minerals and the wealth necessary to keep this Nation going in the direction of national and international leadership.

Mr. Chairman, I would plead with my colleagues to vote against this particular legislation.

Mr. Chairman, I rise in strong opposition to H.R. 918. I stated during debate on the rule, that this bill should be named the Overseas Investment Incentive Act because that is exactly what we will be doing if we pass this bill. Talk about sending trade overseas this bill will accomplish that in a heartbeat. Most of the industry operating within our borders today already have shifted about 50 percent of their exploration budgets to offshore locations like South America, and the former Soviet Union, and—guess what—those countries like that just fine. They think the American greenback dollar is a good thing to have for their Governments, and their workers.

This bill is an absolute worse nightmare for the families that depend upon the mining industry for their livelihood, for the local governments that depend upon the mining industry to help fund part of, if not most all of, the local tax-based budgets for things like hospitals, ambulances, police and fire protection, schools and libraries. Why is it that some in this body just do not get it when they are advised that this bill will severely cripple an industry that this country so desperately needs. Why is it in these hard economic times are we willing to consider putting so many people out of work for the interests of so few. The real injustice here is that the Mining Subcommittee chairman had a solution handed to him that would have addressed all of the real concerns about mining, and failed to take them. Those solutions were sent to this body in the form of amendments to the Interior spending bill, they would have required payment of fair market value for surface estates when patenting claims, this would have killed the argument that the other side likes to use about $2.50 an acre land deals, one I might add the environmentalist groups have twisted and

turned inside out so many different ways, just so they could stab the mining industry in the back with it, knowing all along that almost all of what they were saying were blatant lies, the amendments also would have provided for the reversion of land not used in mining back to the United States, this would have killed the argument the proponents of this bill like to bash the mining industry with about ski lodges and luxurious mountain view cabins and homes on mining claims, and these amendments would have statutorily required full bonding on all mining operations, and you know what, this would have taken the wind out of the sails of the argument that the mining industry will not, and does not, want to reclaim land disturbed during mining operations. I stated last night that these were all reforms that the President would have signed into law. The opponents of mining in America today want to destroy the confidence of the public in our professional land managers to care for our valuable lands, and perpetrate the myth that the existing laws simply will not protect the land. Well guess what, the 1872 mining law has been amended 36 times. That's right, 36 times. Almost every known environmental law passed by this body has been made a part of the 1872 mining law, and guess who helped draft most, if not all of those environmental laws, why the very environmentalist organizations that are now saying that the 1872 mining law does not protect the environment. Somebody is spreading a lot of bull around here, and I for one don't think it's the mining industry.

Some around here would tell you that we simply must have a royalty on the minerals extracted. Well let me tell you that the mine workers who pay 28 to 32 percent of their income are paying for the privilege of working in that industry. How about all those local taxes being collected on the industry assets, the taxes on the extracted ore bodies.

You know we might need to remind ourselves that back in the early and mid-1980's when the U.S. gold industry was taking off, foreigners were a major source of venture capital. The U.S. mining industry was hard hit by the recession in the early 1980's, and conventional financing was hard to find. A second factor was that much of the technical expertise needed in precious metals mining was employed outside of the United States primarily in Canada, and needed to be imported to start up the U.S. industry.

Do we want to believe that people in an unemployment line is a form of royalty collection. Well I guess in some ways it is, because we take from the U.S. Treasury to pay for the unemployment benefits of those displaced workers. Most of the mining operation in existence today within our borders are very marginal at best. That means that when we place a royalty on those operations we just jeopardized the continued existence of those mines, and the workers they employ, and the tax base of local, and State governments they pay into.

In closing I say that it is apparent to me that the extremist environmentalists, and some in this House want the miners out of the mines, out of the mountains, and out of work. I ask my colleagues to vote no on H.R. 918 and defeat this bill.

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

Mr. RAHALL. Mr. Chairman, I yield the remainder of my time to the distinguished gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs and a western Member of this body, in addition to the other westerners that we heard from in support of this issue.

The CHAIRMAN. The gentleman from California [Mr. MILLER] is recognized for 4 minutes to close debate.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the issues that are contained in the debate over the mining law of 1872 are not eastern issues or westerns issues; they are national issues. They are about the responsibility of the Congress of the United States for the stewardship of the public lands, for the lands that we lease for mining in this instance, but in other instances lands that we lease to the timber industry and lands that we lease to people to graze cattle.

Mr. Chairman, what are our obligations? One hundred twenty years ago we had one set of obligations and one nation. Today, 120 years later, we have a different set of obligations and a different nation. My colleagues will recognize this question from their townhall meetings because it may be asked more often than any other question: Why do not you people run this Government like a business?

□ 1710

And there is a lot of hemming and hawing, but a good example why we do not run it like a business is because of the law of 1872.

We cannot get fair value for our lands because of this law. We cannot get rents like any other business person would get for their land because of this law. We cannot share in the profits of our tenents, as we might be able to do as any other owner would with a lease, because of this law. We cannot protect our lands in the name of the people of the United States because of this law.

We cannot get those lands reclaimed where a person who is using them is abusing them because of this law. We cannot protect people downstream, offsite, where mines are dug into the sides of mountains and leach pollutants and toxics into the wonderful streams of this Nation because of this law. That is why we cannot run this Government like a business with respect to mining.

We have an obligation that goes beyond the West and the East, beyond Idaho and Wyoming and California. It is an obligation to each and every taxpayer of this Nation.

This law is about those taxpayers and their right to have an accounting for the resources that they own. There are those who do not like the fact that the Federal Government owns the land, but that Federal Government is the people of this Nation, the people own those lands. And they are entitled to fair prices, to market prices, to a fair return on those lands. They are entitled to pass them on to the next generation of their children and grandchildren in better shape than we found them. That is the obligation.

This legislation is about those rights and those obligations. One hundred and twenty years ago, we were hungry to get people from the East into the West. We were hungry to open up the economic potential of the West, and today we have 11 billion dollars' worth of scars on the landscape of this Nation that the taxpayers are being asked to clean up.

We think we ought to have a little help from the people that took out the billions of dollars of gold and hard metals. We think we ought to have a little help. They made a little money along the way; we made none. We would like to have a little help cleaning up this Nation.

This is not about the West or the East or about those guys who identify with miners and somehow if a person comes from some other place, they cannot. It is about my State and my colleague's States. It is about this place from coast to coast, from north to south. It is about our future. It is about our responsibilities.

My friends like to say very often that they like the multiple use of lands. I believe in that. These lands are for multiple uses and purposes for all Americans, not just for backpackers or miners but everybody in between. But those lands, my colleagues, carry multiple responsibilities, responsibilities to the Treasury and to the taxpayers, responsibilities to the environment, responsibilities to future generations.

There is nothing in this legislation that diminishes the ability of the mining industry to thrive and to prosper and to profit in the United States of America. All of their competitors in the rest of the world are operating under laws that are far more progressive and fair to the taxpayers of those nations than the one we have today.

The time has come. The gentleman from Montana [Mr. WILLIAMS] said it

correctly, it is the birthday, 120th birthday. Let us do it right and let us reform this law.

Mr. RHODES. Mr. Chairman, I rise in opposition to H.R. 918 and in support of more responsible mining law reform. The bill before us, among its many other flaws, virtually destroys the self-initiation and location development principles on which the mining law is based, and which are important aspects of why and how hard rock mining differs from other extractive mining under the mineral leasing laws.

The Congress had an opportunity during the conference on the fiscal 1993 Interior appropriations bill to adopt the so-called Reid-Domenici amendment which would have written into law meaningful and responsible changes to the 1872 mining law. However, the House conferees rejected the Senate language. It was that legislation that had the best chance of being signed into law. This bill, in this form, will not pass the Congress and will not be signed into law.

In summary, the Senate amendment included requirements for fair-market-value payment for the patent of the surface estate, reclamation of mined lands, and reversion to the Federal Government if any activity other than mining occurs on patented land. These provisions would have responded in a positive and constructive manner to any real or perceived concerns about the mining law and its implementation and enforcement.

Finally, the bill before us today also includes new and expanded water language about which the Arizona Department of Water Resources has expressed concern regarding Federal intervention into State water allocation and adjudication processes. This issue certainly was not part of the hearings on the original H.R. 918.

Mr. Chairman, the mining industry is important to Arizona in terms of the economic stability of rural Arizona and revenues for the State. The mining industry also is crucial to the jobs and incomes for over 13,000 taxpaying citizens and their families in Arizona. During 1991, the copper industry alone paid more than $100 million in State and local taxes, and purchased more than 953 million dollars' worth of goods and supplies from small and large businesses within the State. Phelps Dodge alone produced about one-third of all copper mined in the United States last year. The copper produced in all mines in Arizona amounted to 62 percent of all domestic copper production in 1991. The value of all hard rock minerals mined in Arizona in 1991 was $2.6 billion, according to the Bureau of Mines.

The mining industry is important to the economy of Arizona, important to the jobs of thousands of Arizona workers and their families, and—to a major extent—important to the domestic production of nonfuel minerals in America.

I urge my colleagues to reject this legislation.

Mr. DORGAN of North Dakota. Mr. Chairman, today, I rise in support of H.R. 918, the Mineral Exploration and Development Act of 1992. As chairman of the Democratic caucus task force on Government waste, I want to stress that this bill is consistent with task force report findings calling for reform of this law.

Even opponents of this bill admit there are flagrant abuses of the current hard rock mining law. There is no defensible way to explain to taxpayers that, over the last two decades, the Federal Government has received $4,500 for land with an estimated value of $37 million, according to the GAO. There is no justification for selling public land to private patent holders for $42,500 that they then sold to an oil company for $37 million a short time later, as happened in one recent case.

This bill will address some of these shortcomings and bring this law into conformance with modern Federal land policy and public values. H.R. 918 will only apply standards similar to those that the coal and other mining industries already comply with. I urge my colleagues to support this bill.

Mr. VENTO. Mr. Chairman, I am an original cosponsor of H.R. 918, and I strongly support its passage today.

The Congress has been far too slow to move toward a comprehensive reform of the mining law of 1872. Over and over, it has been demonstrated that basic changes in this law—a surviving relic of another era of public land policy—are needed to protect the public interest.

More than 70 years ago, by enacting the Mineral Leasing Act of 1920, Congress instituted a leasing system for coal, oil, and other minerals whose development was not suitably regulated by the 1872 mining law. But even then, more should have been done.

In 1970, the Public Land Law Review Commission called for remedying the mining law's remaining deficiencies and weaknesses.

In 1976, Congress passed the Federal Land Policy and Management Act, or FLPMA, which was largely based on the Land Law Review Commission's recommendations.

FLPMA did make improvements in the hard rock mining law—for example, by mandating recordation of claims, to eliminate stale or abandoned claims that clouded the status of large parts of the public lands—but still, more remained to be done.

In particular, for sound management of the public lands, we need to close the gap between the mining law, with its principle of encouraging unrestricted prospecting and the unconfined staking of claims, and the basic land use planning principles of FLPMA and the National Forest Management Act.

The Interior Committee bill would close this gap by requiring that BLM and the Forest Service incorporate decisions about the suitability of particular lands for mining activities into their land-planning processes, either when initial plans are being prepared or through amendments to existing plans.

I believe that these provisions are in the best interests not only of other users of the public lands, but of the mining industry as well—because they will provide greater certainty about where mining can appropriately occur, and under what conditions. Uncertainty is the enemy of investment and development, and this feature of the bill will reduce that uncertainty.

Linking suitability determinations to land use planning thus would reduce or eliminate the need for ad hoc legislative actions to prevent mineral entry in places where it could not be reconciled with sound management—such as the Cave Creek Area in Arizona, for which special withdrawal legislation, sponsored by the gentleman from Arizona [Mr. KOLBE], passed earlier this year.

Mr. Chairman, H.R. 918 as reported by our committee is a very good bill. Chairman MILLER has demonstrated great leadership on this issue, and the gentleman from West Virginia [Mr. RAHALL] deserves the thanks of the House for his persistence and hard work on this issue. His efforts are an example of the legislative process at its very best.

I urge the House to seize this opportunity to replace the archaic mining law of 1872 with a modern mining law of 1992 by passing this very important bill.

Mr. SYNAR. Mr. Chairman, I rise today in support of H.R. 918, the Mineral Exploration and Development Act of 1992. This measure is the first comprehensive reform of the archaic 1872 mining law since it was signed by President Ulysses S. Grant 120 years ago.

H.R. 918 is a good start on long overdue reforms.

Each year, about 4 billion dollars' worth of hard rock minerals are taken from the public lands and not one cent of royalties are paid to the taxpayers. More remarkably, for the enormously hard rock minerals—gold, silver, uranium, copper, lead, cobalt, platinum, palladium, and many others—there is no royalty at all for production from Federal lands.

Mr. Chairman, under the 1872 mining law, a miner can stake a claim and hold it for no more than the cost of the annual assessment work—a pro forma requirement for $100 of work a year. When that miner produces minerals from these public lands, the profits belong to the miner. The taxpayers receive nothing. A miner can also receive a land patent to gain ownership of the land for only $2.50 to $5 an acre.

Over 1.2 million claims under the 1872 Mining Act extend over more than 24 million acres of Federal lands and more than 2,000 of those claims lie within our national parks.

Mr. Chairman, Congress must stop this loss of taxpayer assets and to provide for a more equitable distribution of our precious and strategic minerals.

Here is why we must reform our mineral laws. Today, the Department of the Interior is poised to transfer 2,000 acres of the Custer National Forest in Montana to the Stillwater Mining Co., jointly owned by Manville Corp. and Chevron. The total payment for these lands will be about $10,810, but the company expects to extract as much as 32 billion dollar's worth of platinum and palladium from the site. So, the taxpayers will get $1 for every $3 million in strategic minerals extracted from public lands.

Such fees hardly provide an equitable return to the taxpayers from an industry which produces $25 to $50 billion in raw material each year. The Office of Technology Assessment has conservatively estimated the annual nonfuel hard rock minerals production to be $12 to $25 billion per year.

But Stillwater is just the tip of the iceberg. In the past, pursuant to an unappealed lower court decision, the Federal Government was directed to title 524 mining claims covering almost 82,000 acres of land and containing 76 billion barrels of shale oil. The maximum reve-

nue to be derived by the Government will total about $205,000—$2.50 per acre. According to a 1990 estimate by this committee's investigative staff, the total revenue that the Federal Government will forego from royalties and bonus bids as a result of this action could total as much as $210 billion. The Federal Government is currently processing 623 mining claims covering another 100,000 acres of land also in Colorado containing in excess of 31 billion barrels of shale oil. Unless Congress takes vigorous action to protect the taxpayers' financial interest in these claims, revenue ranging from $13.9 to $85 billion may be lost.

Mr. Chairman, if the Congress agrees to establish a minimum royalty of 8 percent for public lands mineral production—a figure similar to the private lands rate—which would be commensurate with the existing base royalty for oil and gas production from offshore leases of public lands, the royalty would produce $250 million in new revenues each year. If the royalties are increased to 12.5 percent, as I believe they should be, then Federal mineral royalties will produce about $375 million in new revenues each year.

The absurd loss of the taxpayers' mineral wealth must be stopped. H.R. 918 will begin that process.

Revising the existing mineral giveaways is not the only motivation for reforming this ancient mining law, however. The environmental benefits of this measure make changes an absolute necessity.

Mr. Chairman, title II of H.R. 918 provides needed reform of the current mining regulatory program to ensure that hard rock mining sites on public lands are reclaimed.

This Nation is already faced with a tragic legacy of past environmental abuses caused by hard rock mining. Consider the sobering facts:

Forty-seven mining sites are now listed as Superfund sites on the national priorities list;

The Western Governors Association estimates that it will cost $2.8 billion to clean up abandoned hard rock mines in 12 Western States;

The largest Superfund site in the United States is an old mining and processing facility along the Clark Fork River in Montana.

Some of those contaminated lands are unpatented Federal mining claims, and the taxpayers are being held liable for cleanup cost.

Congress needs to make sure that today's mining operations are not going to become tomorrow's Superfund sites. To do so, we need to assure the taxpayers that the environmental costs of mining will be paid by the mining industry and not left behind for the taxpayers to pick up.

H.R. 918 requires cleanup of hard rock mining sites, and gives the Federal Government the authority to enforce reasonable and responsible reclamation requirements. In fact, title II establishes reclamation standards for all hard rock mining on public lands. Those standards are needed to fill the gaps in current State mining reclamation programs, and will ensure that all mining on public lands is conducted in an environmentally and fiscally sound manner.

Mr. Chairman, it's time for a change. It's time to stop Uncle Sucker from giving away taxpayer assets. It's time to repeal the 1872 Mining Act and to start running the Government for the benefit of the taxpayers.

It is time to enact H.R. 918. It will be good for both the taxpayers and the environment.

Mr. EMERSON. Mr. Chairman, I rise in strong opposition to H.R. 918, the so-called Mineral Exploration and Development Act of 1992. This legislation would not only cripple the hard rock mining industry throughout the United States, but would devastate small, rural communities that rely on mining tax revenues and the hundreds of hard-working men and women who depend on mining for their livelihoods.

Once again, special interest preservationist elements are attempting to dictate to Congress their policies of locking up the land to prevent any development whatsoever. By putting small mining interests out of business through exorbitant exploration fees, we are effectively locking up public lands in this country. Recent studies from the Department of the Interior indicate that this proposal would cost as many as 30,000 jobs and as much as $230 million per year in lost Federal revenues and increased spending. Instead of adding money to the Federal Treasury, this legislation would cost this country further jobs and take money out of the Treasury.

Mr. Chairman, the Eighth District of Missouri produces over 90 percent of the lead mined in this country. In the area known as the Viburnum Lead Belt, the mining industry and those affiliated with it have witnessed recently a decrease in production and layoffs due to a tight economy. On behalf of the over 5,000 men and women who make their living from mining and related industries in the State of Missouri, the majority of them being in my district, I urge the House to reject this burdensome, overregulatory piece of legislation.

Mr. CAMPBELL of California. Mr. Speaker, I want to offer my justification for my votes on the amendments and final passage for H.R. 918.

It is clear that the 1872 Mining Act needs to be updated. To make patents for mining on Federal lands available for $2.50 per acre does not account for modern economics, nor the very real environmental costs associated with mining. Clearly, these external costs should not be borne by the public, which bears the cost of cleanup and the burden of a degraded resource.

However, the appropriate charge for extracting minerals from Government lands should bear some relationship to the cost of restoring those lands. The best way to do this is to engage in a competitive bid for mineral rights. By requiring the bidder to engage in reclamation and restoration, the Federal Government would ensure that these external costs are borne by the activities with which they are associated. By having this obligation fixed and determined up front, proper regulation would assure that ventures which are not economical are not commenced. Once the external costs of restoring the environment have been internalized, the Government, like any responsible owner of a resource, should be given the discretion to negotiate royalties on a case-by-case basis.

A gross revenues tax would poorly approximate the true cost of environmental clean-up. Some mines do little damage to the environment, but extract extremely valuable ore, for example. For others, even a 12.5-percent tax on gross receipts might provide woefully inadequate funds to do clean-up. I disfavor a gross receipts tax for that reason. Once we abandon the antiquated patent system, the Federal Government can set an appropriate fee as part of the auction process.

But existing claims now being worked under patents already granted do not permit that solution. The 5 percent net revenues tax would provide some money for environmental cleanup of these mines. Once again, it may not be an accurate measure; but, unlike the gross receipts tax, it is only paid if a mining company has some profit. Thus, it has less risk of diminishing employment than a gross receipts tax; but it must apply to existing claims or its purpose is essentially empty. Future claims can be handled by the auction process.

As a result of this thinking, I have voted against the amendment to make the net receipt tax prospective only, and against the amendments to make a gross receipt tax higher, and in favor of the underlying bill.

The CHAIRMAN. All time for general debate has expired.

Mrs. VUCANOVICH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 466]

ANSWERED "PRESENT"—386

Abercrombie	Burton	Dornan (CA)
Ackerman	Bustamante	Downey
Allard	Byron	Dreier
Allen	Callahan	Duncan
Anderson	Camp	Durbin
Andrews (ME)	Campbell (CA)	Dymally
Andrews (NJ)	Campbell (CO)	Early
Andrews (TX)	Carr	Eckart
Annunzio	Chapman	Edwards (CA)
Anthony	Clinger	Edwards (OK)
Applegate	Coble	Edwards (TX)
Armey	Coleman (MO)	Emerson
Aspin	Collins (IL)	Engel
Atkins	Collins (MI)	English
AuCoin	Combest	Erdreich
Bacchus	Condit	Espy
Ballenger	Conyers	Evans
Barrett	Cooper	Ewing
Barton	Costello	Fascell
Beilenson	Coughlin	Fawell
Bennett	Cox (CA)	Fazio
Bentley	Cox (IL)	Feighan
Bereuter	Coyne	Fields
Berman	Cramer	Fish
Bevill	Crane	Flake
Bilbray	Cunningham	Foglietta
Bilirakis	Dannemeyer	Ford (MI)
Blackwell	Darden	Ford (TN)
Bliley	Davis	Franks (CT)
Boehlert	de la Garza	Frost
Boehner	DeFazio	Gallegly
Bonior	DeLauro	Gallo
Borski	DeLay	Gaydos
Boucher	Derrick	Gejdenson
Brewster	Dickinson	Gephardt
Brooks	Dicks	Geren
Broomfield	Dingell	Gibbons
Browder	Dixon	Gilchrest
Brown	Donnelly	Gillmor
Bruce	Dooley	Gilman
Bryant	Doolittle	Gingrich
Bunning	Dorgan (ND)	Glickman

Gonzalez	McCandless	Russo
Goodling	McCloskey	Sabo
Gordon	McCollum	Sanders
Goss	McCurdy	Sangmeister
Gradison	McDermott	Santorum
Grandy	McEwen	Sarpalius
Green	McGrath	Sawyer
Gunderson	McHugh	Schaefer
Hall (OH)	McMillan (NC)	Scheuer
Hall (TX)	McMillen (MD)	Schiff
Hamilton	McNulty	Schroeder
Hammerschmidt	Meyers	Schulze
Hancock	Mfume	Schumer
Hansen	Michel	Sensenbrenner
Harris	Miller (CA)	Serrano
Hastert	Miller (OH)	Sharp
Hatcher	Miller (WA)	Shaw
Hayes (IL)	Mineta	Shays
Hefley	Mink	Sikorski
Hefner	Moakley	Sisisky
Henry	Molinari	Skaggs
Herger	Mollohan	Skeen
Hertel	Montgomery	Skelton
Hoagland	Moody	Slattery
Hobson	Moorhead	Slaughter
Hochbrueckner	Moran	Smith (FL)
Hopkins	Morella	Smith (IA)
Horn	Mrazek	Smith (NJ)
Horton	Murphy	Smith (OR)
Houghton	Myers	Smith (TX)
Hoyer	Natcher	Snowe
Hubbard	Neal (MA)	Solomon
Hughes	Neal (NC)	Spence
Hunter	Nichols	Spratt
Hutto	Nussle	Stallings
Hyde	Oakar	Stearns
Inhofe	Oberstar	Stenholm
Jacobs	Obey	Stokes
James	Olver	Studds
Jefferson	Ortiz	Stump
Jenkins	Orton	Sundquist
Johnson (CT)	Owens (UT)	Swett
Johnson (SD)	Oxley	Swift
Johnson (TX)	Packard	Synar
Johnston	Pallone	Tallon
Jones	Parker	Tanner
Jontz	Pastor	Tauzin
Kanjorski	Patterson	Taylor (MS)
Kaptur	Paxon	Taylor (NC)
Kasich	Payne (NJ)	Thomas (CA)
Kennedy	Payne (VA)	Thomas (GA)
Kennelly	Pease	Thomas (WY)
Kildee	Pelosi	Thornton
Kleczka	Penny	Torres
Klug	Perkins	Torricelli
Kolbe	Peterson (FL)	Traficant
Kolter	Peterson (MN)	Traxler
Kopetski	Petri	Unsoeld
Kostmayer	Pickett	Upton
Kyl	Pickle	Valentine
LaFalce	Porter	Vander Jagt
Lagomarsino	Poshard	Vento
Lancaster	Price	Visclosky
Lantos	Pursell	Volkmer
LaRocco	Quillen	Vucanovich
Laughlin	Rahall	Walker
Leach	Ramstad	Walsh
Lehman (CA)	Rangel	Waters
Lehman (FL)	Ravenel	Waxman
Lent	Reed	Weber
Levin (MI)	Regula	Weldon
Levine (CA)	Rhodes	Wheat
Lewis (CA)	Richardson	Whitten
Lewis (FL)	Ridge	Williams
Lewis (GA)	Rinaldo	Wilson
Lightfoot	Ritter	Wise
Long	Roberts	Wolf
Lowey (NY)	Roe	Wolpe
Luken	Roemer	Wyden
Machtley	Rogers	Wylie
Manton	Rohrabacher	Yates
Marlenee	Ros-Lehtinen	Yatron
Martin	Rose	Young (AK)
Martinez	Rostenkowski	Young (FL)
Matsui	Roth	Zeliff
Mavroules	Rowland	Zimmer
Mazzoli	Roybal	

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The CHAIRMAN. Three hundred eight-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 5962 is considered as an original bill for the purpose of amendment and is considered as having been read.

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

H.R. 918

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 "Mineral Exploration and Development Act of 1992".

(b) TABLE OF CONTENTS.—

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Sec. 101. Definitions, references and coverage
Sec. 102. Lands open to location; rights under this Act.
Sec. 103. Location of mining claims.
Sec. 104. Claim maintenance requirements.
Sec. 105. Penalties.
Sec. 106. Preemption.
Sec. 107. Limitation on patent issuance.
Sec. 108. Multiple mineral development and surface resources.
Sec. 109. Mineral materials.

TITLE II—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

Sec. 201. Surface management.
Sec. 202. Inspection and enforcement.
Sec. 203. State law and regulation.
Sec. 204. Unsuitability review.
Sec. 205. Lands not open to location.

TITLE III—ABANDONED MINERALS MINE RECLAMATION FUND

Sec. 301. Abandoned Minerals Mine Reclamation Fund.
Sec. 302. Conforming amendments.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 401. Policy functions.
Sec. 402. User fees.
Sec. 403. Regulations; effective dates.
Sec. 404. Transitional rules; mining claims and mill sites.
Sec. 405. Transitional rules; surface management requirements.
Sec. 406. Basis for contest.
Sec. 407. Savings clause claims.
Sec. 408. Severability.
Sec. 409. Purchasing power adjustment.
Sec. 410. Royalty.
Sec. 411. Savings clause.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

SEC. 101. DEFINITIONS, REFERENCES, AND COVERAGE.

(a) DEFINITIONS.—As used in this Act:

(1) The term "applicant" means any person applying for a plan of operations under this Act or a modification to or a renewal of a plan of operations under this Act.

(2) The term "claim holder" means the holder of a mining claim located or converted under this Act. Such term may include an agent of a claim holder.

(3) The term "diligence year" means the annual period commencing on the first day of the first month following the date a mining claim is located under this Act and each annual period thereafter, except as provided under section 404(b)(2).

(4) The term "land use plans" means those plans required under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or the land management plans for National Forest System units required under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), whichever is applicable.

(5) The term "legal subdivisions" means an aliquot quarter quarter section of land as established by the official records of the public land survey system, or a single lot as established by the official records of the public land survey system if the pertinent section is irregular and contains fractional lots, as the case may be.

(6) The term "locatable mineral" means any mineral not subject to disposition under any of the following:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

(7) The term "mineral activities" means any activity for, related to or incidental to mineral exploration, mining, beneficiation and processing activities for any locatable mineral, including access. When used with respect to this term—

(A) the term "exploration" means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;

(B) the term "mining" means the processes employed for the extraction of a locatable mineral from the earth;

(C) the term "beneficiation" means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques; and

(D) the term "processing" means processes downstream of beneficiation employed to prepare locatable mineral ore into the final marketable product, including but not limited to, smelting and electrolytic refining.

(8) The term "mining claim" means a claim for the purposes of mineral activities.

(9) The term "National Conservation System unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or a National Conservation Area, National Recreation Area, or a National Forest Monument.

(10) The term "operator" means any person, partnership or corporation with a plan of operations approved under this Act.

(11) The term "Secretary" means, unless otherwise provided in this Act—

(A) the Secretary of the Interior for the purposes of title I and title III;

(B) the Secretary of the Interior with respect to land under the jurisdiction of such Secretary and all other lands subject to this Act (except for lands under the jurisdiction of the Secretary of Agriculture) for the purposes of title II; and

(C) the Secretary of Agriculture with respect to lands under the jurisdiction of the Secretary of Agriculture for the purposes of title II.

(12) The term "substantial legal and financial commitments" means significant investments that have been made to develop mining claims under the general mining laws such as: long-term contracts for minerals produced; processing, beneficiation, or ex-

traction facilities and transportation infrastructure; or other capital-intensive activities. Costs of acquiring the mining claim or claims, or the right to mine alone without other significant investments as detailed above, are not sufficient to constitute substantial legal and financial commitments.

(13) The term "surface management requirements" means the requirements and standards of section 201, section 203 and section 204 of this Act, and such other standards as are established by the Secretary governing mineral activities.

(b) REFERENCES.—(1) Any reference in this Act to the term "general mining laws" is a reference to those Acts which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162.

(2) Any reference in this Act to the "Act of July 23, 1955", is a reference to the Act of July 23, 1955, entitled "An Act to amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes." (30 U.S.C. 601 and following).

(c) COVERAGE.—This Act shall apply only to mineral activities and reclamation on lands and interests in land which are open to location as provided in this Act.

SEC. 102. LANDS OPEN TO LOCATION; RIGHTS UNDER THIS ACT.

(a) OPEN LANDS.—Mining claims may be located under this Act on lands and interests in lands owned by the United States to the extent that —

(1) such lands and interests were open to the location of mining claims under the general mining laws on the date of enactment of this Act;

(2) such lands and interests are opened to the location of mining claims by reason of section 204(f) or section 205 of this Act; and

(3) such lands and interests are opened to the location of mining claims after the date of enactment of this Act by reason of any administrative action or statute.

(b) RIGHTS.—The holder of a mining claim located or converted under this Act and maintained in compliance with this Act shall have the exclusive right of possession and use of the claimed land for mineral activities, including the right of ingress and egress to such claimed lands for such activities, subject to the rights of the United States under section 108 and title II.

SEC. 103. LOCATION OF MINING CLAIMS.

(a) GENERAL RULE.—A person may locate a mining claim covering lands open to the location of mining claims by posting a notice of location, containing the person's name and address, the time of location (which shall be the date and hour of location and posting), and a legal description of the claim. The notice of location shall be posted on a conspicuous, durable monument erected as near as practicable to the northeast corner of the mining claim. No person who is not a citizen, or a corporation organized under the laws of the United States or of any State or the District of Columbia may locate or hold a claim under this Act.

(b) USE OF PUBLIC LAND SURVEY.—Except as provided in subsection (c), each mining claim located under this Act shall (1) be located in accordance with the public land survey system, and (2) conform to the legal subdivisions thereof. Except as provided in subsection (c), the legal description of the mining claim shall be based on the public land survey system and its legal subdivisions.

(c) EXCEPTIONS.—(1) If only a protracted survey exists for the public lands concerned, each of the following shall apply in lieu of subsection (b):

(A) The legal description of the mining claim shall be based on the protracted survey and the mining claim shall be located as near as practicable in conformance with a protracted legal subdivision.

(B) The mining claim shall be monumented on the ground by the erection of a conspicuous durable monument at each corner of the claim.

(C) The legal description of the mining claim shall include a reference to any existing survey monument, or where no such monument can be found within a reasonable distance, to a permanent natural object.

(2) If no survey exists for the public lands concerned, each of the following shall apply in lieu of subsection (b):

(A) The mining claim shall be a regular square, with each side laid out in cardinal directions, 40 acres in size.

(B) The claim shall be monumented on the ground by the erection of a conspicuous durable monument at each corner of the claim.

(C) The legal description of the mining claim shall be expressed in metes and bounds and shall include a reference to any existing survey monument, or where no such monument can be found within a reasonable distance, to a permanent natural object. Such description shall be of sufficient accuracy and completeness to permit recording of the claim upon the public land records and to permit the Secretary and other parties to find the claim upon the ground.

(3) In the case of a conflict between the boundaries of a mining claim as monumented on the ground and the description of such claim in the notice of location referred to in subsection (a), the notice of location shall be determinative.

(d) FILING WITH SECRETARY.—(1) Within 30 days after the location of a mining claim pursuant to this section, a copy of the notice of location referred to in subsection (a) shall be filed with the Secretary in an office designated by the Secretary.

(2) Whenever the Secretary receives a copy of a notice of location of a mining claim under this Act, the Secretary shall assign a serial number to the mining claim, and immediately return a copy of the notice of location to the locator of the claim, together with a certificate setting forth the serial number, a description of the claim, and the claim maintenance requirements of section 104. The Secretary shall enter the claim on the public land records.

(e) LANDS COVERED BY CLAIM.—A mining claim located under this Act shall include all lands and interests in lands open to location within the boundaries of the claim, subject to any prior mining claim referenced under subsections (c) and (d) of section 404.

(f) DATE OF LOCATION.—A mining claim located under this Act shall be effective based upon the time of location.

(g) CONFLICTING LOCATIONS.—Any conflicts between the holders of mining claims located or converted under this Act relating to relative superiority under the provisions of this Act may be resolved in adjudication proceedings before the Secretary. Such adjudication shall be determined on the record after opportunity for hearing. It shall be incumbent upon the holder of a mining claim asserting superior rights in such proceedings to demonstrate to the Secretary that such person was the senior locator, or if such person is the junior locator, that prior to the location of the claim by such locator—

(1) the senior locator failed to file a copy of the notice of location within the time provided under subsection (d);

(2) the amount of rental paid by the senior locator at the time of filing the instrument referred to in subsection 104(d)(1) was less than the amount required to be paid by such locator; or

(3) the senior locator did not make the diligent development expenditures reported on the most recent affidavit filed with the instrument referred to in subsection 104(d)(1), or such expenditures did not comply with the requirements of subsection 104(b).

(h) EXTENT OF MINERAL DEPOSIT.—The boundaries of a mining claim located under this Act shall extend vertically downward.

SEC. 104. CLAIM MAINTENANCE REQUIREMENTS.

(a) IN GENERAL.—(1) Except as provided under subsection (b), in order to maintain a mining claim under this Act a claim holder shall pay an annual rental fee. The rental fee shall be paid on the basis of all land within the boundaries of a mining claim (as described in notice of location filed under section 103(d)) at a rate established by the Secretary of not less than—

(A) $5 per acre in each of the first through fifth diligence years following location of the claim;

(B) $10 per acre in each of the sixth through tenth diligence years following location of the claim;

(C) $15 per acre in each of the eleventh through fifteenth diligence years following location of the claim;

(D) $20 per acre in each of the sixteenth through twentieth diligence years following location of the claim; and

(E) $25 per acre in the twenty-first diligence year following location of the claim, and each diligence year thereafter.

(2) The rental fee shall be due and payable at the time the claim holder files the instrument required under subsection (d)(1).

(3) The Secretary shall deposit all moneys received from rental fees collected under this subsection into the Fund referred to in title III.

(b) DILIGENT DEVELOPMENT EXPENDITURES.—(1) A claim holder may elect to reduce the amount of the rental fee required under subsection (a) by the amount of diligent development expenditures made for mineral activities on or to the benefit of a mining claim during the same diligence year to which the rental fee would otherwise apply, except that in no event shall such reduction cause less than an annual rental fee of $2.50 per acre of all land within the boundaries of a mining claim (as described in notice of location filed under section 103(d)) to be paid. Such expenditures made for mineral activities on or to the benefit of any one claim, or more than one claim in a group of contiguous claims held by the same claim holder, may be deemed to have been performed for the benefit of the entire group of contiguous claims so long as the sum total of the expenditures equals the total amount of expenditures that would have been made if such expenditures had been made on or to the benefit of each individual claim in the group.

(2) Diligent development expenditures shall include those made for any of the following:

(A) Investigations and surveys, including geotechnical, geological, geophysical or geochemical surveys.

(B) Bulk mineral sampling and testing.

(C) Drilling.

(D) Environmental and engineering studies.

(E) The reclamation and restoration of land disturbed by mineral activities during exploration.

(F) Such other activities that constituted assessment work under the general mining

laws prior to the date of enactment of this Act.

(G) Such other mineral activities as the Secretary may, by rule, establish.

(3) In the event a claim holder elects to reduce the amount of the rental fee under paragraph (1), such claim holder shall file an affidavit under this paragraph at the time such claim holder files the instrument required under subsection (d)(1). The affidavit shall contain a detailed description of the value and nature of all diligent development expenditures made under this subsection and shall be of sufficient detail as to permit validation by the Secretary of the expenditure amounts and beneficial nature of the expenditures.

(4) A claim holder shall maintain documentary proof of diligent development expenditures reported on the affidavit referred to in paragraph (3) for a period of 5 years after the diligence year to which such expenditures apply. Such documentary proof shall be made available at the request of the Secretary for the purpose of the validation referred to in paragraph (3) and the audit referred to in subsection (f).

(c) MINIMUM RENTAL.—(1) A claim holder shall only be required to pay a minimum annual rental fee of $2.50 per acre of all land within the boundaries of a mining claim (as described in notice of location filed under section 103(d)) under any of the following circumstances:

(A) If a claim holder demonstrates to the Secretary that such claim holder is prevented from making diligent development expenditures under subsection (b) by reason of—

(i) any judicial proceeding or administrative action; or

(ii) the fact that the mining claim or group of contiguous claims is surrounded by lands over which a right-of-way for the performance of such requirement has been denied, is in litigation, or is in the process of acquisition under State law, or that other legal impediments exist which affect the right of the claimant to enter upon the surface of such claim or group of contiguous claims or to gain access to the boundaries thereof or to conduct mineral activities thereon;

pursuant to such rules as the Secretary may prescribe governing the length and termination of the minimum rental requirement.

(B) By reason of section 5 of Public Law 94-429, commonly known as the Mining in the Parks Act, for any claim subject to such section after the conversion of such claim under section 404.

(C) By reason of such other laws that heretofore removed the applicability of the assessment work requirement of the general mining laws for any claim subject to such laws after the conversion of such claim under section 404.

(2) The rental fee shall be due and payable at the time the claim holder files the instrument required under subsection (d)(1). Included with such instrument shall be a statement setting forth the reasons why the claim holder is only required to pay the minimum rental.

(3) The Secretary shall deposit all moneys received from rental fees collected under this subsection into the Fund referred to in title III.

(d) INSTRUMENT.—(1) In order to maintain a mining claim under this Act, a claim holder shall, on or before the date which is the last day of the third calendar month after the anniversary date of each diligence year for such claim, file an instrument with the Secretary containing the name and address of the claim holder and the serial number assigned to the claim pursuant to section 103(d). The instrument shall be accompanied by, as the case may be, the following—

(A) the rental fee required for the applicable diligence year referred to in subsection (a)(1);

(B) the amount of rental fee required due to the reduction of such fee by diligent development expenditures under subsection (b)(1), and the affidavit referred to in subsection (b)(3); or

(C) the minimum rental fee referred to in subsection (c)(1) and the statement referred to in subsection (c)(2).

(2) If, in any diligence year, a claim holder fails to file the instrument referred to in paragraph (1) within the period referred to in such paragraph or fails, in any respect, to comply with the requirements of paragraph (1), the Secretary shall immediately provide notice thereof to the claim holder and after 30 days from the date of such notice the claim shall be deemed forfeited and such claim shall be null and void, except as provided under subsection (e). Such notice shall be sent to the claim holder by registered or certified mail to the address provided by such claim holder in the notice of location referred to in section 103(a) or on the last instrument referred to in subsection (d)(1) filed by such claim holder, whichever is most recent. In the event such notice is returned as undelivered, the Secretary shall be deemed to have fulfilled the notice requirements of this paragraph.

(e) FAILURE TO COMPLY.—(1) No claim may be deemed forfeited and declared null and void by the Secretary due to a failure to comply with the requirements referred to in subsection (d) if the claim holder corrects such failure to the satisfaction of the Secretary within 10 days after the date such claim holder was required to file the instrument referred to in subsection (d)(1).

(2) No claim may be deemed forfeited and declared null and void by the Secretary due to a failure to comply with the requirements referred to in subsection (d) if, within 10 days after date of the notice referred to in subsection (d)(2), the claim holder corrects such failure to the satisfaction of the Secretary, and if the Secretary determines that such failure was justifiable or not due to a lack of reasonable diligence on the part of the claim holder, or that such failure was inadvertent.

(f) AUDITS.—The Secretary is authorized to conduct such audits of claim holders as he deems necessary for the purpose of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with this section of any person subject to the provisions of this section.

(g) DEFERMENT, WAIVER, OR REDUCTION.—(1) If upon certification by a claim holder who meets the eligibility criteria of paragraph (2) that either the diligent development expenditure requirement or the minimum rental requirement, as the case may be, of this section are presenting an unnecessary and undue hardship on such claim holder's ability to make bona fide efforts to prospect, explore, or produce minerals from a mining claim or group of contiguous mining claims held by such claim holder, and the Secretary concurs with such certification, the Secretary is authorized to defer, waive, or reduce the diligence and minimum rental requirements for such claim or claims for a period determined by the Secretary whenever in his judgment it is necessary to do so in order to promote development.

(2) A claim holder may be eligible under paragraph (1) if such claim holder—

(A) is the holder of not more than 5 mining claims under this Act, but in no event shall such claims exceed 200 acres; and

(B) is not an affiliate of any claim holder who is the holder of more than 5 claims (or 200 acres) under this Act. For purposes of the preceding sentence, the term "affiliate", when used with respect to such claim holder, means any person which controls, is controlled by, or is under common control with, such claim holder. The term includes any subsidiary of the claim holder.

SEC. 105. PENALTIES.

(a) VIOLATION.—Any claim holder who—

(1) knowingly or willfully posts on a mining claim or files a notice of location with the Secretary under section 103 that contains false, inaccurate or misleading statements;

(2) knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information on diligent development expenditures on the affidavit referred to in section 104(b)(3); or

(3) fails or refuses to permit an audit pursuant to section 104(f);

shall be liable for a penalty of not more than $5,000 per violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

(b) REVIEW.—No civil penalty under this section shall be assessed until the claim holder charged with the violation has been given the opportunity for a hearing on the record under section 202(f).

SEC. 106. PREEMPTION.

The requirements of this title shall preempt any conflicting requirements of any State, or political subdivision thereof relating to the location and maintenance of mining claims as provided for by this Act. The filing requirements of section 314 of the Federal Land Policy and Management Act (43 U.S.C. 1744) shall not apply with respect to any mining claim located or converted under this Act.

SEC. 107. LIMITATION ON PATENT ISSUANCE.

(a) MINING CLAIMS.—After February 6, 1991, no patent shall be issued by the United States for any mining claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned—

(1) a patent application was filed with the Secretary on or before February 6, 1991; and

(2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims were fully complied with by that date.

If the Secretary makes the determinations referred to in paragraphs (1) and (2) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(b) MILL SITES.—After February 6, 1991, no patent shall be issued by the United States for any mill site claim located under the general mining laws unless the Secretary of the Interior determines that for the mill site concerned—

(1) a patent application for such land was filed with the Secretary on or before February 6, 1991; and

(2) all requirements applicable to such patent application were fully complied with by that date.

If the Secretary makes the determinations referred to in paragraphs (1) and (2) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 108. MULTIPLE MINERAL DEVELOPMENT AND SURFACE RESOURCES.

(a) IN GENERAL.—The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), commonly known as the Multiple Minerals Development Act, and the provisions of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), shall apply to all mining claims located or converted under this Act.

(b) ENFORCEMENT.—The Secretary of the Interior, or the Secretary of Agriculture, as the case may be, shall take such actions as may be necessary to ensure the compliance by claim holders with section 4 of the Act of July 23, 1955 (30 U.S.C. 612).

SEC. 109. MINERAL MATERIALS.

(a) DETERMINATIONS.—Section 3 of the Act of July 23, 1955 (30 U.S.C. 611), is amended as follows:

(1) Insert "(a)" before the first sentence.

(2) Strike "or cinders" and insert in lieu thereof "cinders, or clay".

(3) Add the following new subsection at the end thereof:

"(b)(1) Subject to valid existing rights, after the date of enactment of the Mineral Exploration and Development Act of 1992, all deposits of mineral materials referred to in subsection (a), including the block pumice referred to in such subsection, shall only be subject to disposal under the terms and conditions of the Materials Act of 1947.

"(2) For purposes of paragraph (1), the term 'valid existing rights' means that a mining claim located for any such mineral material had some property giving it the distinct and special value referred to in subsection (a), or as the case may be, met the definition of block pumice referred to in such subsection, was properly located and maintained under the general mining laws prior to the date of enactment of the Mineral Exploration and Development Act of 1992, and was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of the Mineral Exploration and Development Act of 1992 and that such claim continues to be valid.".

(b) MINERAL MATERIALS DISPOSAL CLARIFICATION.—Section 4 of the Act of July 23, 1955 (30 U.S.C. 612), is amended as follows:

(1) In subsection (b) insert "and mineral material" after "vegetative".

(2) In subsection (c) insert "and mineral material" after "vegetative".

(c) CONFORMING AMENDMENT.—Section 1 of the Act of July 31, 1947, entitled "An Act to provide for the disposal of materials on the public lands of the United States" (30 U.S.C. 601 and following) is amended by striking "common varieties of" in the first sentence.

(d) SHORT TITLES.—

(1) SURFACE RESOURCES.—The Act of July 23, 1955, is amended by inserting after section 7 the following new section:

"SEC. 8. This Act may be cited as the 'Surface Resources Act of 1955'.".

(2) MINERAL MATERIALS.—The Act of July 31, 1947, entitled "An Act to provide for the disposal of materials on the public lands of the United States" (30 U.S.C. 601 and following) is amended by inserting after section 4 the following new section:

"SEC. 5. This Act may be cited as the 'Materials Act of 1947'.".

(e) REPEAL.—(1) The Act of August 4, 1892 (27 Stat. 348) commonly known as the Building Stone Act is hereby repealed.

(2) The Act of January 31, 1901 (30 U.S.C. 162) commonly known as the Saline Placer Act is hereby repealed.

TITLE II—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

SEC. 201. SURFACE MANAGEMENT.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities and reclamation be conducted so as to minimize adverse impacts to the environment.

(b) PLANS OF OPERATION.—(1) Except as provided under paragraph (2), no person may engage in mineral activities that may cause a disturbance of surface resources unless such person has filed a plan of operations with, and received approval of such plan of operations, from the Secretary.

(2)(A) A plan of operations may not be required for mineral activities related to exploration that cause a negligible disturbance of surface resources not involving the use of mechanized earth moving equipment, suction dredging, explosives, the use of motor vehicles in areas closed to off-road vehicles, the construction of roads, drill pads, or the use of toxic or hazardous materials.

(B) A plan of operations may not be required for mineral activities related to exploration that, after notice to the Secretary, involve only a minimal and readily reclaimable disturbance of surface resources related to and including initial test drilling not involving the construction of access roads, except activities under notice shall not commence until an adequate financial guarantee is established for such activities pursuant to subsection (1).

(c) CONTENTS OF PLANS.—Each proposed plan of operations shall include a mining permit application and a reclamation plan.

(d) MINING PERMIT APPLICATION REQUIREMENTS.—The mining permit referred to in subsection (c) shall include such terms and conditions as prescribed by the Secretary, and each of the following:

(1) The name and mailing address of—

(A) the applicant for the mining permit;

(B) the operator if different than the applicant;

(C) each claim holder of the lands subject to the plan of operations if different than the applicant;

(D) any subsidiary, affiliate or person controlled by or under common control with the applicant, or the operator or each claim holder, if different than the applicant; and

(E) the owner or owners of any land, or interests in any such land, not subject to this Act, within or adjacent to the proposed mineral activities.

(2) A statement of any plans of operation held by the applicant, operator or each claim holder if different than the applicant, or any subsidiary, affiliate, or person controlled by or under common control with the applicant, operator or each claim holder if different than the applicant.

(3) A statement of whether the applicant, operator or each claim holder if different than the applicant, and any subsidiary, affiliate, or person controlled by or under common control with the applicant, operator or each claim holder if different than the applicant has an outstanding violation of this Act, any surface management requirements, or applicable air and water quality laws and regulations and if so, a brief explanation of the facts involved, including identification of the site and the nature of the violation.

(4) A description of the type and method of mineral activities proposed, the engineering techniques proposed to be used and the equipment proposed to be used.

(5) The anticipated starting and termination dates of each phase of the mineral activities proposed.

(6) A map, to an appropriate scale, clearly showing the land to be affected by the proposed mineral activities.

(7) A description of the quantity and quality of surface and ground water resources within and along the boundaries of, and adjacent to, the area subject to mineral activities based on 12 months of pre-disturbance monitoring.

(8) A description of the biological resources found in or adjacent to the area subject to mineral activities, including vegetation, fish and wildlife, riparian and wetland habitats.

(9) A description of the monitoring systems to be used to detect and regulate the effects of mineral activities and reclamation on the site and surrounding environment, including but not limited to, groundwater, surface water, air and soils.

(10) Accident contingency plans that include, but are not limited to, immediate response strategies, corrective measures to mitigate impacts to fish and wildlife, ground and surface waters, notification procedures and waste handling and toxic material neutralization.

(11) Any measures to comply with any conditions on minerals activities and reclamation that may be required in the applicable land use plan, including any condition stipulated pursuant to section 204(d)(1)(B).

(12) A description of measures planned to exclude fish and wildlife resources from the area subject to mineral activities by covering, containment, or fencing of open waters, beneficiation, and processing materials; or maintenance of all facilities in a condition that is not harmful to fish and wildlife.

(13) Such environmental baseline data as the Secretary, by rule, shall require sufficient to validate the determinations required for plan approval under this Act.

(e) RECLAMATION PLAN APPLICATION REQUIREMENTS.—The reclamation plan referred to in subsection (c) shall include such terms and conditions as prescribed by the Secretary, and each of the following:

(1) A description of the condition of the land subject to the mining permit prior to the commencement of any mineral activities.

(2) A description of reclamation measures proposed pursuant to the requirements of subsections (m) and (n).

(3) The engineering techniques to be used in reclamation and the equipment proposed to be used.

(4) The anticipated starting and termination dates of each phase of the reclamation proposed.

(5) A description of the proposed condition of the land following the completion of reclamation.

(6) A description of the maintenance measures that will be necessary to meet the surface management requirements of this Act, such as, but not limited to, drainage water treatment facilities, or liner maintenance and control.

(7) The consideration which has been given to making the condition of the land after the completion of mineral activities and final reclamation consistent with the applicable land use plan.

(f) PUBLIC PARTICIPATION.—(1) Concurrent with submittal of a plan of operations, or a renewal application for a plan of operations, the applicant shall publish a notice in a newspaper of local circulation for 4 consecutive weeks that shall include: the name of the applicant, the location of the proposed mineral activities, the type and expected duration of the proposed mineral activities, and the intended use of the land after the completion of mineral activities and reclamation. The Secretary shall also notify in writing other Federal, State and local government agencies that regulate mineral activities or land planning decisions in the area subject to mineral activities.

(2) Copies of the complete proposed plan of operations shall be made available for public review for 30 days at the office of the responsible Federal surface management agency located nearest to the location of the proposed mineral activities, and at the county courthouse of the county in which the mineral activities are proposed to be located, prior to final decision by the Secretary. During this period, any person and the authorized representative of a Federal, State or local governmental agency shall have the right to file written comments relating to the approval or disapproval of the plan of operations. The Secretary shall immediately make such comments available to the applicant.

(3) Any person that is or may be adversely affected by the proposed mineral activities may request, after filing written comments pursuant to paragraph (2), a public hearing to be held in the county in which the mineral activities are proposed. If a hearing is to be held, notice of such hearing shall be published in a newspaper of local circulation for 2 weeks prior to the hearing date.

(g) PLAN APPROVAL.—(1) After providing notice and opportunity for public comment and hearing, the Secretary may approve, require modifications to, or deny a proposed plan of operations, except as provided in section 405. To approve a plan of operations, the Secretary shall make each of the following determinations:

(A) The mining permit application and reclamation plan are complete and accurate.

(B) The applicant has demonstrated that reclamation as required by this Act can be accomplished under the reclamation plan and would have a high probability of success based on an analysis of such reclamation measures in areas of similar geochemistry, topography and hydrology.

(C) The proposed mineral activities, reclamation and condition of the land after the completion of mineral activities and final reclamation would be consistent with the land use plan applicable to the area subject to mineral activities.

(D) The area subject to the proposed plan of operations is not included within an area designated unsuitable under section 204 for the types of mineral activities proposed.

(E) The applicant has demonstrated that the plan of operations will be in compliance with the requirements of all other applicable Federal requirements, and any State requirements referred to under subsection 203(b).

(2) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsection (l) and, based on information supplied by the applicant, a determination of the probable hydrologic consequences of the proposed mineral activities and reclamation.

(3)(A) A plan of operations under this section shall not be approved if the applicant, operator, or any claim holder if different than the applicant, or any subsidiary, affiliate, or person controlled by or under common control with the applicant, operator or each claim holder if different than the applicant, is currently in violation of this Act, any surface management requirement or of any applicable air and water quality laws and regulations.

(B) The Secretary shall suspend an approved plan of operations if the Secretary determines that any of the entities described in section 201(d)(1) were in violation of the surface management requirements at the time the plan of operations was approved.

(C) A plan of operations referred to in this subsection shall not be approved or reinstated, as the case may be, until the applicant submits proof that the violation has been corrected or is in the process of being corrected to the satisfaction of the Secretary; except that no proposed plan of operations, after opportunity for a hearing, shall be approved for any applicant, operator or each claim holder if different than the applicant with a demonstrated pattern of willful violations of the surface management requirements of such nature and duration and with such resulting irreparable damage to the environment as to clearly indicate an intent not to comply with the surface management requirements.

(h) TERM OF PERMIT; RENEWAL.—(1) The approval of a plan of operations shall be for a stated term. The term shall be no greater than that necessary to accomplish the proposed operations, and in no case for more than 10 years, unless the applicant demonstrates that a specified longer term is reasonably needed to obtain financing for equipment and the opening of the operation.

(2) Failure by the operator to commence mineral activities within one year of the date scheduled in an approved plan of operations shall be deemed to require a modification of the plan.

(3) A plan of operations shall carry with it the right of successive renewal upon expiration only with respect to operations on areas within the boundaries of the existing plan of operations. An application for renewal of such plan of operations shall be approved unless the Secretary determines, in writing, any of the following:

(A) The terms and conditions of the existing plan of operations are not being met.

(B) Mineral activities and reclamation activities as approved under the plan of operations are not in compliance with the surface management requirements of this Act.

(C) The operator has not demonstrated that the financial guarantee would continue to apply in full force and effect for the renewal term.

(D) Any additional revised or updated information required by the Secretary has not been provided.

(E) The applicant has not demonstrated that the plan of operations will be in compliance with the requirements of all other applicable Federal requirements, and any State requirements referred to under subsection 203(b).

(4) A renewal of a plan of operations shall be for a term not to exceed the period of the original plan as provided in paragraph (1). Application for plan renewal shall be made at least 120 days prior to the expiration of an approved plan.

(i) PLAN MODIFICATION.—(1) Except as provided under section 405, during the term of a plan of operations the operator may submit an application to modify the plan. To approve a proposed modification to a plan of operations the Secretary shall make the determinations set forth under subsection (g)(1), except as provided under section 405(c). The Secretary shall establish guidelines regarding the extent to which requirements for plans of operations under this section shall apply to applications to modify a plan of operations based on whether such modifications are deemed significant or minor; except that: (A) any significant modifications shall at a minimum be subject to subsection (f), and (B) any modification proposing to extend the area covered by the plan of operations (except for incidental boundary revisions) must be made by application for a new plan of operations.

(2) The Secretary may, upon a review of a plan of operations, require reasonable modification to such plan upon a determination that the requirements of this Act cannot be met if the plan is followed as approved. Such determination shall be based on a written finding and subject to notice and hearing requirements established by the Secretary.

(j) TEMPORARY CESSATION OF OPERATIONS.—(1) Before temporarily ceasing mineral activities or reclamation for a period of 180 days or more under an approved plan of operations or portions thereof, an operator shall first submit a complete application for temporary cessation of operations to the Secretary for approval.

(2) The application for approval of temporary cessation of operations shall include such terms and conditions as prescribed by the Secretary, including but not limited to the steps that shall be taken during the cessation of operations period to minimize impacts on the environment. After receipt of a complete application for temporary cessation of operations the Secretary shall conduct an inspection of the area for which temporary cessation of operations has been requested.

(3) To approve an application for temporary cessation of operations, the Secretary shall make each of the following determinations:

(A) The methods for securing surface facilities and restricting access to the permit area, or relevant portions thereof, shall effectively ensure against hazards to the health and safety of the public and fish and wildlife.

(B) Reclamation is contemporaneous with mineral activities as required under the approved reclamation plan, except in those areas specifically designated in the application for temporary cessation of operations for which a delay in meeting such standards is necessary to facilitate the resumption of operations.

(C) The amount of financial assurance filed with the plan of operations is sufficient to assure completion of the reclamation plan in the event of forfeiture.

(D) Any outstanding notices of violation and cessation orders incurred in connection with the plan of operations for which temporary cessation is being requested are either stayed pursuant to an administrative or judicial appeal proceeding or are in the process of being abated to the satisfaction of the Secretary.

(k) REVIEW.—Any decision made by the Secretary under subsections (g), (h), (i), (j) or (l) shall be subject to review under section 202(f).

(l) BONDS.—(1) Before any plan of operations is approved pursuant to this Act, or any mineral activities are conducted pursuant to subsection (b)(2), the operator shall

file with the Secretary financial assurance payable to the United States and conditional upon faithful performance of all requirements of this Act. The financial assurance shall be provided in the form of a surety bond, trust fund, cash or equivalent. The amount of the financial assurance shall be sufficient to assure the completion of reclamation satisfying the requirements of this Act if the work had to be performed by the Secretary in the event of forfeiture, and the calculation shall take into account the maximum level of financial exposure which shall arise during the mineral activity.

(2) The financial assurance shall be held for the duration of the mineral activities and for an additional period to cover the operator's responsibility for revegetation under subsection (n)(6)(B).

(3) The amount of the financial assurance and the terms of the acceptance of the assurance shall be adjusted by the Secretary from time to time as the area requiring coverage is increased or decreased, or where the costs of reclamation or treatment change, but the financial assurance must otherwise be in compliance with this section. The Secretary shall specify periodic times, or set a schedule, for reevaluating or adjusting the amount of financial assurance.

(4) Upon request, and after notice and opportunity for public comment, the Secretary may release in whole or in part the financial assurance if the Secretary determines each of the following:

(A) Reclamation covered by the financial assurance has been accomplished as required by this Act.

(B) The operator has declared that the terms and conditions of any other applicable Federal requirements, and State requirements pursuant to subsection 203(b), have been fulfilled.

(5) The release referred to in paragraph (4) shall be according to the following schedule:

(A) After the operator has completed the backfilling, regrading and drainage control of an area subject to mineral activities and covered by the financial assurance, and has commenced revegetation on the regraded areas subject to mineral activities in accordance with the approved plan of operations, 50 percent of the total financial assurance secured for the area subject to mineral activities may be released.

(B) After the operator has completed successfully all mineral activities and reclamation activities and all requirements of the plan of operations and the reclamation plan and all the requirements of this Act have in fact been fully met, the remaining portion of the financial assurance may be released.

(6) During the period following release of the financial assurance as specified in paragraph (5)(A), until the remaining portion of the financial assurance is released as provided in paragraph (5)(B), the operator shall be required to meet all applicable standards of this Act and the plan of operations and the reclamation plan.

(7) Where any discharge from the area subject to mineral activities requires treatment in order to meet the applicable effluent limitations, the treatment shall be monitored during the conduct of mineral activities and reclamation and shall be fully covered by financial assurance and no financial assurance or portion thereof for the plan of operations shall be released until the operator has met all applicable effluent limitations and water quality standards for one full year without treatment.

(8) Jurisdiction under this Act shall terminate upon release of the final bond. If the Secretary determines, after final bond release, that an environmental hazard resulting from the mineral activities exists, or the terms and conditions of the plan of operations or the surface management requirements of this Act were not fulfilled in fact at the time of release, the Secretary shall reassert jurisdiction and all applicable surface management and enforcement provisions shall apply for correction of the condition.

(m) RECLAMATION.—(1) Except as provided under paragraphs (5) and (7) of subsection (n), lands subject to mineral activities shall be restored to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance, or other beneficial uses, provided such other uses are not inconsistent with applicable land use plans.

(2) All required reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities and shall use the best technology currently available.

(3) Except as provided under paragraphs (5) and (7) of subsection (n), the surface area disturbed by mineral activities shall be backfilled, graded and contoured to its natural topography.

(n) RECLAMATION STANDARDS.—The Secretary shall establish reclamation standards which shall include, but not necessarily be limited to, provisions to require each of the following:

(1) TOPSOIL.—(A) Topsoil removed from lands subject to mineral activities shall be segregated from other spoil material and protected for later use in reclamation. If such topsoil is not replaced on a backfill area within a time-frame short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be used so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a useable condition for sustaining vegetation when restored during reclamation.

(B) In the event the topsoil from lands subject to mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands subject to the mineral activities are available that shall support vegetation, the best available growth medium shall be removed, segregated and preserved in a like manner as under subparagraph (A) for sustaining vegetation when restored during reclamation.

(2) STABILIZATION.—All surface areas subject to mineral activities, including spoil material piles, waste material piles, ore piles, subgrade ore piles, and open or partially backfilled mine pits which meet the requirements of paragraph (5) shall be stabilized and protected during mineral activities and reclamation so as to effectively control erosion and minimize attendant air and water pollution.

(3) EROSION.—Facilities such as but not limited to basins, ditches, streambank stabilization, diversions or other measures, shall be designed, constructed and maintained where necessary to control erosion and drainage of the area subject to mineral activities, including spoil material piles and waste material piles prior to the use of such material to comply with the requirements of subsection (m)(3) and for the purposes of paragraph (7), and including ore piles and subgrade ore piles.

(4) HYDROLOGIC BALANCE.—(A) Mineral activities shall be conducted to minimize disturbances to the prevailing hydrologic balance of the area subject to mineral activities and adjacent areas and to the quality and quantity of water in surface and ground water systems, including streamflow, in the area subject to mineral activities and adjacent areas.

(B) Mineral activities shall prevent the generation of acid or toxic drainage during the mineral activities and reclamation, to the extent possible using the best available demonstrated control technology; and the operator shall prevent the contamination of surface and ground water with acid or other toxic mine drainage and shall prevent or remove water from contact with acid or toxic producing deposits.

(C) Reclamation shall, to the extent possible, also include restoration of the recharge capacity of the area subject to mineral activities to approximate premining condition.

(D) Where surface or underground water sources used for domestic or agricultural use have been diminished, contaminated or interrupted as a proximate result of mineral activities, such water resource shall be restored or replaced.

(5) PIT BACKFILLING/GRADING VARIANCE.—(A) The requirement of subsection (m)(3) shall not apply with respect to an open mine pit if the Secretary finds that such open pit or partially backfilled pit would not pose a threat to the public health or safety or have an adverse effect on the environment in terms of surface or groundwater pollution.

(B) In instances where complete backfilling of an open pit is not required, the pit shall be graded to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

(6) REVEGETATION.—(A) Except in such instances where the complete backfill of an open mine pit is not required under paragraph (5), the area subject to mineral activities, including any excess spoil material pile and excess waste pile, shall be revegetated in order to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area subject to mineral activities, capable of self-regeneration and plant succession and at least equal in extent of cover to the natural revegetation of the surrounding area.

(B) In order to insure compliance with subparagraph (A), the period for determining successful revegetation shall be for a period of 5 full years after the last year of augmented seeding, fertilizing, irrigation or other work, except that such period shall be 10 full years where the annual average precipitation is 26 inches or less.

(7) EXCESS SPOIL AND WASTE.—(A) Excess spoil material and excess waste material shall be transported and placed in approved areas, in a controlled manner in such a way so as to assure long-term mass stability and to prevent mass movement. In addition to the measures described under paragraph (3), internal drainage systems shall be employed, as may be required, to control erosion and drainage. The design of such excess spoil material piles and excess waste material piles shall be certified by a qualified professional engineer.

(B) Excess spoil material piles and excess waste material piles shall be graded and contoured to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

(8) SEALING.—All drill holes, and openings on the surface associated with underground mineral activities, shall be sealed when no longer needed for the conduct of mineral activities to ensure protection of the public, fish and wildlife and the environment.

(9) STRUCTURES.—All buildings, structures or equipment constructed, used or improved during mineral activities shall be removed, unless the Secretary determines that the buildings, structures or equipment shall be of beneficial use in accomplishing the postmining uses or for environmental monitoring.

(10) FISH AND WILDLIFE.—All fish and wildlife habitat in areas subject to mineral activities shall be restored in a manner commensurate with or superior to habitat conditions which existed prior to the mineral activities, including such conditions as may be prescribed by the Director, United States Fish and Wildlife Service.

(o) DEFINITIONS.—As used in subsections (m) and (n):

(1) The term "best technology currently available" means equipment, devices, systems, methods, or techniques which are currently available anywhere even if not in routine use in mineral activities. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, scheduling of activities and design of sedimentation ponds. Within the constraints of the surface management requirements of this Act, the Secretary shall have the discretion to determine the best technology currently available on a case-by-case basis.

(2) The term "best available demonstrated control technology" means equipment, devices, systems, methods, or techniques which have demonstrated engineering and economic feasibility and practicality in preventing disturbances to hydrologic balance during mineral activities and reclamation. Such techniques will have shown to be effective and practical methods of acid and other mine water pollution elimination or control, and other pollution affecting water quality. The "best available demonstrated control technology" will not generally be in routine use in mineral activities. Within the constraints of the surface management requirements of this Act, the Secretary shall have the discretion to determine the best available demonstrated control technology on a case-by-case basis.

(3) The term "spoil material" means the overburden, or non-mineralized material of any nature, consolidated or unconsolidated, that overlies a deposit of any locatable mineral that is removed in gaining access to, and extracting, any locatable mineral, or any such material disturbed during the conduct of mineral activities.

(4) The term "waste material" means the material resulting from mineral activities involving beneficiation, including but not limited to tailings, and such material resulting from mineral activities involving processing, to the extent such material is not subject to subtitle C of the Resource Conservation and Recovery Act of 1976 or the Uranium Mill Tailings Radiation Control Act.

(5) The term "ore piles" means ore stockpiled for beneficiation prior to the completion of mineral activities and reclamation.

(6) The term "subgrade ore" means ore that is too low in grade to be of economic value at the time of extraction but which could reasonably be economical in the foreseeable future.

(7) The term "excess spoil" means that spoil material that may be excess of the amount necessary to comply with the requirements of subsection (m)(3).

(8) The term "excess waste" means that waste material that may be excess of the amount necessary to comply with the requirements of subsection (m)(3).

SEC. 202. INSPECTION AND ENFORCEMENT.

(a) INSPECTIONS.—(1) The Secretary shall make such inspections of mineral activities so as to ensure compliance with the surface management requirements. The Secretary shall establish a frequency of inspections for mineral activities conducted under an approved plan of operations, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter or two complete inspections annually for a plan of operations for which the Secretary approves an application under section 201(j).

(2)(A) Any person who has reason to believe they are or may be adversely affected by mineral activities due to any violation of the surface management requirements may request an inspection. The Secretary shall determine within 10 days of receipt of the request whether the request states a reason to believe that a violation exists, except in the event the person alleges and provides reason to believe that an imminent danger as provided by subsection (b)(2) exists the 10 day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the person filing the complaint and such person shall be allowed to accompany the inspector during the inspection.

(B) The Secretary shall, by regulation, establish procedures for the review of any decision by his authorized representative not to inspect or by a refusal by such representative to ensure remedial actions are taken with respect to any alleged violation. The Secretary shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.

(b) ENFORCEMENT.—(1) If the Secretary or authorized representative determines, on the basis of an inspection that an operator, or any person conducting mineral activities under section 201(b)(2), is in violation of any surface management requirement, the Secretary or authorized representative shall issue a notice of violation to the operator or person describing the violation and the corrective measures to be taken. The Secretary or authorized representative shall provide such operator or person with a reasonable period of time to abate the violation. If, upon the expiration of time provided for such abatement, the Secretary or authorized representative finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

(2) If the Secretary or authorized representative determines, on the basis of an inspection, that any condition or practice exists, or that an operator, or any person conducting mineral activities under section 201(b)(2), is in violation of the surface management requirements, and such condition, practice or violation is causing, or can reasonably be expected to cause—

(A) an imminent danger to the health or safety of the public; or

(B) significant, imminent environmental harm to land, air or water resources;

the Secretary or authorized representative shall immediately order a cessation of mineral activities or the portion thereof relevant to the condition, practice or violation.

(3)(A) A cessation order by the Secretary or authorized representative pursuant to paragraphs (1) or (2) shall remain in effect until the Secretary or authorized representative determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary or authorized representative. In any such order, the Secretary or authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order. The Secretary shall require appropriate financial assurances to ensure that the abatement obligations are met.

(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated or terminated by the Secretary or authorized representative. An operator, or person conducting mineral activities under section 201(b)(2), issued any such notice or order shall be entitled to a hearing on the record pursuant to subsection (f).

(4) If, after 30 days of the date of the order referred to in paragraph (3)(A) the required abatement has not occurred the Secretary shall take such alternative enforcement action against the responsible parties as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action shall include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement.

(5) In the event an operator, or person conducting mineral activities under section 201(b)(2), is unable to abate a violation or defaults on the terms of the plan of operation the Secretary shall forfeit the financial assurance for the plan of operations if necessary to ensure abatement and reclamation under this Act.

(6) The Secretary shall not forfeit the financial assurance while a review is pending pursuant to subsections (f) and (g).

(c) COMPLIANCE.—(1) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, in the district court of the United States for the district in which the mineral activities are located whenever an operator, or person conducting mineral activities under section 201(b)(2):

(A) violates, fails or refuses to comply with any order issued by the Secretary under subsection (b); or

(B) interferes with, hinders or delays the Secretary in carrying out an inspection under subsection (a).

Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under clause (A) shall continue in effect until the completion or final termination of all proceedings for review of such order under subsections (f) and (g), unless the district court granting such relief sets it aside or modifies it.

(2) Notwithstanding any other provision of law, the Secretary shall utilize enforcement personnel from the Office of Surface Mining Reclamation and Enforcement to augment personnel of the Bureau of Land Management and the Forest Service to ensure compliance with the surface management requirements, and inspection requirements of subsection (a). The Bureau of Land Management and the Forest Service shall each enter into a memorandum of understanding with the Office of Surface Mining Reclamation and Enforcement for this purpose.

(d) PENALTIES.—(1) Any operator, or person conducting mineral activities under section 201(b)(2), who fails to comply with the surface management requirements shall be liable for a penalty of not more than $5,000 per violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. No civil pen-

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alty under this subsection shall be assessed until the operator charged with the violation has been given the opportunity for a hearing under subsection (f).

(2) An operator, or person conducting mineral activities under section 201(b)(2), who fails to correct a violation for which a cessation order has been issued under subsection (b) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues, but in no event shall such assessment exceed a 30-day period.

(3) Whenever a corporation is in violation of the surface management requirements or fails or refuses to comply with an order issued under subsection (b), any director, officer or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure or refusal shall be subject to the same penalties that may be imposed upon an operator under paragraph (1).

(e) CITIZEN SUITS—(1) Except as provided under paragraph (2), any person having an interest which is or may be adversely affected may commence a civil action on his or her own behalf to compel compliance—

(A) against the Secretary where there is alleged a violation of any of the provisions of this Act or any regulation promulgated pursuant to this Act or terms and conditions of any plan of operations approved pursuant to this Act;

(B) against any other person alleged to be in violation of any of the provisions of this Act or any regulation promulgated pursuant to this Act or terms and conditions of any plan of operations approved pursuant to this Act;

(C) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act or any regulation promulgated pursuant to this Act which is not within the discretion of the Secretary; or

(D) against the Secretary where it is alleged that the Secretary acts arbitrarily or capriciously or in a manner inconsistent with this Act or any regulation promulgated pursuant to this Act. The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties.

(2) No action may be commenced except as follows:

(A) Under paragraph (1)(A) prior to 60 days after the plaintiff has given notice in writing of such alleged violation to the Secretary, or to the person alleged to be in violation; except no action may be commenced against any person alleged to be in violation if the Secretary has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the provisions of this title (but in any such action in a court of the United States the person making the allegation may intervene as a matter of right).

(B) Under paragraph (1)(B) prior to 60 days after the plaintiff has given notice in writing of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the environment or to the health or safety of the public or would immediately affect a legal interest of the plaintiff.

(3) Venue of all actions brought under this subsection shall be determined in accordance with title 28 U.S.C. 1391(a).

(4) The court, in issuing any final order in any action brought pursuant to paragraph (1) may award costs of litigation (including attorney and expert witness fees) to any party whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(5) Nothing in this subsection shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief, including relief against the Secretary.

(f) REVIEW BY SECRETARY.—(1)(A) Any operator, or person conducting mineral activities under section 201(b)(2), issued a notice of violation or cessation order under subsection (b), or any person having an interest which is or may be adversely affected by such decisions, notice or order, may apply to the Secretary for review of the notice or order within 30 days of receipt thereof, or as the case may be, within 30 days of such notice or order being modified, vacated or terminated.

(B) Any operator, or person conducting mineral activities under section 201(b)(2), who is subject to a penalty under subsection (d) or section 105 may apply to the Secretary for review of the assessment within 30 days of notification of such penalty.

(C) Any person having an interest which is or may be adversely affected by a decision made by the Secretary under subsections (g), (h), (i), (j) and (l) of section 201, or subsection 202(a)(2), or subsection 204(g), may apply to the Secretary for review of the decision within 30 days after it is made.

(2) The Secretary shall provide an opportunity for a public hearing at the request of any party. Any hearing conducted pursuant to this subsection shall be on record and shall be subject to section 554 of title 5 of the United States Code. The filing of an application for review under this subsection shall not operate as a stay of any order or notice issued under subsection (b).

(3) Following the hearing referred to in paragraph (2), if requested, but in any event the Secretary shall make findings of fact and shall issue a written decision incorporating therein an order vacating, affirming, modifying or terminating the notice, order or decision, or with respect to an assessment, the amount of penalty that is warranted. Where the application for review concerns a cessation order issued under subsection (b), the Secretary shall issue the written decision within 30 days of the receipt of the application for review, unless temporary relief has been granted by the Secretary under paragraph (4).

(4) Pending completion of any proceedings under this subsection, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under subsection (b) together with a detailed statement giving reasons for such relief. The Secretary shall expeditiously issue an order or decision granting or denying such relief. The Secretary may grant such relief under such conditions as he may prescribe only if such relief shall not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air or water resources.

(5) The availability of review under this subsection shall not be construed to limit the operation of rights established under subsection (e).

(g) JUDICIAL REVIEW.—(1) Any action by the Secretary in promulgating regulations to implement this Act, or any other actions constituting rulemaking by the Secretary to implement this Act, shall be subject to judicial review in the United States District Court for the District of Columbia. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law. A petition for review of any action subject to judicial review under this subsection shall be filed in the United States District Court for the District of Columbia within 60 days from the date of such action, or after such date if the petition is based solely on grounds arising after the sixtieth day. Any such petition may be made by any person who commented or otherwise participated in the rulemaking or who may be adversely affected by the action of the Secretary.

(2) Final agency action under this Act, including such final action on those matters described under subsection (f), shall be subject to judicial review in accordance with paragraph (4) and pursuant to 28 U.S.C. 1391(a) of the United States Code on or before 60 days from the date of such final action.

(3) The availability of judicial review established in this subsection shall not be construed to limit the operations of rights established under subsection (e).

(4) The court shall hear any petition or complaint filed under this subsection solely on the record made before the Secretary. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(5) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order or decision of the Secretary.

(h) PROCEEDINGS.—Whenever a proceeding occurs under subsections (f) or (g), at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary or the court to have been reasonably incurred by such person for or in connection with participation in such proceedings, including any judicial review of the proceeding, may be assessed against either party as the court, resulting from judicial review or the Secretary, resulting from administrative proceedings, deems proper.

SEC. 203. STATE LAW AND REGULATION.

(a) STATE LAW.—(1) Any reclamation standard or requirement in State law or regulation that meets or exceeds the requirements of subsections (m) and (n) of section 201 shall not be construed to be inconsistent with any such standard.

(2) Any bonding standard or requirement in State law or regulation that meets or exceeds the requirements of section 201(l) shall not be construed to be inconsistent with such requirements.

(3) Any inspection standard or requirement in State law or regulation that meets or exceeds the requirements of section 202 shall not be construed to be inconsistent with such requirements.

(b) APPLICABILITY OF OTHER STATE REQUIREMENTS.—(1) Nothing in this Act shall be construed as affecting any air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act.

(2) Nothing in this Act shall be construed as affecting in any way the right of any per-

son to enforce or protect, under applicable law, such person's interest in water resources affected by mineral activities.

(c) COOPERATIVE AGREEMENTS.—(1) Any State may enter into a cooperative agreement with the Secretary for the purposes of applying such standards and requirements referred to in subsection (a) and subsection (b) to mineral activities on lands subject to this Act.

(2) The Secretary may enter into a cooperative agreement with any State for the purpose of providing a common regulatory framework for surface management requirements applicable to mineral activities under plans of operations that shall encompass lands under the jurisdiction of a State in addition to lands subject to this Act.

(3) The Secretary shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment.

(d) PRIOR AGREEMENTS.—Any cooperative agreement or such other understanding between the Secretary and any State, or political subdivision thereof, relating to the surface management of mineral activities on lands subject to this Act that was in existence on the date of enactment of this Act may only continue in force until the effective date of this Act, after which time the terms and conditions of any such agreement or understanding shall only be applicable to plans of operations approved by the Secretary prior to the effective date of this Act except as provided under section 405.

(e) DELEGATION.—The Secretary shall not delegate to any State, or political subdivision thereof, the Secretary's authorities, duties and obligations under this Act, including with respect to any cooperative agreements entered into under this section.

SEC. 204. UNSUITABILITY REVIEW.

(a) IN GENERAL.—The Secretary of the Interior in preparing land use plans under the Federal Land Policy and Management Act of 1976, and the Secretary of Agriculture in preparing land use plans under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, shall each conduct a review of lands that are subject to this Act in order to determine whether there are any areas which are unsuitable for all or certain types of mineral activities pursuant to the standards set forth under subsection (e). In the event such a determination is made, the review shall be included in the applicable land use plan.

(b) SPECIFIC AREAS.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, on the basis of any information available, shall each publish a notice in the Federal Register identifying and listing the lands subject to this Act which are or may be determined to be unsuitable for all or certain types of mineral activities according to the standards set forth in subsection (e). After opportunity for public comment and proposals for modifications to such listing, but not later than the effective date of this Act, each Secretary shall begin to review the lands identified pursuant to this subsection to determine whether such lands are unsuitable for all or certain types of mineral activities according to the standards set forth in subsection (e).

(c) LAND USE PLANS.—(1) At such time as the Secretary revises or amends a land use plan pursuant to provisions of law other than this Act, the Secretary shall identify lands determined to be unsuitable for all or certain types of mineral activities according to the standards set forth in subsection (e). The Secretary shall incorporate such determinations in the applicable land use plans.

(2) If lands covered by a proposed plan of operations have not been reviewed pursuant to this section at the time of submission of a plan of operations, the Secretary shall, prior to the consideration of the proposed plan of operations, review the areas that would be affected by the proposed mineral activities to determine whether the area is unsuitable for all or certain types of mineral activities according to the standards set forth in subsection (e). The Secretary shall use such review in the next revision or amendment to the applicable land use plan to the extent necessary to reflect the unsuitability of such lands for all or certain types of mineral activities according to the standards set forth in subsection (e).

(3) This section does not require land use plans to be amended until such plans are adopted, revised, or amended pursuant to provisions of law other than this Act.

(d) EFFECT OF DETERMINATION.—(1) If the Secretary determines an area to be unsuitable under this section for all or certain types of mineral activities, he shall do one of the following:

(A) In any instance where a determination is made that an area is unsuitable for all types of mineral activities, the Secretary of the Interior, with the consent of the Secretary of Agriculture for lands under the jurisdiction of the Secretary of Agriculture, shall withdraw such area pursuant to section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

(B) In any instance where a determination is made that an area is unsuitable for certain types of mineral activities, the Secretary shall take appropriate steps to limit or prohibit such types of mineral activities.

(2) Nothing in this section may be construed as affecting lands where mineral activities under approved plans of operations or under notice (as provided for in the regulations of the Secretary of the Interior in effect prior to the effective date of this Act relating to operations that cause a cumulative disturbance of 5 acres or less) were being conducted on the effective date of this Act, except as provided under subsection (g).

(3) Nothing in this section may be construed as prohibiting mineral activities not subject to paragraph (2) where substantial legal and financial commitments in such mineral activities were in existence on the effective date of this Act, but nothing in this section may be construed as limiting any existing authority of the Secretary to regulate such activities.

(4) An unsuitability determination under this section shall not prevent the types of mineral activities referred to in section 201(b)(2)(A), but nothing in this section shall be construed as authorizing such activities in areas withdrawn pursuant to section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

(e) REVIEW STANDARDS.—(1) An area containing lands that are subject to this Act shall be determined to be unsuitable for all or certain types of mineral activities if the Secretary determines, after notice and opportunity for public comment, that reclamation pursuant to the standards set forth in subsections (m) and (n) of section 201 would not be technologically and economically feasible for any such mineral activities in such area and where—

(A) such mineral activities would substantially impair water quality or supplies within the area subject to the mining plan or adjacent lands, such as impacts on aquifers and aquifer recharge areas;

(B) such mineral activities would occur on areas of unstable geology that could if undertaken substantially endanger life and property;

(C) such mineral activities would adversely affect publicly-owned places which are listed on or are eligible for listing on the National Register of Historic Places, unless the Secretary and the State approve all or certain mineral activities, in which case the area shall not be determined to be unsuitable for such approved mineral activities;

(D) such mineral activities would cause loss of or damage to riparian areas;

(E) such mineral activities would impair the productivity of the land subject to such mineral activities;

(F) such mineral activities would adversely affect candidate species for threatened and endangered species status; or

(G) such mineral activities would adversely affect lands designated as National Wildlife Refuges.

(2) An area may be determined to be unsuitable for all or certain mineral activities if the Secretary, after notice and opportunity for public comment, determines that reclamation pursuant to the standards set forth in subsections (m) and (n) of section 201 would not be technologically and economically feasible for any such mineral activities in such area and where—

(A) such mineral activities could result in significant damage to important historic, cultural, scientific and aesthetic values or to natural systems;

(B) such mineral activities could adversely affect lands of outstanding aesthetic qualities and scenic Federal lands designated as Class I under section 162 of the Clean Air Act (42 U.S.C. 7401 and following);

(C) such mineral activities could adversely affect lands which are high priority habitat for migratory bird species or other important fish and wildlife species as determined by the Secretary in consultation with the Director of the United States Fish and Wildlife Service and the appropriate agency head for the State in which the lands are located;

(D) such mineral activities could adversely affect lands which include wetlands if mineral activities would result in loss of wetland values;

(E) such mineral activities could adversely affect National Conservation System units; or

(F) such mineral activities could adversely affect lands containing other resource values as the Secretary may consider.

(f) WITHDRAWAL REVIEW.—In conjunction with conducting an unsuitability review under this section, the Secretary shall review all administrative withdrawals of land from the location of mining claims to determine whether the revocation or modification of such withdrawal for the purpose of allowing such lands to be opened to the location of mining claims under this Act would be appropriate as a result of any of the following:

(1) The imposition of any conditions referred to in subsection (d)(1)(B).

(2) The surface management requirements of section 201.

(3) The limitation of section 107.

(g) CITIZEN PETITION.—(1) In any instance where a land use plan has not been amended or completed to reflect the review referred to in subsection (a), any person having an interest that may be adversely affected by potential mineral activities on lands subject to this Act covered by such plan shall have the

right to petition the Secretary to determine such lands to be unsuitable for all or certain types of mineral activities. Such petition shall contain allegations of fact with respect to potential mineral activities and with respect to the unsuitability of such lands for all or certain mineral activities according to the standards set forth in subsection (e) with supporting evidence that would tend to establish the allegations.

(2) Petitions received prior to the date of the submission of a proposed plan of operations under this Act, shall stay consideration of the proposed plan of operations pending review of the petition.

(3) Within 4 months after receipt of a petition to determine lands to be unsuitable for all or certain types of mining in areas where a land use plan has not been amended or completed to reflect the review referred to in subsection (a), the Secretary shall hold a public hearing on the petition in the locality of the area in question. After a petition has been filed and prior to the public hearing, any person may support or oppose the determination sought by the petition by filing written allegations of facts and supporting evidence.

(4) Within 60 days after a public hearing held pursuant to paragraph (3), the Secretary shall issue a written decision regarding the petition which shall state the reasons for granting or denying the requested determination.

(5) Reviews conducted pursuant to this subsection shall be consistent with paragraphs (3) and (4) of subsection (d) and with subsection (e).

SEC. 205. LANDS NOT OPEN TO LOCATION.

(a) LANDS.—Subject to valid existing rights, each of the following shall not be open to the location of mining claims under this Act on the date of enactment of this Act:

(1) Lands recommended for wilderness designation by the agency managing the surface, pending a final determination by the Congress of the status of such lands.

(2) Lands being managed by the Bureau of Land Management as wilderness study areas on the date of enactment of this Act except where the location of mining claims is specifically allowed to continue by the statute designating the study area, pending a final determination by the Congress of the status of such lands.

(3) Lands within Wild and Scenic River System and lands under study for inclusion in such system, pending a final determination by the Congress of the status of such lands.

(4) Lands identified by the Bureau of Land Management as Areas of Critical Environmental Concern.

(5) Lands identified by the Secretary of Agriculture as Research Natural Areas.

(6) Lands designated by the Fish and Wildlife Service as critical habitat for threatened or endangered species.

(7) Lands administered by the Fish and Wildlife Service.

(8) Lands which the Secretary shall designate for withdrawal under authority of other law, including lands which the Secretary of Agriculture may propose for withdrawal by the Secretary of the Interior under authority of other law.

(b) DEFINITION.—As used in this section, the term "valid existing rights" means that a mining claim located on lands referred to in subsection (a) was properly located and maintained under the general mining laws prior to the date of enactment of this Act, and was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

TITLE III—ABANDONED MINERALS MINE RECLAMATION FUND

SEC. 301. ABANDONED MINERALS MINE RECLAMATION FUND.

(a) NEW SUBTITLE.—Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended by inserting:

"Subtitle A—Abandoned Coal Mine Reclamation Fund"

immediately before section 401 and by adding the following new subtitle at the end thereof:

"Subtitle B—Abandoned Minerals Mine Reclamation Fund

"SEC. 421. ABANDONED MINERALS MINE RECLAMATION.

"(a) ESTABLISHMENT.—(1) There is established on the books of the Treasury of the United States a trust fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter in this subtitle referred to as the 'Fund'). The Fund shall be administered by the Secretary of the Interior acting through the Director, Office of Surface Mining Reclamation and Enforcement.

"(2) The Secretary of the Interior shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(b) AMOUNTS.—The following amounts shall be credited to the Fund for the purposes of this Act:

"(1) All moneys received from the collection of rental fees under section 104 of the Mineral Exploration and Development Act of 1991.

"(2) Amounts collected pursuant to sections 105 and 202(d) of the Mineral Exploration and Development Act of 1991.

"(3) All moneys received from the disposal of mineral materials pursuant to section 3 of the Materials Act of 1947 (30 U.S.C. 603) to the extent such moneys are not specifically dedicated to other purposes under other authority of law.

"(4) Donations by persons, corporations, associations, and foundations for the purposes of this subtitle.

"(5) Amounts referred to in section 410(e)(1).

"SEC. 422. USE AND OBJECTIVES OF THE FUND.

"(a) IN GENERAL.—The Secretary is authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

"(1) Reclamation and restoration of abandoned surface mined areas.

"(2) Reclamation and restoration of abandoned milling and processing areas.

"(3) Sealing and filling abandoned deep mine entries.

"(4) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

"(5) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

"(6) Control of surface subsidence due to abandoned deep mines.

"(7) Such expenses as may be necessary to accomplish the purposes of this subtitle.

"(b) PRIORITIES.—Expenditure of moneys from the Fund shall reflect the following priorities in the order stated:

"(1) The protection of public health, safety, general welfare and property from extreme danger from the adverse effects of past minerals and mineral materials mining practices.

"(2) The protection of public health, safety, and general welfare from the adverse effects of past minerals and mineral materials mining practices.

"(3) The restoration of land and water resources previously degraded by the adverse effects of past minerals and mineral materials mining practices.

"SEC. 423. ELIGIBLE AREAS.

"(a) ELIGIBILITY.—Lands and waters eligible for reclamation expenditures under this Act shall be those within the boundaries of States that have lands subject to the Mineral Exploration and Development Act of 1992 and the Materials Act of 1947—

"(1) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this subtitle; and

"(2) for which there is no continuing reclamation responsibility under State or Federal laws; and

"(3) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands, unless such consideration are in conflict with the priorities set forth under paragraphs (1) and (2) of section 422(b).

In determining the eligibility under this subsection of Federal lands and waters under the jurisdiction of the Forest Service or Bureau of Land Management in lieu of the date referred to in paragraph (1), the applicable date shall be August 28, 1974, and November 26, 1980, respectively.

"(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 shall apply to expenditures made from the Fund established under this subtitle in the same manner and to the same extent as such provisions apply to expenditures made under subtitle A.

"SEC. 424. FUND ALLOCATION AND EXPENDITURES.

"(a) ALLOCATIONS.—(1) Moneys available for expenditure from the Fund shall be allocated on an annual basis by the Secretary in the form of grants to eligible States, or in the form of expenditures under subsection (b), to accomplish the purposes of this subtitle.

"(2) The Secretary shall distribute moneys from the Fund based on the greatest need for such moneys pursuant to the priorities stated in section 422(b). In determining the greatest need for the distribution of moneys from the Fund to eligible States, the Secretary shall give priority to those eligible States which do not receive grants under subtitle A.

"(b) DIRECT FEDERAL EXPENDITURES.—Where a State is not eligible, or in instances where the Secretary determines that the purposes of this subtitle may best be accomplished otherwise, moneys available from the Fund may be expended directly by the Director, Office of Surface Mining Reclamation and Enforcement. The director may also

make such money available through grants made to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, and any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program, or through cooperative agreements between eligible States and the entities referred to in this subsection.

"SEC. 425. STATE RECLAMATION PROGRAMS.

"(a) ELIGIBLE STATES.—For the purpose of section 424(a), 'eligible States' are those States for which the Secretary determines meets each of the following requirements:

"(1) Within the State there are mined lands, waters, and facilities eligible for reclamation pursuant to section 423.

"(2) The State has developed an inventory of such areas following the priorities established under section 422(b).

"(3) The State has established, and the Secretary has approved, a State abandoned minerals and mineral materials mine reclamation program for the purpose of receiving and administering grants under this subtitle. Any State with an approved abandoned mine reclamation program pursuant to section 405 shall be deemed to have met the requirements of this paragraph.

"(b) MONITORING.—The Secretary shall monitor the expenditure of State grants to ensure they are being utilized to accomplish the purposes of this subtitle.

"(c) SUPPLEMENTAL GRANTS.—In the case of any State with an approved abandoned mine reclamation program pursuant to section 405, grants to such State made pursuant to this subtitle may be made as a supplement to grants received by such State pursuant to section 402(g)(1).

"(d) STATE PROGRAMS.—(1) The Secretary shall approve any State abandoned minerals mine reclamation program submitted to the Secretary by a State under this subtitle if the Secretary finds that the State has the ability and necessary State legislation to implement such program and that the program complies with the provisions of this subtitle and the regulations of the Secretary under this subtitle.

"(2) No State, or a contractor for such State engaged in approved reclamation work under this subtitle, or a public entity referred to in section 424(b), shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out an approved State abandoned minerals mine reclamation program under this section. This paragraph shall not preclude liability for cost or damages as a result of gross negligence or intentional misconduct by the State. For purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

"SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

"Amounts credited to the Fund are authorized to be appropriated for the purpose of this subtitle without fiscal year limitation."

SEC. 302. CONFORMING AMENDMENTS.

(a) CONFORMING CHANGE.—All references to "this title" in sections 401 through 414 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 and following) are amended to read "this subtitle".

(b) TABLE OF CONTENTS.—The table of contents for title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 and following) is amended as follows:

(1) Insert the following immediately before the item relating to section 401:

"Subtitle A—Abandoned Coal Mine Reclamation Fund".

(2) Add the following at the end thereof:

"Subtitle B—Abandoned Minerals Mine Reclamation Fund

"Sec. 421. Abandoned minerals mine reclamation.
"Sec. 422. Use and objectives of the fund.
"Sec. 423. Eligible areas.
"Sec. 424. Fund allocation and expenditures.
"Sec. 425. State reclamation programs.
"Sec. 426. Authorization of appropriations.".

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 401. POLICY FUNCTIONS.

(a) MINERALS POLICY.—The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by adding at the end thereof the following: "It shall also be the responsibility of the Secretary of Agriculture to carry out the policy provisions of paragraphs (1) and (2) of this Act.".

(b) MINERAL DATA.—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended by inserting before the period the following: ", except that for National Forest System lands the Secretary of Agriculture shall promptly initiate actions to improve the availability and analysis of mineral data in Federal land use decision making".

SEC. 402. USER FEES.

The Secretaries of Interior and Agriculture are authorized to establish and collect from persons subject to the requirements of this Act such user fees as may be necessary to reimburse the United States for a portion of the expenses incurred in administering such requirements. Fees may be assessed and collected under this section only in such manner as may reasonably be expected to result in an aggregate amount of the fees collected during any fiscal year which does not exceed the aggregate amount of administrative expenses referred to in this section.

SEC. 403. REGULATIONS; EFFECTIVE DATES.

(a) EFFECTIVE DATE.—This Act shall take effect 1 year after the date of enactment of this Act, except as otherwise provided in this Act.

(b) REGULATIONS.—(1) The Secretary of the Interior shall issue final regulations to implement title I, such requirements of section 402 and 409 as may be applicable to such title, title III and sections 404, 406 and 407 not later than the effective date of this Act specified in subsection (a).

(2) The Secretary of the Interior and the Secretary of Agriculture shall each issue final regulations to implement their respective responsibilities under title II, such requirements of section 402 as may be applicable to such title, and sections 405 and 409 not later than the effective date of this Act referred to in subsection (a). The Secretary of the Interior and the Secretary of Agriculture shall coordinate the promulgation of such regulations.

(3) Failure to promulgate the regulations specified in this subsection by the effective date of this Act by reason of any appeal or judicial review shall not delay the effective date of this Act as specified in subsection (a).

(b) NOTICE.—Within 60 days after the publication of regulations referred to in subsection (b)(1), the Secretary of the Interior shall give notice to holders of mining claims and mill sites maintained under the general mining laws as to the requirements of section 404. Procedures for providing such notice shall be established as part of the regulations.

(c) NEW MINING CLAIMS.—Notwithstanding any other provision of law, after the effective date of this Act, a mining claim for a locatable mineral on lands subject to this Act—

(1) may be located only in accordance with this Act,

(2) may be maintained only as provided in this Act, and

(3) shall be subject to the requirements of this Act.

SEC. 404. TRANSITIONAL RULES; MINING CLAIMS AND MILL SITES.

(a) CLAIMS UNDER THE GENERAL MINING LAWS.—

(1) CONVERTED MINING CLAIMS.—Notwithstanding any other provision of law, within the 3-year period after the effective date of this Act, the holder of any unpatented mining claim which was located under the general mining laws before the effective date of this Act may elect to convert the claim under this paragraph by filing an election to do so with the Secretary of the Interior that references the Bureau of Land Management serial number of that claim in the office designated by such Secretary. The provisions of title I (other than subsections (a), (b), (c), (d)(1), (f), and (h) of section 103) shall apply to any such claim, effective upon the making of such election, and the filing of such election shall constitute notice to the Secretary for purposes of section 103(d)(2). Once a mining claim has been converted, there shall be no distinction made as to whether such claim was originally located as a lode or placer claim.

(2) UNCONVERTED MINING CLAIMS.—Notwithstanding any other provision of law, any claim referred to in paragraph (1) that has not converted within the 3-year period referred to in such paragraph shall be deemed forfeited and declared null and void.

(3) CONVERTED MILL SITE CLAIMS.—Notwithstanding any other provision of law, within the 3-year period after the effective date of this Act, the holder of any unpatented mill site which was located under the general mining laws before the effective date of this Act may elect to convert the site under this paragraph by filing an election to do so with the Secretary of the Interior that references the Bureau of Land Management serial number of that mill site in the office designated by such Secretary. The provisions of title I (other than subsections (a), (b), (c), (d)(1), and (f) of section 103) shall apply to any such claim, effective upon the making of such election, and the filing of such election shall constitute notice to the Secretary for purposes of section 103(d)(2). A mill site converted under this paragraph shall be deemed a mining claim under this Act.

(4) UNCONVERTED MILL SITE CLAIMS.—Notwithstanding any other provision of law, any mill site referred to in paragraph (3) that has not converted within the 3-year period referred to in such paragraph shall be deemed forfeited and declared null and void.

(5) TUNNEL SITES.—Any tunnel site located under the general mining laws on or before the effective date of this Act shall not be recognized as valid unless converted pursuant to paragraph (1). No tunnel sites may be located under the general mining laws after the effective date of this Act.

(b) SPECIAL APPLICATION OF REQUIREMENTS.—For mining claims and mill sites converted under this section each of the following shall apply:

(1) For the purposes of complying with the requirements of section 103(d)(2), whenever the Secretary receives an election under paragraphs (1) or (3) of subsection (a), as the

case may be, he shall provide the certificate referenced in section 103(d)(2) to the holder of the mining claim or mill site.

(2) The first diligence year applicable to mining claims and mill sites converted under this section shall commence on the first day of the first month following the date the holder of such claim or mill site files an election to convert with the Secretary under paragraphs (1) or (3) of subsection (a), as the case may be, and subsequent diligence years shall commence on the first day of that month each year thereafter.

(3) For the purposes of determining the boundaries of a mining claim to which the rental requirements of section 104 apply for a mining claim or mill site converted under this section, the rental fee shall be paid on the basis of land within the boundaries of the converted mining claim or mill site as described in the notice of location or certificate of location filed under section 314 of the Federal Land Policy and Management Act of 1976.

(c) PRECONVERSION.—Any unpatented mining claim or mill site located under the general mining laws shall be deemed to be a prior claim for the purposes of section 103(e) during the 3-year period referred to in subsections (a)(1) or (a)(3).

(d) POSTCONVERSION.—Any unpatented mining claim or mill site located under the general mining laws shall be deemed to be a prior claim for the purposes of section 103(e) if converted pursuant to subsections (a)(1) or (a)(3).

(e) DISPOSITION OF LAND.—In the event a mining claim is located under this Act for lands encumbered by a prior mining claim or mill site located under the general mining laws, such lands shall become part of the claim located under this Act if the claim or mill site located under the general mining laws is declared null and void under this section or otherwise becomes null and void thereafter.

(f) PREACT CONFLICTS.—(1) Any conflicts in existence on or before the date of enactment of this Act between holders of mining claims located under the general mining laws may be resolved in accordance with applicable laws governing such conflicts in effect on the date of enactment of this Act in a court with proper jurisdiction.

(2) Any conflicts not relating to matters provided for under section 103(g) between the holders of a mining claim located under this Act and a mining claim or mill located under the general mining laws arising either before or after the conversion of any such claim or site under this section shall be resolved in a court with proper jurisdiction.

SEC. 405. TRANSITIONAL RULES; SURFACE MANAGEMENT REQUIREMENTS.

(a) NEW CLAIMS.—Notwithstanding any other provision of law, any mining claim for a locatable mineral on lands subject to this Act located after the date of enactment of this Act, but prior to the effective date of this Act, shall be subject to such surface management requirements as may be applicable to the mining claim in effect prior to the date of enactment of this Act until the effective date of this Act, at which time such claim shall be subject to the requirements of title II.

(b) PREEXISTING CLAIMS.—Notwithstanding any other provision of law, any unpatented mining claim or mill site located under the general mining laws shall be subject to the requirements of title II as follows:

(1) In the event a plan of operations had not been approved for mineral activities on any such claim or site prior to the effective date of this Act, the claim or site shall be subject to the requirements of title II upon the effective date of this Act.

(2) In the event a plan of operations had been approved for mineral activities on any such claim or site prior to the effective date of this Act, such plan of operations shall continue in force for a period of 5 years after the effective date of this Act, after which time the requirements of title II shall apply, except as provided under subsection (c), subject to the limitations of section 204(d)(2). In order to meet the requirements of section 201, the person conducting mineral activities under such plan of operations shall apply for a modification under section 201(i). During such 5-year period the provisions of section 202 shall apply on the basis of the surface management requirements applicable to such plans of operations prior to the effective date of this Act.

(3) In the event a notice had been filed with the authorized officer in the applicable district office of the Bureau of Land Management (as provided for in the regulations of the Secretary of the Interior in effect prior to the date of enactment of this Act relating to operations that cause a cumulative disturbance of 5 acres or less) prior to the date of enactment of this Act, mineral activities may continue under such notice for a period of 2 years after the effective date of this Act, after which time the requirements of title II shall apply, except as provided under subsection (c), subject to the limitations of section 204(d)(2). In order to meet the requirements of section 201, the person conducting mineral activities under such notice must apply for a modification under section 201(i) unless such mineral activities are conducted pursuant to section 201(b)(2). During such 2-year period the provisions of section 202 shall apply on the basis of the surface management requirements applicable to such notices prior to the effective date of this Act.

(4) In the event a notice (as described in paragraph (3)) had not been filed with the authorized officer in the applicable district office of the Bureau of Land Management prior to the date of enactment of this Act, the claim or site shall be subject to the surface management requirements in effect prior to the effective date of this Act at which time such claims shall be subject to the requirements of title II.

(c) VARIANCE.—(1) A plan modification submitted pursuant to subsections (b)(2) and (b)(3) may include a request for a variance to any of the requirements of subsections (m) or (n) of section 201. All other mineral activities proposed under the plan modification shall be consistent with the requirement for best technology currently available as defined in section 201(o).

(2) When considering a variance request, the Secretary shall take into account the distinct circumstances of each operation under plans approved and notices submitted prior to the effective date of this Act. A variance shall be approved only if substantial legal and financial commitments have been made and the operation is fully engaged prior to the effective date of this Act.

(3) To approve a variance in a plan modification submitted pursuant to subsections (b)(2) and (b)(3), the Secretary shall make each of the following determinations:

(A) The mine permit and reclamation plan are otherwise complete and accurate.

(B) The applicant has substantially complied with Federal and State requirements in effect prior to the effective date of this Act.

(C) The applicant has demonstrated that future mineral activities, except those identified in the variance, can be successfully accomplished using the best technology currently available.

(D) The applicant has demonstrated that the plan modification will be in compliance with other Federal requirements, and State specifications required pursuant to section 203(b).

(4) The Secretary shall, by rule, develop alternative standards for reclamation activities which may be granted a variance under this subsection.

(5) The variance shall contain such terms and conditions as prescribed by the Secretary, including but not limited to a stated term as provided under section 201(h).

SEC. 406. BASIS FOR CONTEST.

(a) DISCOVERY.—(1) After the effective date of this Act, a mining claim may not be contested or challenged on the basis of discovery under the general mining laws, except as follows:

(A) Any claim located on or before the effective date of this Act may be contested by the United States on the basis of discovery under the general mining laws as in effect prior to the effective date of this Act if such claim is located within units of the National Park System, National Wildlife Refuge System, National Wilderness Preservation System, Wild and Scenic Rivers System, National Trails System, or National Recreation Areas designated by an Act of Congress, or within an area referred to in section 205 pending a final determination referenced in such section.

(B) Any mining claim located on or before the effective date of this Act may be contested by the United States on the basis of discovery under the general mining laws as in effect prior to the effective date of this Act if such claim was located for a mineral material that purportedly has a property giving it distinct and special value within the meaning of section 3(a) of the Act of July 23, 1955, or if such claim was located for a mineral that was not locatable under the general mining laws on or before the effective date of this Act.

(2) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may initiate contest proceedings against those mining claims referred to in paragraph (1) at any time, except that nothing in this subsection may be construed as requiring the Secretary to inquire into or contest the validity of a mining claim for the purpose of the conversion referred to in section 404.

(3) Nothing in this subsection may be construed as limiting any contest proceedings initiated by the United States under this subsection on issues other than discovery.

SEC. 407. SAVINGS CLAUSE CLAIMS.

(a) Notwithstanding any other provision of law, except as provided under subsection (b), an unpatented mining claim referred to in section 37 of the Mineral Leasing Act (30 U.S.C. 193) may not be converted under section 404 until the Secretary of the Interior determines the claim was valid on the date of enactment of the Mineral Leasing Act and has been maintained in compliance with the general mining laws.

(b) Immediately after the date of enactment of this Act, the Secretary of the Interior shall initiate contest proceedings challenging the validity of all unpatented claims referred to in subsection (a), including those claims for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(c) No claim referred to in subsection (a) shall be declared null and void under section

404 during the period such claim is subject to a proceeding under subsection (b). If, as a result of such proceeding, a claim is determined valid, the holder of such claim may comply with the requirements of section 404(a)(1), except that the 3-year period referred to in such section shall commence with the date of the completion of the contest proceeding.

SEC. 408. SEVERABILITY.

If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 409. PURCHASING POWER ADJUSTMENT.

The Secretary shall adjust all rental rates, penalty amounts, and other dollar amounts established in this Act for changes in the purchasing power of the dollar every 10 years following the date of enactment of this Act, employing the Consumer Price Index for all-urban consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990 (104 Stat. 890).

SEC. 410. ROYALTY.

(a) RESERVATION OF ROYALTY.—Production of locatable minerals (including associated minerals) from any mining claim located under this Act, or mineral concentrates derived from locatable minerals produced from any mining claim located under this Act, as the case may be, shall be subject to a royalty of not less than 8 percent of the gross income from the production of such locatable minerals or concentrates, as the case may be.

(b) ROYALTY PAYMENTS.—Royalty payments shall be made to the United States not later than 30 days after the end of the month in which the product is produced and placed in its first marketable condition, consistent with prevailing practices in the industry.

(c) REPORTING REQUIREMENTS.—All persons holding claims under this Act shall be required to provide such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all persons holding claims under this Act as he deems necessary for the purposes of ensuring compliance with the requirements of this section.

(e) DISPOSITION OF RECEIPTS.—All receipts from royalties collected pursuant to this section shall be distributed as follows—

(1) 50 percent shall be deposited into the Fund referred to in title III;

(2) 25 percent collected in any State shall be paid to the State in the same manner as are payments to States under section 35 of the Mineral Leasing Act; and

(3) 25 percent shall be deposited into the Treasury of the United States.

(f) COMPLIANCE.—Any person holding claims under this Act who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to the enforcement provisions of section 202 of this Act and forfeiture of the claim.

(g) REGULATIONS.—The Secretary shall promulgate regulations to establish gross income for royalty purposes under subsection (a) and to ensure compliance with this section.

(h) REPORT.—The Secretary shall submit to the Congress an annual report on the implementation of this section. The information to be included in the report shall include, but not be limited to, aggregate and State-by-State production data, and projections of mid-term and long-term hard rock mineral production and trends on public lands.

SEC. 411. SAVINGS CLAUSE.

(a) SPECIAL APPLICATION OF MINING LAWS.—Nothing in this Act shall be construed as repealing or modifying any Federal law, regulation, order or land use plan, in effect prior to the effective date of this Act that prohibits or restricts the application of the general mining laws, including such laws that provide for special management criteria for operations under the general mining laws as in effect prior to the effective date of this Act, to the extent such laws provide environmental protection greater than required under this title.

(b) OTHER FEDERAL LAWS.—Nothing in this Act shall be construed as superseding, modifying, amending or repealing any provision of Federal law not expressly superseded, modified, amended or repealed by this Act, including but not necessarily limited to, all of the following laws—

(1) the Clean Water Act (33 U.S.C. 1251 and following);

(2) the Clean Air Act (42 U.S.C. 7401 and following);

(3) title IX of the Public Health Service Act (the Safe Drinking Water Act (42 U.S.C. 300f and following);

(4) the Endangered Species Act of 1973 (16 U.S.C. 1531 and following);

(5) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 and following);

(6) the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following);

(7) the Uranium Mill Tailings Radiation Control Act (42 U.S.C. 7901 to 7942);

(8) the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 and following);

(9) the Solid Waste Disposal Act (42 U.S.C. 6901 and following);

(10) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following);

(11) the Act commonly known as the False Claims Act (31 U.S.C. 3729 to 3731);

(12) the National Historic Preservation Act (16 U. S. C. 470 and following);

(13) the Migratory Bird Treaty Act (16 U.S.C. 706 and following); and

(14) the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976.

(c) PROTECTION OF CONSERVATION AREAS.—In order to protect the resources and values of Denali National Park and Preserve, and all other National Conservation System units, the Secretary of the Interior or other appropriate Secretary shall utilize authority under this Act and other applicable law to the fullest extent necessary to prevent mineral activities within the boundaries of such units that could have an adverse impact on the resources or values of such units.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute shall be considered for amendment under the 5-minute rule for a period not to exceed 4 hours.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO: Page 100, in lines 14 and 16 after "located" insert "or converted".

Page 100, line 17, strike "royalty of not less than 8 percent" and insert "royalty of not less than 12 and one-half percent".

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

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, this evening I am going to offer an amendment that would increase the royalty provisions in this bill from 8 to 12½ percent. That would be the same royalty that is charged against coal, oil, and gas that are produced on Federal lands. The royalties from this amendment would amount to as much as $400 million each year.

Under the terms of this bill, one-half would go into an abandoned mine reclamation fund to help clean up the estimated $11 billion worth of cleanup work on Federal land polluted and disturbed by hard rock mining activities. One-quarter of the money would go into the Federal Treasury, and one-quarter would go to the States as impact assistance for hard rock mining activities.

□ 1740

Every year between $1.2 and $4 billion worth of valuable minerals are removed from Federal lands in the West, free of charge. The same mining companies that gnash their teeth about paying a reasonable share to the American taxpayer for extraction from Federal lands, routinely pay as much as 15 percent to private landowners when they mine on private land and they make a healthy profit. They pay royalties to every State in the Western Unites States when they extract minerals from State lands and they make a healthy profit. They pay royalties when they mine in foreign nations like Canada, South Africa, and Australia, and they make a very healthy profit.

Yet our colleagues, particularly on the other side of the aisle, will tell us that a royalty of even 8 percent will kill the mining industry. The gentlewoman from Nevada would have us believe that any royalty would kill the industry in their State and yet they charge a royalty on their State land, and we just cannot do it on Federal lands.

The same companies that supposedly would be wiped out by a Federal royalty pay 10, 12, or 15 percent royalties to private owners in Nevada and yet they cannot pay a penny to the Federal Government and the taxpayers of the United States because that would wipe them out.

They mine on State lands in Utah and they pay the State between 4 and 10 percent. California a minimum of 10 percent; Montana between 5 and 8 percent; yet we heard a great deal from the gentleman from Montana about how this would put the industry out of business.

Somehow the States can charge royalties but not the Federal Government.

State taxpayers can get a return for the depletion of their resources but not Federal taxpayers. A recent study by the Taxpayers Assets Group looked at 35 large western mining operations and found profits between 26 and 47 percent. Certainly these companies can afford a 12½-percent royalty.

They also get very generous tax breaks. The depletion allowance, CBO and OMB estimate that that comes to about $300 million a year of tax subsidy for depletion of resources on which they do not have to pay a royalty.

Here is a chart showing the top 10 mines in the Western United States. The No. 3 mine on here, Jerritt Canyon is owned 70 percent by a company based on the tax haven of Luxembourg. Its owners are not paying any taxes there. They do not even know who the owners are. They could be Kuwaiti, Saudi, or any other nationality. It is a secret and privately held corporation.

This mine has an estimated reserve of 55 million ounces, which in today's prices is worth about $19 billion and the Federal taxpayers and Federal Treasury will receive no royalty from the extraction and depletion of these. In fact we will pay a subsidy to that company to deplete those minerals on our public lands.

Move down the list to No. 10, Mesquite, CA, and 100 percent owned by Hanson PLC, a British company, gold reserves of 100 million ounces. That is about $35 billion at today's prices. The gentleman from Montana would have them pay surface value for the use of that land, a few hundred thousand dollars or maybe as much as $1 million. The only problem is the gold they will extract will be forever gone and most likely be removed from this Nation and is worth $35 billion with no return to the Federal Treasury or the Federal taxpayers. A 12½-percent royalty on this one mine owned by the British would bring $4.3 billion into the Federal Treasury.

End the giveaway; run the Government like a business, and enact this increase in the royalty.

Mrs. VUCANOVICH. Mr. Chairman, I rise to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I would like to point out to the gentleman from Oregon [Mr. DEFAZIO] that our competitors in Canada, Mexico, and Australia do not levy a Federal royalty on the gross value of ore. Mexico just recently dropped its royalty provision on September 25, 1992.

You know a net royalty, commonly known as a net proceeds tax as proposed by Mr. OWENS—he has not done that yet—but the one by Mr. DEFAZIO, is basically an income tax surcharge. Those costs attributable to mining and milling are deducted before the 5-percent royalty or the tax rate is applied. Theoretically a net proceeds tax should cause little contraction of the economic interests activity being taxed because only the last 5 percent of profit is being skimmed, quoting, from the Miner. As the ores become lower graded and therefore less profitable, the tax bite diminishes as well.

So, you know, a major issue in H.R. 918 is whether or not the royalties should be imposed on all existing unpatented mining claims or only those staked after the bill is enacted.

I strongly argue against retroactive application of the royalty. In other words if a royalty is to be applied, only new claims should bear that burden.

Retroactive application of the royalty poses a serious takings question. The key words in such cases have made them aggrieved parties—made reasonable investment expectations that have been overturned by Government action. We believe that these amendments would put the existing miners in that category.

Mr. Chairman, I noted that a number of the mines that Mr. DEFAZIO mentioned are located in Nevada and I wonder if the gentleman from Oregon [Mr. DEFAZIO] would answer a question for me.

Does the gentleman know how many employees these mines have in Nevada? One of them is in California but the rest of them all seem to be in Nevada.

Mr. DEFAZIO. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I thank the gentlewoman for yielding. I did not hear the question. Would the gentlewoman repeat the question.

Mrs. VUCANOVICH. I notice a number of the mines that the gentleman has listed are in Nevada with one exception in California, I believe. Does the gentleman know how many employees there are that these mines employ?

Mr. DEFAZIO. Foreign employees or Americans?

Mrs. VUCANOVICH. I am talking about American employees. They are in Nevada, not in any foreign country.

Mr. DEFAZIO. Well, I just wonder because I have visited mines in my State where I met foreign nationals who were operating the mines.

Mrs. VUCANOVICH. That is very unusual. In any event I am asking the gentleman about Nevada. I do see one listed in California, maybe two.

Mr. DEFAZIO. I will try to answer the question.

The argument I understand the gentlewoman would make would be that the mines would close. However, could the gentlewoman tell me how mines can operate and pay a royalty to the State of Nevada but they cannot afford to pay a royalty to the Federal Government?

Mrs. VUCANOVICH. They are not royalties, they are net proceeds paid to the State of Nevada.

Mr. DEFAZIO. Could we then perhaps agree on net proceeds to the Federal Government in a similar way?

Mrs. VUCANOVICH. I am sorry I did not understand the gentleman. When we get to that amendment we are going to support it.

Mr. DEFAZIO. I would be pleased to get some return for the Federal taxpayer.

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

Mr. HOAGLAND. Mr. Chairman, move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I am pleased to offer today with my colleague, the gentleman from Oregon [Mr. DEFAZIO], this amendment to the bill.

This bill was first signed into law 120 years ago by President Grant and has not been changed since. This amendment that we are cosponsoring would raise the royalty fee in the bill from 8 percent to 12½ percent for hardrock mining on Federal lands. Now it would require, in other words, companies that mine for minerals like gold and silver and zinc and copper and platinum, to pay more for the privilege of extracting and selling resources from our 432 million acres of public lands.

□ 1750

Now, let me remind all of you that as much as $4 billion worth of hard-rock minerals are extracted from Federal lands each year.

Now, as the gentlewoman from Nevada has indicated, this also has a retroactive effect, but by retroactive effect all we mean is that it applies to existing claims, not that it applies to minerals previously extracted, but only to existing claims, as well as new claims.

Now, this is a very important amendment. You may ask yourselves why 12½ percent instead of 8 percent. That is a legitimate question.

Let me give you five reasons as to why 12½ percent is more appropriate than 8 percent.

First of all, as the gentleman from Oregon [Mr. DEFAZIO] indicated, 12½ percent is close to what other minerals extractors are paying for other minerals. For instance, an oil and gas extractor from public lands pays 12½ percent.

Coal, for surface coal, 12½ percent; underground coal, 8 percent.

For a number of minerals in other situations, 12½ percent is the standard.

Arugment No. 2. Let us talk about market value for just a moment. How

do we assess what the market will bear? One way of assessing what the market will bear is look what the royalty fee is on private land.

Let us take one example here, the mine at the top of the chart of the gentleman from Oregon [Mr. DEFAZIO]. It is owned 45 percent by a British company, the Newmont Mine, the largest gold producer in the United States, Newmont Corp., I should say, pays an 18-percent royalty on this mine right here that is largely on private lands. So at least in that case, the market has established the 18-percent royalty fee.

Also, if we look at the fees charged on State and railroad lands, we will see they are near 10 percent.

Any of you who have served in a State legislator know that the fee assessed by a State government is not really going to be the full value.

Now, reason No. 3. We have a substantial backlog of restoration costs. The inspector general of the Department of the Interior tells us, as the gentleman from Oregon [Mr. DEFAZIO] indicated, an $11 billion backup setting aside coal lands, an $11 billion backup of the cost to restore land from previous mining activities.

Half of the funds, as the gentleman from Oregon [Mr. DEFAZIO] indicated will go into the fund for restoration of Federal lands and a quarter of this revenue will go into funds for restoration of State lands.

Reason No. 4. This amendment will generate an additional $125 million for State and Federal Governments to share, three-quarters to the Federal, one-quarter to the State; so by raising the royalty to 12½ percent, we are generating an additional $125 million a year.

Now, fourth, these companies currently, again as the gentleman from Oregon [Mr. DEFAZIO] has pointed out, benefit from several Federal tax breaks designed to encourage exploration and production, and these tax breaks are in the form of gross depletion, accelerated depletion and expensing mine exploration development operating costs. Again these are by companies that have substantial foreign ownership, as this chart here indicates.

So let me just say in conclusion that up to $4 billion a year in gold, silver, and other hard-rock valuable resources are taken out of public lands every year with virtually nothing going to the Federal taxpayer. As expected, it has been estimated there remains in public lands in extractable form $65 billion worth of hard-rock minerals, $65 billion remain.

I say those are public lands owned by the taxpayer, and let us increase the royalty on those from 8 to 12½ percent. That is the royalty standard elsewhere on private lands. The percentage is frequently higher. It is a good and a fair amendment for the taxpayers, and I call for its adoption.

Mr. OWENS of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

I have some grave concerns about this bill reaching the realities of America's mineral industry, particularly as regards royalty and the relatively small level of profits of America's hardrock mineral industry.

I think this amendment as offered is too high. If it fails, Mr. Chairman, I will offer an amendment to provide for a 5-percent net royalty amendment here.

When Chairman RAHALL introduced this bill, no royalty provision was included in the bill. Consequently, the imposition of royalties received little attention during the lengthy hearings held by the Mining Subcommittee on H.R. 918.

The testimony that did address this issue demonstrates that even an 8-percent gross royalty, which is that currently in the bill which this amendment would increase up to 12½ percent, even an 8-percent gross royalty would have a crippling impact on the mining industry, with small miners being hurt most of all.

In testimony before the Mining Subcommittee last year, the chairman of the Colorado Mining Association, Adolph Mitterer, testified that imposing even a 5-percent royalty on the gross value of mineral production would seriously impair the financial results of larger companies and the smaller companies "would be devastated."

Mr. Mitterer also submitted to the subcommittee records of four typical mining companies to support his testimony.

With no consideration of these consequences and with virtually no debate, an 8-percent gross royalty was tacked on to H.R. 918 before it was reported out of the Interior Committee. This amendment was added by the narrowest of margins, 23 to 21, despite the opposition of the chairman of the Mining Subcommittee.

Now the gentleman from Oregon [Mr. DEFAZIO] is proposing to raise the royalty rate up to 12½ percent of gross income, taunting this amendment as a painless way to raise additional revenue for the Federal Treasury; but if even a 5-percent gross royalty would devastate the smaller miners, what will happen to them if the 8-percent royalty imposed by H.R. 918 is enacted into law?

Still worse, what will happen if it goes up to 12.5 percent as is currently before the Committee of the Whole?

Mr. Chairman, there is no pot of gold at the end of the rainbow. We are mining a lot of it, but it is not that profitable.

The DEFAZIO amendment will not yield the promised windfall for the taxpayer and it will cause considerable pain for many Americans working as hardrock miners who will be put out of a job if excessive royalties are imposed.

Before we start counting the projected revenues that an 8- or 12.5-percent gross royalty is supposed to yield, we need to look closely at the impact of these royalty rates on the mining industry. Because the royalty on gross income would be assessed before expenses are deducted, miners who show any gross profit would have to pay a royalty, even if their net income is zero or if they are actually losing money. With the added burden that an 8-percent royalty imposes, miners who are barely scraping by will go out of business and the loss of jobs will be further exacerbated under a 12.5-percent gross royalty.

There is convincing evidence, Mr. Chairman, that smaller mining operators cannot survive under an 8-percent gross royalty, let alone a 12.5-percent gross rate, and if the smaller operators go out of business there will be a ripple effect in the entire industry.

Because it is the smaller operators, not the major mining corporations, who discover most of the new mineral deposits, the reduction in exploration by small miners will eventually lead to less mineral development and less employment by the bigger companies.

A high royalty rate on gross income will be extremely burdensome even for the largest mining corporations. Only about half of those mining companies are currently turning any net profit and even the profitable ones are struggling in a world market where gold prices are now at the lowest level in 6 years.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I just would like the gentleman to discuss the Utah royalty of 4 to 10 percent.

Mr. OWENS of Utah. I appreciate the gentleman bringing that up. I meant to correct him at the time.

I am informed by the Utah State Division of Natural Resources that it is a flat 4 percent. I think it was 8 that the gentleman discussed.

Mr. DEFAZIO. It is 4 percent of net or gross?

Mr. OWENS of Utah. It is 4 percent of net. It is basically what I proposed.

Mr. DEFAZIO. How does the State protect itself against vertically integrated firms that say, "Well, gee, we don't make a penny mining this stuff. We just make all the money at the smelter."

Mr. OWENS of Utah. Well, there are some provisions similar to those which the gentleman added in committee, for which I commend the gentleman, and which will currently protect I think against the kind of vertical integration abuses which I think the gentleman is concerned about.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. Yes, I yield to my colleague, the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, does the gentleman from Utah still intend to offer a royalty amendment at 5 percent?

Mr. OWENS of Utah. Yes; I do. It is 5 percent of net. I will do that if the current amendment fails.

Mr. WILLIAMS. I would encourage my colleagues to vote against the gentleman from Oregon [Mr. DEFAZIO] and support the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I appreciate my friend's recommendation.

□ 1800

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

I want to talk a little bit about communities, and about people, and about jobs. Our friend from Oregon is usually on the floor talking about how bad the economy is, what we need to do for jobs for people who are unemployed and presents an opportunity here to have more unemployed so that we can have more social engineering to take care of them.

I say to the gentleman, "It's a little different when you work in the West. You know there are public lands in my State, 50 percent. Nevada, which has been mentioned most often here, 68 percent. And these Federal lands are not under the control of the private enterprise system, they are not under the control of the communities, but the communities are expected to provide service, provide schools and want to, communities are expected to provide the support for health care, and hospitals and ambulances, and the counties do all these things. We need jobs there. We need an incentive for these kinds of things to happen."

Mr. Chairman, there have been comparisons made here between the royalties to the Federal Government and royalties to private landowners. Let me suggest to my colleagues that private landowners only have one opportunity to have any income from a lease. The Federal Government has several. They have income taxes from the miners. They have avoided the loss of unemployed miners. There is quite a difference, as usual, when we compare what the gentleman talks about with a State with no Federal lands to those that have a great deal of Federal lands.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, just to keep the record straight, the State of Oregon is 49 percent, maybe 1 percent less than the gentleman's. I am very sensitive to these issues.

Mr. THOMAS of Wyoming. Then the gentleman should become more in touch with his State, and he would find there are some problems here that——

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield since he has personally insulted me?

Mr. THOMAS of Wyoming. No, I do not yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. Words will be taken down.

Mr. DEFAZIO. Mr. Chairman, the Parliamentarian advises me that the gentleman's ill-advised and intemperate remarks are not out of order, so we will let the gentleman proceed on the diatribe.

Mr. THOMAS of Wyoming. Mr. Chairman, I certainly had no intention of insulting the gentleman from Oregon [Mr. DEFAZIO]. I am saying when you have a different involvement in your State, you have to talk a little bit about the kinds of things that impact your State, and they impact us a great deal. We talk about resources being made available. The States have ad valorem tax, the States have sales tax, the Federal Government has Federal income tax, the corporations pay tax.

Mr. Chairman, we have a little trouble around here, it seems to me, zeroing in on what cause this system to work.

This system works because there are incentives to make a profit. There are incentives to go out and search for minerals. There are incentives to make the great investments that are involved here. One just does not go out and take $20 and get 80 acres for nothing without putting in millions of dollars of investment, and that is what we are talking about here, is providing investments.

I get a little weary, frankly, of talking about the trouble with the economy when we know what makes this kind of economy work: our incentives. And that is what we are talking about here, and these kinds of things take it away and make sure we do not have economic activity.

Mr. JONTZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this amendment which I am pleased to cosponsor with the gentleman from Oregon [Mr. DEFAZIO], and would ask the gentleman if he would engage in a short colloquy.

If I understand this amendment correctly, a certain portion of the royalties which will be collected will go for the purpose of reclamation. Would the gentleman explain the details of how this will work?

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I appreciate the gentleman's question. Since there is an issue here of fiscal concern; that is, there are $11 billion of cleanup costs required by past poor mining practices on public lands, half of the money from this royalty would go to that. The gentlemen have come before us in the well, who I am sure are great fiscal conservatives and all support the balanced budget amendment. I would like to see where they are going to find that money. This bill will produce the money to clean up those polluted lands that are in my State and his State.

Mr. JONTZ. So about how much each year, if I could ask the gentleman to proceed further, about how much money would be raised each year from this royalty for the purposes of reclaiming lands?

Mr. DEFAZIO. Well, of the $400 million estimate, half would be $200 million a year.

Mr. JONTZ. So, this $100 million a year would be used to employ people in reclaiming the lands.

Mr. DEFAZIO. It would be an intensive activity, cleaning up the lands. I assume it would be somewhat labor intensive.

Mr. JONTZ. And without the royalties, where would the money come from to employ people to clean up these environmental problems?

Mr. DEFAZIO. Well, either this administration will continue to ignore the problem, or we will have to, as the gentleman knows, cut some other program or increase the deficit to pay for the cleanup. This would have the responsible industry pay for part of the cleanup.

Mr. JONTZ. Reclaiming my time, Mr. Chairman, I want to emphasize this point:

Right now we have no source of funds to employ people in these States to clean up the environmental damages which have occurred. With this amendment we will have a very substantial source of revenue which will be used to employ individuals to clean up the scars that have been left on the landscape, to clean up the pollution problems which exist, to improve the use of the land which will then be possible for future economic activity.

I have here a scoping study done by the Western Governors Association mine waste task force, 1991, which surveys 11 Western States and shows a total of some $2.6 billion of work that needs to be done today to restore these lands, to recover the damage that has been done, and this involves jobs. We are talking about money to employ people in the Western States which are now paying a cost economically for having these scars on the landscape, and, when it comes to talking about jobs, I want to make it clear to this body that, if we do not pass an amend-

ment to collect royalties, there will be no money to employ these people. There will be no money to provide for the recovery of these areas. There will be no money to provide for the rehabilitation of the landscape so that future economic activities can occur in these communities. Minerals can be extracted only once, and then, if something is not done to bring the land back to health, we are not going to see those areas potentially used for recreation, or tourism, or agriculture or any other potential use.

So, Mr. Chairman, I want to commend the gentleman from Oregon [Mr. DEFAZIO] for bringing us an amendment which is a pro-jobs amendment, and I also want to emphasize this point:

No one else out there makes minerals available without collecting some sort of rent or royalty. Do my colleagues think the States involved do not collect some kind of tax, or rent, or royalty? No, they all do. Do my colleagues think any Indian tribes out there let people come in and mine and they do not collect some sort of royalty? Of course they have something that they collect. And do my colleagues think that private parties out there do not collect something when a company comes in and mines lands? Of course they collect.

There is only one person, one entity out there, who is not collecting, and that is the U.S. taxpayer. Let me repeat that. The U.S. taxpayer is the only one who is not getting a fair rent or royalty for the use of this public resource.

Mr. Chairman, this to me seems to be a win/win proposition. We can collect something for the Treasury of the United States to deal with the budget deficit, to make sure the public receives fair compensation for the extraction of public resources, and at the same time we can create jobs by employing people in these communities. We are not talking about employing people in San Francisco or New York. We are talking bout employing people in these communities to repair the landscape, to restore the damage that has been done, and to provide for an economic future for these communities.

That is why the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] is an excellent amendment. I am pleased to cosponsor the amendment.

□1810

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

Mr. Chairman, I reluctantly oppose the amendment of the gentleman from Oregon [Mr. DEFAZIO], and rise in opposition to it.

Mr. Chairman, I wish at the outset to commend the gentleman from Oregon [Mr. DEFAZIO] for the diligence and hard work the gentleman has put into developing this legislation and his efforts to see greater fiscal responsibility in a manner by which the Government assures we receive as high a return as possible for the mining of hard rock minerals on our public lands.

Mr. Chairman, it was, after all, the gentleman's 80-percent royalty on gross proceeds that is in the current bill and which I do not support.

I would also say, as I have said on many occasions, that I support the concept of a production royalty on hard rock minerals produced from the public domain if one can be devised that is fair and can be administered by the executive branch.

As custodians of our mineral resources, the Government must be assured that its financial return compensates adequately for the use and exploitation of the resources.

Conversely, however, the royalty must provide an acceptable rate of return on investment.

So as much as I support the concept of a royalty, I am concerned that the amendment of the gentleman from Oregon [Mr. DEFAZIO] would impose a royalty which would overburden the industry.

Mr. Chairman, the pending bill does propose an 8-percent royalty. At a later time, when the gentleman from Utah [Mr. OWENS] offers his 5-percent net royalty, I will be rising in support of that particular amendment. I feel that offering a royalty on net proceeds is actually taking the money out of profits, and that is something in my opinion that is much more assured than passing a royalty based upon gross proceeds.

When gross proceeds are taken into consideration you are not assured, in my opinion, as much of a proceed to the Treasury as you are when you are taking it out of those making a profit. Those that are making a profit can guarantee more return to our Treasury than the questionable return from a gross royalty.

Mr. Chairman, so while there are very good reasons for assuring a fair return for the exploration of our Nation's hard rock minerals by imposing a royalty, I cannot support the amendment of the gentleman from Oregon [Mr. DEFAZIO].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

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

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 237, not voting 34, as follows:

[Roll No. 467]

AYES—161

Abercrombie	Hayes (IL)	Patterson
Ackerman	Hefner	Payne (NJ)
Andrews (ME)	Hertel	Payne (VA)
Andrews (NJ)	Hoagland	Pease
Aspin	Hochbrueckner	Pelosi
Atkins	Horn	Penny
AuCoin	Hughes	Peterson (MN)
Bacchus	Jacobs	Porter
Beilenson	Johnston	Price
Bennett	Jontz	Ramstad
Berman	Kennedy	Rangel
Blackwell	Kennelly	Ravenel
Boehlert	Kildee	Reed
Bonior	Kleczka	Rinaldo
Boucher	Klug	Ros-Lehtinen
Brooks	Kopetski	Rostenkowski
Brown	Kostmayer	Roybal
Bruce	LaFalce	Russo
Bryant	Lancaster	Sabo
Carr	Lantos	Sanders
Clay	Leach	Sangmeister
Collins (IL)	Lehman (FL)	Sawyer
Collins (MI)	Levin (MI)	Scheuer
Conyers	Levine (CA)	Schumer
Cox (IL)	Lewis (GA)	Serrano
Coyne	Lowey (NY)	Sharp
DeFazio	Luken	Shays
DeLauro	Markey	Sikorski
Dellums	Matsui	Slattery
Dingell	Mavroules	Slaughter
Dixon	McCurdy	Smith (FL)
Donnelly	McDermott	Snowe
Dooley	McHugh	Solarz
Dorgan (ND)	McMillan (NC)	Spratt
Downey	McMillen (MD)	Stark
Durbin	McNulty	Stokes
Dymally	Meyers	Studds
Early	Mfume	Synar
Eckart	Miller (CA)	Tallon
Edwards (CA)	Mineta	Torricelli
Engel	Mink	Unsoeld
Evans	Moakley	Valentine
Fascell	Moody	Vento
Fish	Moran	Visclosky
Flake	Morella	Washington
Foglietta	Murphy	Waters
Frank (MA)	Nagle	Waxman
Frost	Neal (MA)	Weldon
Gejdenson	Neal (NC)	Wheat
Gilman	Oberstar	Wolpe
Glickman	Obey	Wyden
Goodling	Olver	Yates
Green	Pallone	Zimmer
Hall (OH)	Parker	

NOES—237

Allard	Condit	Geren
Allen	Cooper	Gibbons
Anderson	Costello	Gilchrest
Andrews (TX)	Coughlin	Gillmor
Applegate	Cox (CA)	Gingrich
Archer	Cramer	Gonzalez
Armey	Crane	Gordon
Baker	Cunningham	Goss
Ballenger	Dannemeyer	Gradison
Barrett	Darden	Grandy
Barton	Davis	Guarini
Bateman	de la Garza	Gunderson
Bentley	DeLay	Hall (TX)
Bereuter	Derrick	Hamilton
Bevill	Dickinson	Hammerschmidt
Bilbray	Dicks	Hancock
Bilirakis	Doolittle	Hansen
Bliley	Dornan (CA)	Harris
Boehner	Dreier	Hastert
Borski	Duncan	Hatcher
Brewster	Edwards (OK)	Hefley
Broomfield	Edwards (TX)	Henry
Browder	Emerson	Herger
Bunning	English	Hobson
Burton	Erdreich	Hopkins
Bustamante	Ewing	Horton
Byron	Fawell	Houghton
Callahan	Fazio	Hoyer
Camp	Fields	Hubbard
Campbell (CA)	Ford (MI)	Hunter
Campbell (CO)	Franks (CT)	Hutto
Chapman	Gallegly	Hyde
Clinger	Gallo	Inhofe
Coble	Gaydos	James
Coleman (MO)	Gekas	Jefferson
Combest	Gephardt	Jenkins

Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones
Kanjorski
Kaptur
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
LaRocco
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Machtley
Manton
Marlenee
Martin
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McEwen
McGrath
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Myers
Natcher
Nichols
Nowak
Nussle
Oakar
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pastor
Paxon
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Poshard
Pursell
Quillen
Rahall
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Rowland
Santorum
Sarpalius
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Whitten
Williams
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff

NOT VOTING—34

Alexander
Annunzio
Anthony
Barnard
Boxer
Cardin
Carper
Chandler
Clement
Coleman (TX)
Dwyer
Espy
Feighan
Ford (TN)
Hayes (LA)
Holloway
Huckaby
Ireland
Lipinski
Lowery (CA)
McCrery
McDade
Mrazek
Owens (NY)
Panetta
Roe
Roukema
Savage
Saxton
Schulze
Staggers
Torres
Towns
Traxler

□ 1832

Messrs. DICKINSON, COBLE, ENGLISH, and ROEMER changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

MOTION TO RISE OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I have a privileged motion at the desk.

The Clerk will report the motion.

The Clerk read as follows:

Mrs. VUCANOVICH moves that the committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

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

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 257, not voting 41, as follows:

[Roll No. 468]

AYES—134

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Camp
Clinger
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hopkins
Horton
Houghton
Hubbard
Hunter
Hyde
Inhofe
James
Johnson (CT)
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
LaRocco
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Marlenee
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Pastor
Paxon
Pursell
Quillen
Rhodes
Ridge
Riggs
Rinaldo
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stallings
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—257

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chapman
Clay
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Pallone
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ray
Reed
Regula
Richardson
Ritter
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NOT VOTING—41

Alexander
Annunzio
Applegate
Barnard
Boxer
Cardin
Chandler
Clement
Coleman (TX)
Coughlin
Dannemeyer
Downey
Dwyer
Edwards (OK)
Frank (MA)
Hatcher
Hayes (LA)
Holloway
Huckaby
Ireland
Kolter
Lipinski
Lowery (CA)
Martin
Mavroules
McCrery
McDade
Moody
Owens (NY)
Panetta
Ravenel
Roe
Savage
Saxton
Schulze
Staggers
Thomas (GA)
Towns
Traxler
Valentine
Weber

□ 1850

Mr. LEACH and Mr. ORTON changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: Page 100, in lines 14 and 16 after "located" insert "or converted".

Page 100, line 17, strike "royalty of not less than 8 percent" and all that follows down through line 19 and insert "royalty of not less than 5 percent of the net income from mining on such claim.".

Page 102, strike lines 4 through 7 and insert:

"(g) REGULATIONS.—The Secretary shall promulgate regulations to ensure compliance with this section and regulations establishing the methods for computing net income from mining for purposes of subsection (a). Rentals paid under section 104 shall be deductible in determining net income from mining for such purposes.".

Mr. OWENS of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. OWENS of Utah. Mr. Chairman, as I indicated during the debate on the amendment just defeated, I now have an amendment which would change H.R. 918's royalty provision from an 8-percent royalty on gross income to a 5-percent royalty on net income. It will protect the mining industry from unfair and unrealistic requirements. I urge Members to consider it very carefully. My amendment directs the Secretaries of the Interior and Agriculture Departments to develop regulations for computing net income and provides that rental fees paid pursuant to section 104 of the bill will be deductible in determining net income.

My amendment will protect the viability of America's mining industry. It will save jobs in that industry by establishing a royalty that miners can afford to pay and still stay in business. And it will provide a fair return to the taxpayers. The royalty rate assessed under my amendment is in line with what the Federal Government, the States, and private sector are currently charging elsewhere. The United States charges approximately 5-percent royalty for hard-rock minerals extracted from lands regulated under mineral leasing acts. So my amendment will make the royalty assessed on Federal BLM and Forest Service public lands consistent with current Federal policy. My amendment is also consistent with royalties that Utah and most other Western States charge on lands which they own.

In Utah the State charges a royalty of 4 percent on the value of minerals mined on State lands after deducting direct processing costs.

The State of Nevada also charges royalties based on net proceeds using a sliding scale from 2 percent up to a top rate of 5 percent. And the royalty established by my amendment will be approximately the same rate that private parties pay for the right to mine on privately owned lands. Data compiled from Nevada State tax records shows an average private royalty rate of about 5 percent. Just recently, Newmont Mining Corp. signed an agreement to acquire from Atlas Corp. the rights to two gold mining properties, one located in Idaho and the other in Oregon. This agreement requires Newmont to pay Atlas a royalty rate of 5 percent.

The second reason for changing from an 8-percent royalty on gross income to a 5-percent royalty on net income is that the higher rate may actually yield less revenue for the Federal Treasury. The smaller operators who are put out of business by the 8-percent royalty will not be paying any royalty and they will not be paying Federal income or payroll taxes either.

By contrast, the royalty imposed on the net income would only be imposed on mine operators who actually are making money and can afford to pay a royalty.

The imposition of a 5-percent net royalty will not drive miners out of business. They will continue their operations and continue to pay both income taxes and royalties to the Federal Treasury.

By changing from a royalty on gross income to a net royalty, this amendment will preserve jobs in the mining industry and provide a fair return to the taxpayers. By helping to keep smaller operators in business, it may actually provide greater revenue than would an 8-percent gross royalty.

For these reasons I urge my colleagues to support this amendment.

Mr. JONTZ. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman.

Mr. JONTZ. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the concern of the gentleman from Utah in offering this amendment. I wonder if the gentleman might clarify this point: What does the gentleman estimate the revenue would be that would be raised by a 5-percent royalty on net?

Mr. OWENS of Utah. I am sorry, I say to my friend from Indiana, I do not have that. I have the comparative argument, which I just made to the House, but not the other figures.

Mr. JONTZ. So the revenue that would be determined would probably depend on how effective these various foreign-owned corporations are in juggling their books so that it appears there is no revenue actually being made? These foreign corporations are very effective now in terms of——

The CHAIRMAN. The time of the gentleman from Utah has expired.

(By unanimous consent, Mr. OWENS of Utah was allowed to proceed for 1 additional minute.)

Mr. OWENS of Utah. I say to my colleague on the Committee on Interior that our colleague from Oregon offered an amendment to the bill which is now in the bill which would make auditing imperative or possible where there is question that perhaps books, as the gentleman says, have been juggled. And it would provide severe penalties in the case of noncompliance with the regulations sent down by the Secretaries of Interior and Agriculture pursuant to this act.

So I think the protection is there.

Mr. JONTZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise in opposition to this amendment. The choice we have before us now is whether we will maintain this bill as it was intended to come out of the committee, as an 8-percent gross royalty, or whether we will amend the bill with the Owens amendment to replace that with a 5-percent net royalty.

I appreciate the effort that is made in the language that the gentleman from Utah speaks to, to properly audit revenues so that the Government gets its fair share. Quite honestly, I do not believe this will be done or can be done. These foreign-owned corporations will be just as successful in juggling the books in order to avoid paying the royalty as what they are now with regard to their tax liabilities.

I would ask the gentleman from Utah if he can tell us what do the companies pay now with regard to Utah's royalty? What does Utah collect? Not in terms of percentage, but in terms of dollars.

Mr. OWENS of Utah. The mineral industry in this country being what it is, it is not a lot of money. I do not have the exact amount. It is 4 percent, as the gentleman knows——

Mr. JONTZ. Reclaiming my time, the gentleman cannot tell us what revenue is collected, because I doubt it is very much at all. I think that is exactly what we are going to see happen with regard to the Federal Treasury.

Mr. OWENS of Utah. Will the gentleman yield?

Mr. JONTZ. I would be glad to yield to the gentleman from Utah.

□ 1900

Mr. OWENS of Utah. Mr. Chairman, the gentleman makes my point, which is that the mineral industry in this country is in very serious straits, and they are not making much profit. My concern is, of course, by assessing an 8-percent gross profit on gross income, that in essence you will put many companies out of business. There are data which would make that argument more forcefully.

Mr. JONTZ. With regard to private interests, do most private parties collect royalties based on net or gross?

Mr. OWENS of Utah. It is my understanding it is net.

Mr. JONTZ. I would be very skeptical that that is true. If you are using a private resource, I cannot imagine that the party that owned the resource would say to the mineral company, "Well, you only have to pay me if you make money."

If I were in business renting an office building, do you think the landlord would say to me, "Well, you don't have to pay me if you are not making any money." Of course not. That is not the way a contractural relationship works with regard to private parties at all.

So Mr. Chairman, I would suggest that the impact of the amendment that we have before us would be for the Federal Government in practical terms to collect no revenue at all.

I think that we have two questions that must be addressed when it comes to royalties.

No. 1, is the taxpayer of the United States getting fair compensation? I be-

lieve that with the passage of the Owens amendment, we would have no guarantee that the taxpayers are receiving fair compensation for use of public resources, because our experience indicates that we just have no certainty of collecting those revenues.

The second question is, how will we be assured of adequate revenues to do the reclamation work that needs to be done that would be the case were we to move this bill forward with the provisions as they were intended in committee.

We know that the task ahead of us in terms of reclamation is a multi-billion-dollar task. These are jobs that we will be creating in these communities to restore the land, to repair the damage that has been done, and we have no assurance from the gentleman from Utah, no matter how well-intended he may be, that we are going to collect any revenue for that purpose.

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I am glad to yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, I give the gentleman the same good intention as my friend, the gentleman from Indiana. He cannot guarantee that an 8-percent gross royalty will return any revenue to the Treasury.

If I may in responding to the question say that the Newmont Mining Co. recently signed an agreement with the Atlas Corp. giving over the rights to two gold mining properties, one located in Idaho and the other in Oregon. The agreement requires Newmont to pay Atlas a royalty rate of 5 percent of net. This in argument that it is a net, rather than a gross royalty, which is common on private lands.

Mr. JONTZ. Reclaiming my time, Mr. Chairman, one wonders why all these multinational corporations are here in the United States mining on the public lands if they are not making money. Is this a charity that these companies are engaged in, to come here and employ the people of our Nation? Is it from the generosity of their hearts that they are coming here? I do not know, but it seems to me that to be assured that we are collecting fair revenue, we should defeat the Owens amendment and move forward with the bill as was intended as it came out of committee.

AMENDMENT OFFERED BY MRS. VUCANOVICH TO THE AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH to the amendment offered by Mr. OWENS of Utah: Strike the first two lines of the Owens amendment which read: Page 100, in lines 14 and 16 after "located" insert "or converted.".

Mrs. VUCANOVICH. Mr. Chairman, I oppose the Owens amendment, reluctantly, because it would be applied to existing unpatented mining claims. The net proceeds feature of it is much more palatable than is the gross royalty now in the bill. However, the bill currently does not impose the royalty on anything but new claims located under the act. Since very few new claims are likely to get through the maze of unsuitability determinations and other provisions, it is unlikely there will be ore mined to pay the tax upon. The Owens amendment unfortunately would reach back and impose the 5-percent net tax on claims now grandfathered. This is unacceptable to me because these miners made decisions based upon the rules in place, that this amendment would turn upside-down.

I therefore offer, or will offer at the appropriate time, an amendment to the amendment by Mr. OWENS that will delete the "or converted" language from the Owens amendment. The basic premise of prospective royalty only will be preserved by my amendment.

I urge adoption of my amendment.

Mr. OWENS of Utah. Mr. Chairman, I rise in opposition to the amendment just offered to the amendment.

As I understand the amendment which the gentlewoman from Nevada [Mrs. VUCANOVICH] has just offered, all existing claims—if I may have the gentlewoman's attention.

Mrs. VUCANOVICH. Mr. Chairman, I am sorry. I did not hear the gentleman.

Mr. OWENS of Utah. My understanding is that the gentlewoman's amendment, which I had not heard of earlier, would exempt all existing claims from paying any royalties.

Mrs. VUCANOVICH. Mr. Chairman, if the gentleman will yield, that is what the current bill does.

Mr. OWENS of Utah. Well, the current bill has an 8 percent gross royalty in it which would require hereafter that all mining claims pay 8 percent of gross.

Mrs. VUCANOVICH. That is the proposed bill, but that is not in the present law.

Mr. OWENS of Utah. The current bill before the House has 8 percent in it.

Mrs. VUCANOVICH. That is correct.

Mr. OWENS of Utah. And my amendment, as the gentlewoman knows, would strike the 8 percent of gross royalty and substitute a 5 percent of net.

Mrs. VUCANOVICH. That is true.

Mr. OWENS of Utah. The gentlewoman's amendment would knock out the 5 percent of net of all existing claims, is that correct?

Mrs. VUCANOVICH. No, no. It just simply makes it from this point on, but would not grandfather the claims that were in there before, the proceeds that were in there before. It would grandfather existing claims.

Mr. OWENS of Utah. So that all existing claims are guaranteed hereafter, they would have no payment of royalties.

Mrs. VUCANOVICH. That is correct.

Mr. OWENS of Utah. Mr. Chairman, I feel very strongly that there is a balance in this legislation which ought to be reached which protects not only the mining industry, which is a very vital industry, but protects the taxpayers as well.

I do believe that to access a 5-percent royalty on profits, net profits, is at least fair to the mining companies.

My colleagues have argued and others will argue that it ought to be 8 percent of gross. My analysis of the mining industry is that would drive many people out of business; but to say that they should pay no royalty at all I think staggers my imagination, staggers my sense of fairness on the return to the taxpayers.

If they are profitable, Mr. Chairman, they should pay a royalty, but if they are not profitable, they should not pay a royalty.

Mr. JONTZ. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to my colleague, the gentleman from Indiana.

Mr. JONTZ. Mr. Chairman, let me ask the gentleman this. Why would anyone have a new claim if they were going to pay a royalty, when someone who already had a claim was not going to pay a royalty?

It seems to me that if the gentlewoman's amendment is adopted, the consequence of it will be to prevent exactly what she wants to have happen, which is to have new claims filed. So in essence, you would not have a level playing field. You would have the people who had a current claim without any obligation to pay a royalty and only the people with the new claim would be paying the royalty. Surely that would have an incumbering impact in terms of whether any new claims would be filed. I would think that would be the case, would the gentleman agree?

Mr. OWENS of Utah. I agree with that. I think to say that the taxpayers, even though these companies are profitable, they owe no royalty at all, I think is contrary to every concept of fiscal responsibility. If they are not profitable, they should not be required to pay royalties. The gentlewoman and I agree with that. If they are profitable, a 5 percent of profits royalty is a very minimal payment, and I submit that is a fair payment.

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. Yes, I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, H.R. 918 now grandfather's existing claims, and the CBO agreed with this analysis, so the gentleman is changing the rules that are now grandfathered in.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN (Mr. MFUME). The gentleman will state his inquiry.

Mr. SOLOMON. Mr. Chairman, are we under the 5-minute rule?

The CHAIRMAN. Yes, we are.

Mr. SOLOMON. Well, Mr. Chairman, who has the time?

The CHAIRMAN. The gentleman from Utah has the time.

Mr. SOLOMON. When will his time expire?

The CHAIRMAN. In 30 seconds.

Mr. RAHALL. Mr. Chairman, I move to strike the last word. I oppose the amendment of the gentlewoman from Nevada.

As I understand it, it is prospective in nature. It would say basically that all new claims that have been staked after this bill is enacted will get a free ride. I think that is totally unacceptable and I would oppose the gentlewoman's amendment.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am getting a little exercised here. It is 7 o'clock at night, after 7 o'clock.

The Senate went home last night. We have been in session since 2 o'clock this afternoon. Many of us came here, I happen to be on the Rules Committee and we have been working since earlier today.

We have accomplished about 15 minutes of real true work on this floor when we took 15 minutes to enact the legislative branch appropriations bill.

□ 1910

Now I do not know why we are being kept here tonight. It is all very interesting to listen to this subject matter. But this bill is going absolutely no place. It probably would not even pass this House, would not come to a final vote. It certainly would not pass the Senate. We could have gone home last night, spent the day, Sunday, back in our districts with our families. Instead of that we have accomplished 15 minutes of work here today.

Now I do not know where the Democratic leadership is, but, if there is an energy bill out there, or a tax bill, I would like to see the Democratic leadership come to this floor and tell us what we are going to do for the rest of the night. I think this is an imposition upon every Member of this House. We want to know what is going on.

Mr. Chairman, I yield back the balance of my time, but I expect some answers out here soon.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH] to the amendment offered by the gentleman from Utah [Mr. OWENS].

Mr. Chairman and members of the committee, I would hope that we would not support this amendment. I think it is inconsistent with the policy that we have and, as recently as what the Senate appropriations action that took place in the last couple of days when they considered changing and addressing the problems of royalties and the mininig law in their bill, they, too, stuck with the notion of gross revenues with respect to mineral extraction.

It is what we do in coal and oil. It is recognized. Others have tired to move to a net system and, in fact, found out under the net system that there were no royalties to collect. States have used the gross royalty system, found it compatible, and I think that the system that has been put in place by the committee, the amendment that was put in there, the 8 percent that is now in the committee bill, addresses this issue in a very fair and a just fashion.

We all can appreciate two words I have never really come to appreciate: nonprofit corporations and net, net when it comes to the ability to assess whether or not royalties can be determined because, as we have seen now with multinational corporations, they are able to move income up and down the stream of production, and in the case of foreign corporations we have a terrible situation in this country where foreign corporations are now able to move revenues, not only up and down the stream within the corporation, but within their companies and are shielding huge amounts of revenues from the IRS in this country and depriving this country of their fair share of revenues and, therefore, taxes have to be raised higher on individuals in this country.

So, Mr. Chairman, I would hope that we would not accept this amendment, that we would stick with the committee bill that is based upon the studies that have been done in tyring to develop the system to collect the royalties for which the taxpayers of this country are due for the rent on the lands that are leased to the private corporations for the development of those resources, and I appreciate what the gentleman is trying to do, but I think it is misguided, and I would hope we would stick with the committee bill.

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

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I would just like to make it clear that the statement made by the gentleman from West Virginia [Mr. RAHALL] was incorrect. New claims would pay the 5 percent net proceeds tax that the amendment offered by the gentleman from Utah [Mr. OWENS] would impose on all claims. It is a basic fairness issue. Grandfather existing claims, just as H.R. 918 would do if not amended by Mr. OWENS. That was a misunderstanding, I think, from what the gentleman from West Virginia [Mr. RAHALL] said.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH] to the amendment offered by the gentleman from Utah [Mr. OWENS].

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

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 254, not voting 42, as follows:

[Roll No. 469]

AYES—136

Allard	Gradison	Orton
Allen	Grandy	Oxley
Archer	Gunderson	Packard
Armey	Hall (TX)	Paxon
Baker	Hammerschmidt	Petri
Ballenger	Hancock	Porter
Barrett	Hansen	Quillen
Barton	Hastert	Rhodes
Bateman	Hefley	Ridge
Bentley	Henry	Riggs
Bereuter	Herger	Ritter
Bilbray	Hobson	Roberts
Bilirakis	Hopkins	Rogers
Bliley	Houghton	Rohrabacher
Boehner	Hubbard	Roth
Bunning	Hunter	Santorum
Burton	Hutto	Schaefer
Callahan	Hyde	Schiff
Camp	Inhofe	Schulze
Campbell (CO)	James	Sensenbrenner
Clinger	Johnson (CT)	Shaw
Coble	Johnson (SD)	Shuster
Coleman (MO)	Johnson (TX)	Skeen
Combest	Johnston	Smith (OR)
Cox (CA)	Kolbe	Smith (TX)
Crane	Kyl	Solomon
Cunningham	Lagomarsino	Spence
DeLay	LaRocco	Stallings
Dickinson	Lewis (FL)	Stearns
Doolittle	Lightfoot	Stenholm
Dornan (CA)	Livingston	Stump
Dreier	Lowery (CA)	Sundquist
Duncan	Marlenee	Tauzin
Emerson	McCandless	Taylor (MS)
Ewing	McCollum	Taylor (NC)
Fawell	McEwen	Thomas (CA)
Fields	McGrath	Thomas (WY)
Fish	McMillan (NC)	Vander Jagt
Franks (CT)	Miller (OH)	Vucanovich
Gallegly	Molinari	Walker
Gallo	Montgomery	Yates
Gekas	Moorhead	Young (AK)
Geren	Morrison	Young (FL)
Gilman	Myers	Zeliff
Gingrich	Nichols	
Goodling	Nussle	

NOES—254

Abercrombie	Borski	Cooper
Ackerman	Boucher	Costello
Anderson	Brewster	Coughlin
Andrews (ME)	Brooks	Cox (IL)
Andrews (NJ)	Browder	Coyne
Andrews (TX)	Brown	Cramer
Anthony	Bruce	Darden
Applegate	Bryant	Davis
Aspin	Bustamante	de la Garza
Atkins	Byron	DeFazio
AuCoin	Campbell (CA)	DeLauro
Bacchus	Carper	Dellums
Beilenson	Carr	Derrick
Bennett	Chapman	Dicks
Berman	Clay	Dingell
Bevill	Collins (IL)	Dixon
Blackwell	Collins (MI)	Donnelly
Boehlert	Condit	Dooley
Bonior	Conyers	Dorgan (ND)

Downey	Levine (CA)	Reed
Durbin	Lewis (CA)	Regula
Dymally	Lewis (GA)	Richardson
Early	Lloyd	Rinaldo
Eckart	Long	Roemer
Edwards (CA)	Lowey (NY)	Ros-Lehtinen
Edwards (TX)	Luken	Rostenkowski
Engel	Machtley	Roukema
English	Manton	Rowland
Erdreich	Markey	Roybal
Espy	Martinez	Russo
Evans	Matsui	Sabo
Fascell	Mavroules	Sanders
Fazio	Mazzoli	Sangmeister
Feighan	McCloskey	Sarpalius
Flake	McCurdy	Sawyer
Foglietta	McDermott	Schroeder
Ford (MI)	McMillen (MD)	Schumer
Ford (TN)	McNulty	Serrano
Frank (MA)	Meyers	Sharp
Frost	Mfume	Shays
Gaydos	Miller (CA)	Sikorski
Gejdenson	Miller (WA)	Sisisky
Gephardt	Mineta	Skaggs
Gibbons	Mink	Skelton
Gilchrest	Moakley	Slattery
Gillmor	Mollohan	Slaughter
Glickman	Moody	Smith (FL)
Gonzalez	Moran	Smith (IA)
Gordon	Morella	Smith (NJ)
Goss	Mrazek	Snowe
Green	Murphy	Spratt
Guarini	Murtha	Stark
Hamilton	Nagle	Stokes
Harris	Natcher	Studds
Hayes (IL)	Neal (MA)	Swett
Hefner	Neal (NC)	Swift
Hertel	Nowak	Synar
Hoagland	Oakar	Tallon
Hochbrueckner	Oberstar	Tanner
Horn	Obey	Thomas (GA)
Horton	Olin	Thornton
Hoyer	Olver	Torricelli
Hughes	Ortiz	Traficant
Jacobs	Owens (UT)	Unsoeld
Jefferson	Pallone	Upton
Jones	Parker	Valentine
Jontz	Pastor	Vento
Kanjorski	Patterson	Visclosky
Kaptur	Payne (NJ)	Volkmer
Kasich	Payne (VA)	Walsh
Kennedy	Pease	Washington
Kennelly	Pelosi	Waters
Kildee	Penny	Waxman
Kleczka	Perkins	Weldon
Klug	Peterson (FL)	Wheat
Kolter	Peterson (MN)	Williams
Kopetski	Pickett	Wilson
Kostmayer	Pickle	Wise
LaFalce	Poshard	Wolf
Lancaster	Price	Wolpe
Lantos	Rahall	Wyden
Laughlin	Ramstad	Wylie
Leach	Rangel	Yatron
Lehman (CA)	Ravenel	Zimmer
Levin (MI)	Ray	

NOT VOTING—42

Alexander	Hayes (LA)	Panetta
Annunzio	Holloway	Pursell
Barnard	Huckaby	Roe
Boxer	Ireland	Rose
Broomfield	Jenkins	Savage
Cardin	Lehman (FL)	Saxton
Chandler	Lent	Scheuer
Clement	Lipinski	Solarz
Coleman (TX)	Martin	Staggers
Dannemeyer	McCrery	Torres
Dwyer	McDade	Towns
Edwards (OK)	McHugh	Traxler
Hall (OH)	Michel	Weber
Hatcher	Owens (NY)	Whitten

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Mr. NOWAK changed his vote from "aye" to "no."

Messrs. GRANDY, STALLINGS, NUSSLE, and LAROCCO changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PANETTA. Mr. Speaker, I was unable to be present for the following votes due to my presence at previous commitments in my district. Had I been present, I would have voted as follows:

Legislative branch appropriations conference report (H.R. 5427):

Rollcall No. 463, on agreeing to the conference report, "yea."

Motion to adjourn:

Rollcall No. 464, on agreeing to the Vucanovich motion to adjourn rather than consider the mining law reform bill, H.R. 918, "nay."

Mining law reform, H.R. 918:

Rollcall No. 465, on agreeing to the rule providing for consideration of H.R. 918, House Resolution 574, "aye."

Rollcall No. 467, the DeFazio amendment that sought to raise the royalty on new and existing mining claims imposed on hardrock minerals mined on Federal public lands from 8 percent of gross income to 12.5 percent of gross income, "aye."

Rollcall No. 468, the Vucanovich motion that the committee rise rather than continue consideration of H.R. 918, "no."

Rollcall No. 469, the Vucanovich amendment to the pending Owens of Utah amendment that sought to exempt all existing mine claims from the royalty changes proposed by the Owens amendment, "no."

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to proceed out of order for 1 minute.)

Mr. GINGRICH. Mr. Chairman, I ask unanimous consent to speak out of order to receive word on the schedule from the distinguished majority leader.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

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

This vote that was just taken is the last vote for the evening. We will take up unanimous consent requests. There will be a rule on the Hawaiian Health Service, but the vote will be rolled, if there is a vote. And there are suspensions that will be considered and debated tonight, but the votes will be postponed until tomorrow. So the last vote tonight has already been held.

Tomorrow the House will be in at 10 a.m. and we, obviously, have a number of conference reports that yet have to be done. The energy bill will, we understand, be ready tomorrow morning. The tax bill, we understand, will be ready. The Department of Defense appropriation, the Foreign Ops appropriation.

Then there are some other either conference reports that have to be considered, one on housing, Export Administration, jobs through exports, reclamation projects, anti-autotheft bill, and then there may be finishing the mining bill that was up tonight.

The cable override also needs to be completed.

Mr. GINGRICH. Mr. Speaker, Members basically, except those who have actually legislative business tonight, should be free from here on and then in the morning, as I understand, the Committee on Rules will go in at 9 for those Members that have business there. Otherwise we will start at 10 and probably be here until sometime reasonably late.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, I would suggest Members bring sleeping bags.

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

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

Mr. SOLOMON. Mr. Speaker, I did not quite hear. Is there just one rule that is going to be considered tonight and, if so, the vote would be rolled till tomorrow, too?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. SOLOMON. Mr. Speaker, the native Hawaiian Health Care?

Mr. GEPHARDT. That is correct.

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

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, there is another rule on Dayton Aviation.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, I am sorry, yes.

Mr. VENTO. I think that we should consider that and roll the vote, if it is possible, on that. Would that be possible?

Mr. GEPHARDT. Mr. Speaker, we will take it up. No vote.

Mr. SOLOMON. Then there are two on rules that will be taken up tonight?

Mr. GEPHARDT. Mr. Speaker, that is correct. I stand corrected.

Mr. SOLOMON. I thank the gentleman.

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Mr. GINGRICH. Mr. Speaker, one last thing, just as he was asking on our side. Is it the gentleman's guess that the energy bill will come first or fairly early in that cycle, or does he think we will go first with some appropriation bills?

Mr. GEPHARDT. If the gentleman will continue to yield, we will be meeting at 9 in the Committee on Rules to take up the rule, and we will come out with it as fast as we can. It could be the first conference report that we have.

Mr. GINGRICH. I thank the gentleman.

Mr. RAHALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. RAY] having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 918) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, had come to no resolution thereon.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS WITH RESPECT TO ANY APPROPRIATION BILLS

Mr. GEPHARDT. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 560) warning certain enrollment requirements with respect to any appropriation bill for the remainder of the 102d Congress, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the joint resolutions.

The Clerk read the joint resolution as follows:

H.J. RES. 560

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise, of the enrollment of any appropriation bill of the One Hundred Second Congress hereafter to be presented to the President. Such an enrollment shall be in such form as the Committee on House Administration of the House of Representatives certifies to be a true enrollment. As used in this resolution, the term "appropriation bill" means a bill or joint resolution making or continuing appropriations for the fiscal year ending September 30, 1993.

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

There was no objection.

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.

HOUR OF MEETING ON MONDAY, OCTOBER 5, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 o'clock a.m. on Monday, October 5, 1992.

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

There was no objection.

ORDER OF BUSINESS

Mr. MOORHEAD. Mr. Speaker, the Republican delegation from California has been trying to arrange a time for a special order for our four departing Members. Because there are a lot of Members involved, we would like to have a time certain when we could have that.

I ask unanimous consent that our special order tonight would come just before the special order that the gentleman from California [Mr. DORNAN] has on the schedule.

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

There was no objection.

PROGRAMS FOR AWARDS TO FEDERAL EMPLOYEES FOR SUPERIOR ACCOMPLISHMENTS

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2263) to amend title V, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Strike out all the enacting clause and insert:

SECTION 1. AWARDS FOR COST SAVINGS DISCLOSURES.

(a) REPEAL OF LIMITATION.—Section 4514 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by striking out the item relating to section 4514.

(c) AUTHORITY TO MAKE AWARDS.—Awards may be made under subchapter II of chapter 45 of title 5, United States Code, on and after the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend chapter 45 of title 5, United States Code, to authorize awards for cost savings disclosures.".

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

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

There was no objection.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do so to allow the gentleman from Minnesota [Mr. SIKORSKI] an opportunity to give a brief explanation of this bill.

Mr. SIKORSKI. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. Mr. Speaker, I thank the gentlewoman for yielding.

The Senate amendment on which we are asking unanimous consent that the bill, H.R. 2263, be amended makes permanent the Cost Savings Disclosure Awards Program, but deletes all of the reforms to the Superior Accomplishments Awards Program. This legislation was passed overwhelmingly by the House several months ago. The chief author, the gentleman from Ohio [Mr. KASICH], the gentlewoman from Maryland [Mrs. MORELLA], and many others have worked very hard on this legislation to reward whistleblowers for disclosing fraud and waste in the Government.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection, and urge my colleagues to support this measure.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKORSKI. 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 matter, on the bill, H.R. 2263, and the Senate amendments thereto.

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

There was no objection.

SUPPORTING PLANTING OF REDWOOD TREES FROM CALIFORNIA IN SPAIN IN COMMEMORATION OF QUINCENTENARY OF THE CHRISTOPHER COLUMBUS VOYAGE

Mr. PASTOR. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the joint resolution (H.J. Res. 529) supporting the planting of 500 redwood trees from California in Spain in commemoration of the quincentenary of the voyage of Christopher Columbus and designating the trees as a gift to the people of Spain, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but I want to give the opportunity to the sponsor of the bill to explain the measure.

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

Mr. GILMAN. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, this resolution has the support of 220 Members. I urge its passage.

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

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

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

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

There was no objection.

FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1992

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6125) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System, and for other purposes, and I ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. COLEMAN of Missouri. Mr. Speaker, reserving the right to object, I do not anticipate objecting, but as I understand the chairman's procedures tonight, he is going to ask unanimous consent for five bills that have passed this body already, sometimes twice, in order to facilitate procedures so that the other body might be able to entertain them before we adjourn. I will not raise the objection on every one, I will reserve that, but I would ask the chairman of the committee, is that what we are doing here, as to his unanimous consent on this, and on four others thereafter?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, the gentleman has accurately described the situation. We have five bills that we have passed in the House, and in order to facilitate the passage in the Senate, because of technicalities, we are in fact forced to pass them again in the House.

Mr. WHITTEN. Mr. Speaker, I want to add my appreciation to Mr. ESPY, Chairman DE LA GARZA, and all the others who have worked so hard to resolve the differences on this bill. Since the Farm Credit Land Bank of Jackson went into receivership, it has been difficult for the borrowers of the Alabama, Mississippi, and Louisiana area.

While the compromise reached is not everything that either side wanted, I believe it is as good as we could have hoped. It appears to provide the farmers and borrowers of the Mississippi, Alabama, and Louisiana production credit associations the opportunity to have some say in the organization of their bank.

Again, I say thanks to Mr. ESPY, whose leadership on this issue was instrumental in reaching a conclusion on this difficult bill.

Mr. COLEMAN of Missouri. Mr. Speaker, with that explanation I withdraw my reservation of objection.

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

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise to comment on the Farm Credit Banks and Associations Safety and Soundness Act of 1992, H.R. 6125, which has now been approved by the House as a compromise measure and awaits final action in the other body. In doing so, I commend the two gentlemen from Mississippi, Mr. ESPY, a distinguished member of the Agriculture Committee, and Mr. WHITTEN, the distinguished chairman of the Appropriations Committee, for all their constructive efforts in seeking to bring about a fair resolution of the fifth farm credit district controversy.

Both have worked long and hard over many months to achieve an outcome that will best protect the interests of farmers in Alabama, Mississippi, and Louisiana—the three States served by the Federal Intermediate Credit Bank of Jackson and its PCA's.

There is no question but the solution presented in H.R. 6125 is a better result for farmer borrowers in these three States than would have been the cast under the original section 401 of the earlier bill, H.R. 3298. Indeed, it was strong concern over that particular provision which led this House to defeat H.R. 3298 on suspension last year.

The fundamental question here have always been the same: How do we ensure that the local farmers who own these institutions are given a say in making structural decisions for the future, and what can we do to make it possible for them to have the same opportunities available to borrowers in other farm credit system districts—for example, in being able to offer one-stop credit at the local level if the borrowers favor it.

The compromise reached, as I understand it, addresses those key concerns. It is not perfect. But it does allow the stockholders of the FICB of Jackson to pursue a voluntary merger with the bank of their choice, free of unwarranted interference by the Farm Credit Administration. If after 1 year such efforts are not successful, the bill then provides an additional 6 months for an impartial arbitrator to negotiate the terms of a merger with the Farm Credit Bank of Texas. The arbitration process would also sanction a referendum to determine whether the borrowers wish to have their associations reorganized as ACA's capable of serving both short- and long-term credit needs.

Again, Mr. Speaker, I want especially to recognize my colleagues, Mr. ESPY and Mr. WHITTEN, for the leadership he has shown in meeting this very difficult challenge. Without his persistence and deft handling of the complex issues involved here, it would not be possible to enact this legislation this year.

The Clerk read the bill, as follows:

H.R. 6125

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 "Farm Credit Banks and Associations Safety and Soundness Act of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to the Farm Credit Act of 1971.

TITLE I—IMPROVEMENTS TO FARM CREDIT SYSTEM SAFETY AND SOUNDNESS

Sec. 101. Definition of permanent capital.
Sec. 102. Qualifications of Farm Credit Administration Board members.

TITLE II—FARM CREDIT SYSTEM INSURANCE CORPORATION

Sec. 201. Farm Credit System Insurance Corporation.
Sec. 202. Statutory successor to Assistance Board agreements.
Sec. 203. Use of Farm Credit Administration personnel.
Sec. 204. GAO reports on risk-based insurance premiums, access to association capital, supplemental premiums, and consolidation.

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

Sec. 301. Capital preservation.
Sec. 302. Preferred stock.
Sec. 303. Systemwide repayment obligation.
Sec. 304. Repayment of Treasury-paid interest
Sec. 305. Transfer of obligations from associations to banks; other matters.
Sec. 306. Defaults.
Sec. 307. Authority of Financial Assistance Corporation.
Sec. 308. Technical amendments.

TITLE IV—CLARIFICATION OF CERTAIN AUTHORITIES

Sec. 401. Clarification of the status and powers of certain institutions of the Farm Credit System.

TITLE V—MISCELLANEOUS

Sec. 501. Valuation reserves of production credit associations.
Sec. 502. Risk management participation authority.
Sec. 503. Equity voting for one director of each bank for cooperatives.
Sec. 504. Technical amendment.
Sec. 505. Expansion of water and sewer lending authority of banks for cooperatives.
Sec. 506. Eligibility to borrow from a bank for cooperatives.
Sec. 507. Non-voting representative on board of Funding Corporation.
Sec. 508. Repeal of prohibition against guarantee of certain instruments of indebtedness.
Sec. 509. Compensation of bank directors.
Sec. 510. Clarification of treatment of Farm Credit Administration operating expenses.
Sec. 511. Approval of competitive charters.
Sec. 512. Examinations.
Sec. 513. Authority to examine System institutions.

Sec. 514. Financial disclosure and conflict of interest reporting by directors, officers, and employees of Farm Credit System institutions.
Sec. 515. One-time EFAP assistance.
Sec. 516. Technical corrections.

SEC. 2. REFERENCES TO THE FARM CREDIT ACT OF 1971.

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 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), except to the extent otherwise provided.

TITLE I—IMPROVEMENTS TO FARM CREDIT SYSTEM SAFETY AND SOUNDNESS

SEC. 101. DEFINITION OF PERMANENT CAPITAL.

Paragraph (1) of section 4.3A(a) (12 U.S.C. 2154a(a)(1)) is amended to read as follows:

"(1) PERMANENT CAPITAL.—The term 'permanent capital' means—

"(A) current year retained earnings;

"(B) allocated and unallocated earnings (which, in the case of earnings allocated in any form by a System bank to any association or other recipient and retained by the bank, shall be considered, in whole or in part, permanent capital of the bank or of any such association or other recipient as provided under an agreement between the bank and each such association or other recipient);

"(C) all surplus (less allowances for losses);

"(D) stock issued by a System institution, except—

"(i) stock that may be retired by the holder of the stock on repayment of the holder's loan, or otherwise at the option or request of the holder; or

"(ii) stock that is protected under section 4.9A or is otherwise not at risk; and

"(E) any other debt or equity instruments or other accounts that the Farm Credit Administration determines appropriate to be considered permanent capital.".

SEC. 102. QUALIFICATIONS OF FARM CREDIT ADMINISTRATION BOARD MEMBERS.

Section 5.8 (12 U.S.C. 2242) is amended by adding at the end the following new subsection:

"(e) The President shall appoint members of the Board who—

"(1) are experienced or knowledgeable in agricultural economics and financial reporting and disclosure;

"(2) are experienced or knowledgeable in the regulation of financial entities; or

"(3) have a strong financial, legal, or regulatory background.".

TITLE II—FARM CREDIT SYSTEM INSURANCE CORPORATION

SEC. 201. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) IN GENERAL.—Section 5.53 (12 U.S.C. 2277a–2) is amended to read as follows:

"SEC. 5.53. BOARD OF DIRECTORS.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The management of the Corporation shall be vested in a Board of Directors (referred to in this section as the 'Board'). The Board shall establish policies for the Corporation. The Board shall provide for the performance of all the powers and duties vested in the Corporation.

"(2) APPOINTMENT.—The Board shall consist of three members, who shall be citizens of the United States and broadly representative of the public interest. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party.

"(3) CHAIRPERSON.—Of the persons appointed to the Board, one shall be designated by the President to serve as Chairperson of the Board for the duration of the term of the member.

"(4) POSTEMPLOYMENT PROHIBITION.—A member of the Board shall be ineligible during the time the member is in office and for 2 years thereafter to hold any office, position, or employment in any institution of the Farm Credit System.

"(b) TERM OF OFFICE.—

"(1) IN GENERAL.—The term of office of each member of the Board shall be 6 years, except that the terms of the two members, other than the Chairperson, first appointed under subsection (a) shall expire, one on the expiration of 2 years after the date of appointment, and one on the expiration of 4 years after the date of appointment.

"(2) SUCCESSION.—Members of the Board shall not be appointed to succeed themselves, except that the members first appointed under subsection (a) for a term of less than 6 years may be reappointed for a full 6-year term and members appointed to fill unexpired terms of 3 years or less may be reappointed for a full 6-year term.

"(3) VACANCIES.—Any vacancy shall be filled for the unexpired term on like appointment. Any member of the Board shall continue to serve as a member after the expiration of the term of the member until a successor has been appointed and qualified.

"(c) ORGANIZATION.—

"(1) OATH.—Each member of the Board, within 15 days after notice of appointment, shall subscribe to the oath of office.

"(2) QUORUM.—The Board may transact business if a vacancy exists, if a quorum is present. A quorum shall consist of two members of the Board.

"(3) MEETING.—The Board shall hold meetings at such times and places as the Board may fix and determine. The meetings shall be held on the call of the Chairperson or any two Board members.

"(4) RULES; RECORDS.—The Board shall adopt such rules as the Board considers appropriate for the transaction of business by the Board, and shall keep permanent and accurate records and minutes of the actions and proceedings of the Board.

"(d) COMPENSATION.—

"(1) IN GENERAL.—The members of the Board shall devote their full time and attention to the business of the Board.

"(2) CHAIRPERSON.—The Chairperson of the Board shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(3) OTHER MEMBERS.—Each of the other members of the Board shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) EXPENSES.—Each member of the Board shall be reimbursed for necessary travel, subsistence, and other expenses in the discharge of the official duties of the member without regard to other laws with respect to allowance for travel and subsistence of officers and employees of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) CHAIRPERSON.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Chairperson, Board of Directors of the Farm Credit System Insurance Corporation.".

(2) MEMBERS.—Section 5315 of such title is amended by adding at the end the following new item:

"Members, Board of Directors of the Farm Credit System Insurance Corporation.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall become effective on January 1, 1996.

(2) TRANSITIONAL PROVISION.—The Board of Directors of the Farm Credit System Insurance Corporation as established by section 5.53 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–2) (as it existed before the amendments made by subsection (a) of this section) shall continue in existence and continue to manage the Farm Credit System Insurance Corporation until at least two members are appointed by the President, by and with the advice and consent of the Senate, to the new Board established by section 5.53 of such Act (as amended by subsection (a) of this section).

SEC. 202. STATUTORY SUCCESSOR TO ASSISTANCE BOARD AGREEMENTS.

(a) IN GENERAL.—Section 5.58(2) (12 U.S.C. 2277a–7(2)) is amended by adding at the end the following new sentence: "The Corporation shall succeed to the rights of the Farm Credit System Assistance Board under agreements between the Farm Credit System Assistance Board and System institutions certifying the institutions as eligible to issue preferred stock pursuant to title VI on the termination of the Assistance Board on the date provided in section 6.12.".

(b) CONFORMING AMENDMENTS.—Section 5.35(4) (12 U.S.C. 2271(4)) is amended—

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

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

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

"(C) after December 31, 1992, mean any significant noncompliance by a System institution (as determined by the Farm Credit Administration, in consultation with the Farm Credit System Insurance Corporation) with any term or condition imposed on the institution by the Farm Credit System Assistance Board under section 6.6 or by the Farm Credit System Insurance Corporation under section 5.61.".

SEC. 203. USE OF FARM CREDIT ADMINISTRATION PERSONNEL.

Section 5.59(a) (12 U.S.C. 2277a–8(a)) is amended by adding at the end the following new paragraph:

"(5) USE OF FARM CREDIT ADMINISTRATION PERSONNEL.—To the extent practicable, the Corporation shall use the personnel and resources of the Farm Credit Administration to minimize duplication of effort and to reduce costs.".

SEC. 204. GAO REPORTS ON RISK-BASED INSURANCE PREMIUMS, ACCESS TO ASSOCIATION CAPITAL, SUPPLEMENTAL PREMIUMS, AND CONSOLIDATION.

(a) IN GENERAL.—The Comptroller General of the United States shall investigate, review, and evaluate the feasibility and appropriateness, and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the advantages and disadvantages of providing the Farm Credit System Insurance Corporation with—

(1) the authority to directly or indirectly assess associations to ensure that all System capital is available to prevent losses to investors, including a study of—

(A) the effects of direct assessments by the Insurance Corporation on associations, including interest rate charges to borrowers;

(B) the effects of requiring that banks pass along the cost of insurance premiums to

owner associations and other financing institutions having a discount relationship with the bank;

(C) the effects of requiring owner associations to purchase stock in the district bank, if needed, to prevent a bank from having to return to the Insurance Corporation for financial assistance once the assistance has been given;

(D) the effects of the purchase of stock from funds of the association (through funds obtained from other than the district bank) or allowing the bank to increase the direct line of credit to the association in order to fund the purchase; and

(E) the effect that authorizing the Insurance Corporation to assess the association could have on the association's incentives for building capital;

(2) the authority to collect supplemental insurance premiums under certain circumstances, including a study of—

(A) the possibility of the Insurance Fund being depleted more rapidly than it could be replenished under the current premium structure;

(B) the effects of the depletion under alternate economic scenarios and the probability of the occurrence of each of those scenarios;

(C) the effects on capital accumulation and interest rates of levying a supplemental premium; and

(D) limitations on any authority to levy supplemental premiums and the underlying basis for the limitations; and

(3) the authority to establish an insurance premium rate structure that would take into account, on an institution-by-institution basis, asset quality risk, interest rate risk, earnings, and capital.

(b) REPORT ON CONSOLIDATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on whether there are likely to be benefits to farmer and rancher borrowers of the Farm Credit System institutions of merging the 10 district Farm Credit Banks (and the Federal Intermediate Credit Bank of Jackson) into fewer regional Farm Credit Banks.

(2) FACTORS.—In preparing the report, the Comptroller General shall consider—

(A) the potential reduction in services to farmers and ranchers;

(B) the potential benefits of jointly providing services to farmers and ranchers among these proposed regional districts;

(C) any economy of scale effects on a district-by-district basis;

(D) the potential impact on the cooperative nature of the Farm Credit System;

(E) the potential impact on bank and association relationships; and

(F) the potential impact on System-wide bond issuances.

(c) POTENTIAL SAVINGS.—The Comptroller General of the United States shall evaluate and report to the appropriate committees of Congress on the potential savings to the Farm Credit System and its shareholders that might occur if System institutions and the Farm Credit Administration were required to comply with General Services Administration standards for office space, furniture, and equipment.

(d) DEADLINE.—The reports required under this section shall be provided to Congress not later than 12 months after the date of enactment of this Act.

TITLE III—REPAYMENT OF FARM CREDIT SYSTEM DEBT OBLIGATIONS

SEC. 301. CAPITAL PRESERVATION.

Section 6.9(e)(3) (12 U.S.C. 2278a–9(e)(3)) is amended—

(1) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) PAYMENT OF PRINCIPAL.—

"(i) IN GENERAL.—After the end of the 15-year period beginning on the date of the issuance of any obligation issued to carry out this subsection, the banks operating under this Act shall pay to the Financial Assistance Corporation, on demand, an amount equal to the outstanding principal of the obligation. Each bank shall pay a proportion of the principal equal to—

"(I) the average accruing loan volume of the bank for the preceding 15 years; divided by

"(II) the average accruing loan volume of all banks of the System for the same period.

"(ii) BANKS LEAVING SYSTEM.—Any bank leaving the Farm Credit System pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the estimated present value of the payment required under this subparagraph had the bank remained in the System.

"(iii) BANKS UNDERGOING LIQUIDATION.—With respect to any bank undergoing liquidation under this Act, a liability to the Financial Assistance Corporation in the amount of the payment required under this subparagraph (calculated as if the bank had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of the bank.

"(iv) OBLIGATIONS OF OTHER BANKS.—The obligations of other banks shall not be reduced in anticipation of any recoveries under this subparagraph from banks leaving the System or in liquidation, but the Financial Assistance Corporation shall apply the recoveries, when received, and all earnings on the recoveries, to reduce the other banks' payment obligations, or, to the extent the recoveries are received after the other banks have met their entire payment obligation, shall refund the recoveries, when received, to the other banks in proportion to the other banks' payments.";

(2) by redesignating subparagraph (D) as subparagraph (E);

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

"(D) ANNUAL PAYMENTS.—

"(i) IN GENERAL.—In order to provide for the orderly funding and discharge over time of the obligation of each System bank to the Financial Assistance Corporation under subparagraph (C), each System bank shall enter into or continue in effect an agreement with the Financial Assistance Corporation under which the bank will make annual annuity-type payments to the Financial Assistance Corporation, beginning no later than December 31, 1992 (except for any bank that did not meet its interim capital requirement on December 31, 1990, in which case the bank shall begin making the payments no later than December 31, 1993) in amounts designed to accumulate, in total, including earnings on the amounts, to 90 percent of the bank's ultimate obligation. The Financial Assistance Corporation shall partially discharge the bank from its obligation under subparagraph (C) to the extent of each such payment and the earnings on the payment as earned.

"(ii) CAPITAL REQUIREMENTS.—The agreement shall not require payments to be made to the extent that making a particular payment or part of a payment would cause the bank to fail to satisfy applicable regulatory permanent capital requirements, but shall provide for recalculation of subsequent payments accordingly.

"(iii) INVESTMENT; AVAILABILITY.—The funds received by the Financial Assistance Corporation pursuant to the agreements shall be invested in eligible investments as defined in section 6.25(a)(1). The funds and the earnings on the funds shall be available only for the payment of the principal of the bonds issued by the Financial Assistance Corporation under this subsection."; and

(4) in subparagraph (E) (as redesignated by paragraph (2)), by inserting before the period at the end the following: ", nor shall the obligation to make future annuity payments to the Financial Assistance Corporation under subparagraph (D) be considered a liability of any System bank".

SEC. 302. PREFERRED STOCK.

Subparagraph (B) of section 6.26(d)(1) (12 U.S.C. 2278b–6(d)(1)(B)) is amended to read as follows:

"(B) PAYMENTS BY INSTITUTIONS.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), in order to enable the Financial Assistance Corporation to repay the obligation referred to in subparagraph (A), each institution that issued preferred stock under section 6.27(a) with respect to the obligation (or the successor to the institution) shall pay to the Financial Assistance Corporation, before the maturity date of the obligation, an amount equal to the par value of the stock outstanding for the institution.

"(ii) ANNUAL APPROPRIATION.—Except as provided in clause (iii), each year beginning in 1992, as soon as practicable following the end of the prior year, each such institution (except institutions in receivership and institutions that have previously redeemed their preferred stock) shall appropriate from its earnings in the prior year to an appropriated unallocated surplus account with respect to preferred stock, the sum of—

"(I) the greater of—

"(aa) such amount as the institution may be required to appropriate under any assistance agreement the institution has with the Farm Credit System Assistance Board or the Farm Credit System Insurance Corporation; or

"(bb) the amount that, if appropriated to the account in equal amounts in each year thereafter until the maturity of the obligation referred to in subparagraph (A), would cause the amount in the account to equal the par value of the preferred stock issued by the institution with respect to the obligation; plus

"(II) any amount that had been appropriated to the account in a previous year but had thereafter been offset by losses.

"(iii) LIMITATION.—An annual appropriation shall not be made to the extent that the appropriation would exceed the institution's net income (as determined pursuant to generally accepted accounting principles) in that year or to the extent that the appropriation would cause the institution's preferred stock to be impaired.

"(iv) USE.—The amount in the appropriated unallocated surplus account shall be unavailable to pay dividends or other allocations or distributions to shareholders or holders of participation certificates. The account shall be senior to all other unallocated surplus accounts but junior to all preferred and common stock for purposes of the application of operating losses.

"(v) PREFERRED STOCK.—The appropriations of surplus by an institution shall not

affect the treatment of its preferred stock (and of the appropriated unallocated surplus) as equity for purposes of regulatory permanent capital requirements.".

SEC. 303. SYSTEMWIDE REPAYMENT OBLIGATION.

Subparagraph (C) of section 6.26(d)(1) (12 U.S.C. 2278b–6(d)(1)(C)) is amended to read as follows:

"(C) SYSTEMWIDE REPAYMENT.—

"(i) IN GENERAL.—In order to enable the Financial Assistance Corporation to repay the obligations issued to provide assistance under subsections (c) and (e) of section 410 of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note) and section 4.9A(c) of this Act, or issued to provide funds to cover the expenses of the Assistance Board or the Financial Assistance Corporation under sections 6.7(a) and 6.24, respectively, of this Act, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the obligation equal to—

"(I) the average accruing retail loan volume of the bank and its affiliated associations for the preceding 15 years; divided by

"(II) the average accruing retail loan volume of all such banks and their affiliated associations for the same period.

"(ii) EXPENSE ITEM.—The annual increase in the present value of the estimated obligation of each bank to the Financial Assistance Corporation under this subparagraph shall be recorded each year as an expense item, in accordance with generally accepted accounting principles, on the books of the bank.

"(iii) PASS THROUGH.—A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of the amount necessary to satisfy the payment requirement to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding 15 years, except that the bank shall remain primarily liable for the amount.

"(iv) BANKS LEAVING SYSTEM.—Any bank leaving the Farm Credit System pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the estimated present value of the payment required under this subparagraph had the bank remained in the System. A liability to the Financial Assistance Corporation in this amount (calculated as if the bank had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of any bank undergoing liquidation. The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks leaving the System or in liquidation, but the Financial Assistance Corporation shall apply the recoveries, when received, and all earnings on the recoveries, to reduce the other banks' payment obligations, or, to the extent the recoveries are received after the other banks have met their entire payment obligation, shall refund the recoveries, when received, to the other banks in proportion to the other banks' payments.

"(v) ASSOCIATIONS TERMINATING SYSTEM STATUS OR IN LIQUIDATION.—Any association leaving the Farm Credit System pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the present value of the future payment obligation of its supervising bank. A liability to the bank in this amount (calculated as if the association had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the bank against the estate of any association undergoing liquidation.".

SEC. 304. REPAYMENT OF TREASURY-PAID INTEREST

(a) IN GENERAL.—Paragraph (5) of section 6.26(c) (12 U.S.C. 2278b–6(c)(5)) is amended to read as follows:

"(5) REPAYMENT OF TREASURY-PAID INTEREST.—

"(A) IN GENERAL.—On the maturity date of the last-maturing debt obligation issued under subsection (a), the Financial Assistance Corporation shall repay to the Secretary of the Treasury the total amount of any annual interest charges on the debt obligations that Farm Credit System institutions (other than the Financial Assistance Corporation) have not previously paid, and the Financial Assistance Corporation shall not be required to pay any additional interest charges on the payments.

"(B) ASSESSMENT.—In order to provide for the orderly funding by the banks of the System of the repayment by the Financial Assistance Corporation to the Secretary of the Treasury, the Financial Assistance Corporation shall assess each System bank, on or about December 31 of each year beginning in 1992, and each System bank shall promptly pay to the Financial Assistance Corporation, an annual annuity type payment in an amount designed to accumulate, in total, including earnings thereon, the amount of the bank's ultimate obligation (as determined by the Corporation on a fair and equitable basis), and no greater than .0006 nor less than .0004 times the bank's and its affiliated associations' average accruing retail loan volume for the preceding year, subject to—

"(i) upward or downward adjustment, as appropriate, by the Financial Assistance Corporation during each of the last 5 years prior to the date the Financial Assistance Corporation is obligated to make the repayment, in order to ensure that the Financial Assistance Corporation will have the amount of funds needed to make the repayment on the due date; and

"(ii) reduction or termination in any year when the funds paid to the Financial Assistance Corporation, including any anticipated future earnings on the funds, are sufficient to make the repayment on the due date.

"(C) INVESTMENT OF FUNDS.—The Financial Assistance Corporation shall invest funds derived from the investment in eligible investments as defined in section 6.25(a)(1). The funds and the earnings on the funds shall be available only for the repayment to the Secretary of the Treasury provided for in subparagraph (A).

"(D) PASS THROUGH.—A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of the assessments to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding year, but the bank shall remain primarily liable for the amounts.

"(E) LIABILITY.—

"(i) BANKS TERMINATING SYSTEM STATUS OR IN LIQUIDATION.—Any bank terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the estimated present value of all future such assessments against the bank had the bank remained in the System. A liability to the Financial Assistance Corporation in this amount (calculated as if the bank had left the System on the date the bank was placed in liquidation) shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of any bank undergoing liquidation.

"(ii) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced in anticipation of any recoveries under this subparagraph from banks leaving the System or in liquidation.

"(iii) REFUND OF RECOVERIES.—The Financial Assistance Corporation shall apply the recoveries, when received, and all earnings on the recoveries, to reduce the other banks' payment obligations, or, to the extent the recoveries are received after the other banks have met their entire payment obligation, shall refund the recoveries, when received, to the other banks in proportion to the other banks' payments.

"(F) ASSOCIATIONS TERMINATING SYSTEM STATUS OR IN LIQUIDATION.—Any association terminating System status pursuant to section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the estimated present value of all future such assessments against the bank. A liability to the bank in this amount (calculated as if the association had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the bank against the estate of any association undergoing liquidation.

"(G) CAPITAL REQUIREMENTS.—

"(i) IN GENERAL.—Until the date that is 5 years prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), all assessments paid by banks to the Financial Assistance Corporation pursuant to subparagraph (B), and any part of the obligation to pay future assessments to the Financial Assistance Corporation under subparagraph (B) that is recognized as an expense on the books of any System bank or association, shall nonetheless be included in the capital of the bank or association for purposes of determining its compliance with regulatory capital requirements.

"(ii) DURING THE FINAL 5 YEARS PRIOR TO REPAYMENT.—During the—

"(I) period beginning 5 years, and ending 4 years, prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), 60 percent;

"(II) period beginning 4 years, and ending 3 years, prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), 30 percent; and

"(III) period beginning 3 years prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), 0 percent,

of all assessments paid by banks to the Financial Assistance Corporation pursuant to subparagraph (B), and of any part of the obligation to pay future assessments to the Financial Assistance Corporation under subparagraph (B) that is recognized as an expense on the books of any System bank or association, shall nonetheless be included in the capital of the bank or association for

purposes of determining its compliance with regulatory capital requirements.".

(b) CONFORMING AMENDMENT.—Section 6.28 (12 U.S.C. 2278b-8) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 305. TRANSFER OF OBLIGATIONS FROM ASSOCIATIONS TO BANKS; OTHER MATTERS.

Section 6.26 (12 U.S.C. 2278b-6) is amended—

(1) in subsection (c)—

(A) in the subparagraph heading of paragraph (2)(B), by striking "INSTITUTIONS" and inserting "BANKS";

(B) by striking "institutions" each place it appears in paragraphs (2)(B), (3), and (4) and inserting "banks"; and

(C) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

"(C) ALLOCATION.—During each year of the second 5-year period, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the interest due from System banks under this paragraph equal to—

"(i) the amount of the average accruing retail loan volume of the bank and its affiliated associations for the preceding year; divided by

"(ii) the total average accruing retail loan volume of all such banks and their affiliated associations for the preceding year.";

(2) in subsection (d)(1)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D); and

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

"(e) ADMINISTRATION.—

"(1) DEFINITION OF RETAIL LOAN VOLUME.—As used in this section, the term 'retail loan volume' means all loans (as defined in accordance with generally accepted accounting principles) by a System bank or association, excluding loans by such a bank or association to another System institution.

"(2) CALCULATION OF AVERAGE ANNUAL LOAN VOLUMES.—For purposes of this section and section 6.9, average annual loan volumes shall be calculated using month-end balances.

"(3) EXCLUSION OF BANKS UNDERGOING LIQUIDATION.—For purposes of this section and section 6.9, the term 'bank' shall not include a bank that had entered liquidation prior to the date of enactment of this subsection.".

SEC. 306. DEFAULTS.

Section 6.26(d) (12 U.S.C. 2278b-6(d)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the heading and inserting the following: "CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—";

(ii) in clause (i)—

(I) by inserting after "subsection (a)," the following: "on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C), or on the payment of an assessment due under subsection (c)(5)(B),";

(II) by striking "of the interest" both places it appears; and

(III) by striking "institution" each place it appears and inserting "bank";

(iii) in clause (ii)—

(I) by striking "of interest";

(II) by striking "institution" and inserting "bank"; and

(III) by striking "such uncollected interest" and inserting "any uncollected amount";

(iv) in clause (iii), by striking "added" and all that follows through the period at the end and inserting "allocated to other System banks in accordance with the allocation mechanism applicable under this Act to the particular defaulted obligation.";

(B) in subparagraph (B), by striking the subparagraph heading and inserting the following new heading: "PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—"; and

(C) in subparagraph (C)—

(i) in the heading, by striking "INSTITUTIONS" and inserting "BANKS";

(ii) by striking "institution" and inserting "bank";

(iii) by striking "institutions" both places it appears and inserting "banks"; and

(iv) by striking "the amount of any interest" and inserting "any amounts"; and

(2) in paragraph (4)—

(A) in subparagraph (A), by inserting "or section 6.9(e)(3)(A)" after "subsection (a)";

(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking the clause heading and inserting the following new heading: "CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—";

(II) by inserting after "subsection (c)," the following: "on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C), or on the payment of an assessment due under subsection (c)(5)(B),"; and

(III) by striking "institution" each place it appears and inserting "bank"; and

(ii) in clause (ii), by striking the clause heading and inserting the following new heading: "PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—".

SEC. 307. AUTHORITY OF FINANCIAL ASSISTANCE CORPORATION.

(a) PURPOSE.—Section 6.21 (12 U.S.C. 2278b-1) is amended by inserting before the period at the end the following: "and to assist, pursuant to section 6.9(e) and subsections (c) through (g) of section 6.26, in the repayment by System institutions to those persons who provided funds in connection with the program".

(b) TERMINATION.—Section 6.31(a) (12 U.S.C. 2278b-11(a)) is amended by striking "terminate on" and inserting the following: "terminate on the complete discharge by the Financial Assistance Corporation of its responsibilities under section 6.9(e) and subsections (c) through (g) of section 6.26 with regard to repayments by System institutions, but in no event later than 2 years following".

SEC. 308. TECHNICAL AMENDMENTS.

(a) TECHNICAL AMENDMENT TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Section 204(3) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (P.L. 102-237; 105 Stat. 1855) is amended by striking "in section 1221(1)(D) (16 U.S.C. 3821(1)(D))" and inserting "in section 1221(a)(1)(D) (16 U.S.C. 3821(a)(1)(D))".

(b) TECHNICAL AMENDMENTS TO THE FARM CREDIT ACT OF 1971.—

(1) Section 8.3(c)(13) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-3(c)(13)) is amended by striking "8.11(g)" and inserting "8.11(e)".

(2) Section 8.11(a)(1)(B)(ii) of such Act (12 U.S.C. 2279aa-11(a)(1)(B)(ii)) is amended by striking "the date of enactment of this section" and inserting "December 13, 1991".

(3) Section 8.32 of such Act (12 U.S.C. 2279bb-1) is amended—

(A) in each of subsections (a), (b)(1)(D), and (b)(2), by striking "the date of the enactment of this section" each place the term appears and inserting "December 13, 1991"; and

(B) in subsection (b)(1)(E), by striking "the date of the enactment of such Act" and inserting "December 13, 1991".

TITLE IV—CLARIFICATION OF CERTAIN AUTHORITIES

SEC. 401. CLARIFICATION OF THE STATUS AND POWERS OF CERTAIN INSTITUTIONS OF THE FARM CREDIT SYSTEM.

(a) CLARIFICATION OF AUTHORITY REGARDING REMAINING FEDERAL INTERMEDIATE CREDIT BANK.—Section 410 of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note) is amended by adding at the end the following new subsection:

"(e) CLARIFICATION OF AUTHORITY REGARDING REMAINING FEDERAL INTERMEDIATE CREDIT BANK.—

"(1) NEGOTIATED MERGER.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—Not later than June 30, 1993, except as provided in subparagraph (C), the Federal Intermediate Credit Bank of Jackson (as chartered on the date of enactment of this subsection) shall merge with a Farm Credit Bank pursuant to the procedures prescribed by section 7.12 of the Farm Credit Act of 1971 (12 U.S.C. 2279f).

"(ii) MERGER OF ENTIRE BANK.—Notwithstanding subparagraph (B), or any other provision of law, the Farm Credit Administration shall approve a merger of the Federal Intermediate Credit Bank of Jackson only if the Bank (as chartered on the date of enactment of this subsection, except as provided in subparagraph (B)(ii)(II)(bb)) merges in its entirety with a Farm Credit Bank.

"(iii) LIMITED LENDING AUTHORITY.—Notwithstanding any provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), the Farm Credit Bank resulting from a merger under this subsection shall have only the lending authorities in the States of Alabama, Louisiana, and Mississippi that the constituent banks exercised in such States immediately prior to the merger, except as may be provided in section 5.17(a)(2) of such Act (12 U.S.C. 2252(a)(2)).

"(B) OPERATING AND MERGER AUTHORITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Federal Intermediate Credit Bank of Jackson may operate subject to such provisions of part A of title II of the Farm Credit Act of 1971 (as in effect immediately before the amendment made by section 401 took effect) and such provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) (as in effect after the amendment), as the Farm Credit Administration deems appropriate to carry out the purposes of this subsection and such Act. This subparagraph shall take effect as if it had become law at the same time as the amendment made by section 401 and shall remain in effect until the Bank's merger with a Farm Credit Bank under this subsection, or July 1, 1994, whichever is sooner.

"(ii) LIMITATION ON OPERATING AUTHORITY.—

"(I) IN GENERAL.—Notwithstanding clause (i) and subparagraph (A)(ii), the authority of the Federal Intermediate Credit Bank of Jackson to operate as provided under clause (i) shall expire, and the Farm Credit Administration shall revoke the Bank's charter, immediately on the Bank's merger with a Farm Credit Bank under this subsection, or July 1, 1994, whichever is sooner.

"(II) DISTRICT BOUNDARY MODIFICATION.—Notwithstanding clause (i), the authority of the Federal Intermediate Credit Bank of

Jackson shall not include the authority for the Bank to modify, nor shall the Farm Credit Administration approve such a modification to, the boundaries of the Fifth Farm Credit District to reaffiliate any portion of the District with another Farm Credit Bank, except—

"(aa) in the case of the merger of the entire Bank as an entity with a Farm Credit Bank such that the entire chartered territory of the Federal Intermediate Credit Bank of Jackson (except as provided in item (bb)) is merged with the Farm Credit Bank; and

"(bb) in the case of the reaffiliation of the Northwest Louisiana Production Credit Association with another farm credit district pursuant to the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations under such Act.

"(iii) LIMITATION ON AUTHORITY TO MERGE.—

"(I) IN GENERAL.—Notwithstanding clause (i), the authority of the Federal Intermediate Credit Bank of Jackson to merge with a Farm Credit Bank as provided under clause (i) shall expire, and the Farm Credit Administration shall revoke the Bank's charter, immediately on the Bank's merger with a Farm Credit Bank under this subsection, or July 1, 1994, whichever is sooner.

"(II) BANK INTEGRITY.—Notwithstanding clause (i), the authority of the Federal Intermediate Credit Bank of Jackson to merge with a Farm Credit Bank shall be limited to a merger of the Federal Intermediate Credit Bank of Jackson (as chartered on the date of enactment of this subsection to include the territory in the States of Alabama, Louisiana, and Mississippi, except as provided in clause (ii)(II)(bb)) as a whole entity such that the entire chartered territory of the Federal Intermediate Credit Bank of Jackson is merged with the Farm Credit Bank.

"(III) LIMITATION.—Beginning on the date of an order issued by the Farm Credit Administration under subparagraph (D), the authority of the Federal Intermediate Credit Bank of Jackson to merge with a Farm Credit Bank shall be limited to the arbitrated merger provided for in paragraph (2).

"(C) EXTENSION.—

"(i) LETTER OF INTENT.—If no later than June 30, 1993, the Federal Intermediate Credit Bank of Jackson delivers to the Farm Credit Administration a letter of intent to merge with a Farm Credit Bank, summarizing the terms and conditions of the merger (including, but not limited to, board composition, capital structure, exchange, or transfer of equities, and termination) signed by the chief executive officer and the members of the boards of directors of the Federal Intermediate Credit Bank of Jackson and the Farm Credit Bank, the Farm Credit Administration shall, on its determination that the letter of intent represents a bona fide good faith agreement in principle between the two banks to merge, and that there is at least a reasonable prospect that the merger will be completed in an expeditious manner, grant a one-time extension, until a date certain not later than October 31, 1993, of the requirement under subparagraph (A). Any extension provided under this subparagraph may be conditioned on such terms and conditions as the Farm Credit Administration determines necessary to ensure that the merger described in the letter of intent is completed by the closing date of the extension.

"(ii) COMPLIANCE.—If the Farm Credit Administration grants an extension under clause (i), it shall issue an order under subparagraph (D) immediately if—

"(I) the Federal Intermediate Credit Bank of Jackson, or the Farm Credit Bank that is a signatory to the letter of intent under clause (i), provides written notification to the Farm Credit Administration that the bank does not intend to complete the merger described in the letter of intent;

"(II) the Farm Credit Administration determines that the Federal Intermediate Credit Bank of Jackson is not complying with any term or condition on which an extension under clause (i) was conditioned; or

"(III) the Farm Credit Administration determines that the Federal Intermediate Credit Bank of Jackson is not pursuing in good faith the merger provided for in the letter of intent.

If the Farm Credit Administration issues an order under subparagraph (D) pursuant to this clause, the Federal Intermediate Credit Bank of Jackson shall be deemed to have failed to comply with the requirements of subparagraph (A).

"(D) FAILURE TO MERGE; ISSUANCE OF ORDER.—If the Federal Intermediate Credit Bank of Jackson fails to comply, or notifies the Farm Credit Administration in writing that it does not intend to comply, with the requirements of subparagraph (A), the Farm Credit Administration shall, within 5 days after the date specified in subparagraph (A), or such other date specified by the Farm Credit Administration under subparagraph (C), issue, notwithstanding any other provision of law, an order requiring the Federal Intermediate Credit Bank of Jackson to merge with the Farm Credit Bank of Texas in accordance with paragraph (2).

"(2) ARBITRATED MERGER.—

"(A) IN GENERAL.—Not later than 30 days after the issuance of an order by the Farm Credit Administration under paragraph (1)(D), an arbitrator (or panel of arbitrators) shall be named by the American Arbitration Association in accordance with the Commercial Arbitration Rules of the American Arbitration Association to serve as the arbitrator referred to in this paragraph.

"(B) DUTIES.—The arbitrator shall determine the terms and conditions of the merger required under an order issued under paragraph (1)(D), such that the terms and conditions are fair and equitable to the two banks, their affiliated associations, the stockholders and borrowers of the associations, and the other institutions of the Farm Credit System, and are designed to protect or enhance the safety and soundness of the Farm Credit System. The arbitrator shall have the authority to hire staff and secure the services of consultants as necessary to discharge the duties of the arbitrator under this paragraph.

"(C) EXPENSES.—Notwithstanding any other provision of law, the compensation and expenses of the arbitrator, the fees and expenses of the American Arbitration Association, and any expenses associated with the referendum required under subparagraph (F) shall be paid from the Farm Credit Assistance Fund established under section 6.25 of the Farm Credit Act of 1971 (12 U.S.C. 2278b-5).

"(D) DEVELOPMENT OF MERGER PLANS.—

"(i) IN GENERAL.—Not later than 100 days after the issuance of an order by the Farm Credit Administration under paragraph (1)(D), the arbitrator shall develop and submit for certification to the Farm Credit Administration a plan specifying the terms and conditions of the merger of the two banks required under this paragraph, such that the terms and conditions are fair and equitable to the two banks, their affiliated associations, the stockholders or farmer-borrowers of the associations, and the other institutions of the Farm Credit System, and are designed to protect or enhance the safety and soundness of the Farm Credit System. In devising the plan, the arbitrator shall, to the extent practicable, achieve the following objectives:

"(I) Implementation of the preferences expressed by the affected and interested parties in submissions under clause (ii).

"(II) Valuation of assets fairly, equitably, and consistently for all parties involved.

"(III) Establishment of capitalization and funding terms in a manner that treats farmer-borrowers and stockholders in the two involved farm credit districts equitably and takes account of risk.

"(IV) Ensure the viability of the resulting Farm Credit Bank and associations of the bank and the ability of the resulting bank and associations of the bank to lend to eligible borrowers at reasonable and competitive rates of interest.

"(ii) SUBMISSION OF VIEWS AND INFORMATION.—The arbitrator shall receive from affected and interested parties written submissions, in accordance with fair and reasonable procedures established by the arbitrator, regarding the terms and conditions of an appropriate plan for the merger of the two banks required under this paragraph. The Federal Intermediate Credit Bank of Jackson, the Farm Credit Bank of Texas, and their affiliated associations shall make available all books, records, financial information, and other material that the arbitrator determines is necessary to the development of the plan or the fulfillment of any other requirement under this paragraph. A copy of any submission or information provided to the arbitrator by any party under this paragraph shall be furnished to the Federal Intermediate Credit Bank of Jackson or the Farm Credit Bank of Texas on the written request of the bank and at the bank's expense. The arbitrator shall provide both banks with a reasonable opportunity to review and respond to any submission or information provided by any party.

"(iii) CONTENT OF PLAN; FARM CREDIT BANK.—The plan developed and submitted under clause (i) shall include provisions regarding the following matters:

"(I) The initial composition, following the merger, of the board of directors of the resulting Farm Credit Bank (which shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(II) The valuation, for purposes of the merger, of the assets and liabilities of the merging banks.

"(III) The terms and conditions on which the shares of capital stock of the Federal Intermediate Credit Bank of Jackson and, if necessary, the Farm Credit Bank of Texas, will be converted into shares of the resulting Farm Credit Bank.

"(IV) The capital structure and capitalization levels of the resulting Farm Credit Bank and the affiliated associations of the Farm Credit Bank in the States of Alabama, Louisiana, and Mississippi as the arbitrator determines necessary to carry out the purposes of this paragraph (which shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(V) The terms of financing agreements between any production credit associations or agricultural credit associations described in clause (iv), and the resulting Farm Credit Bank (which shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(VI) Any other terms and conditions or other matters that the arbitrator considers necessary.

"(iv) CONTENT OF PLAN; AGRICULTURAL CREDIT ASSOCIATIONS.—If the arbitrator determines that the chartering of agricultural credit associations in the States of Alabama, Louisiana, and Mississippi will be in the best interests of the farmers, ranchers, and aquatic producers eligible to borrow from Farm Credit System associations, the plan required under this subparagraph shall also include, based on submissions from the Federal Intermediate Credit Bank of Jackson and the Farm Credit Bank of Texas, provisions for the establishment of agricultural credit associations to operate in the States, subject to approval in the referendum under subparagraph (F). Such provisions shall include provisions regarding the following matters:

"(I) A proposal for the establishment of an agricultural credit association in each of the geographic areas specified in subparagraph (F)(iii) (the charters of which, if validly issued under subparagraph (G)(i) pursuant to approval in the referendum under subparagraph (F), shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(II) The initial composition, if the proposal for the establishment of agricultural credit associations is approved, of the board of directors of each such agricultural credit association (which shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(III) The valuation, for purposes of the proposed merger of the production credit association and the Federal land bank association in each of the geographic areas specified in subparagraph (F)(iii), of the assets and liabilities of the associations.

"(IV) The terms and conditions on which the shares of capital stock of any associations that may merge under the plan to form agricultural credit associations will be converted into shares of the resulting agricultural credit associations.

"(V) The capital structure and capitalization levels of the resulting Farm Credit Bank and such affiliated associations of the Farm Credit Bank in the States of Alabama, Louisiana, and Mississippi as the arbitrator determines necessary to carry out the purposes of this paragraph (which capital structure and capitalization levels shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(VI) The terms of financing agreements between any agricultural credit associations and the resulting Farm Credit Bank (which shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(VII) Any other terms and conditions or other matters that the arbitrator considers necessary.

"(v) CONSULTATION WITH INSURANCE CORPORATION.—The arbitrator shall consult with the Farm Credit System Insurance Corporation regarding the valuation of the assets and liabilities under the plan of merger, the capitalization of the Farm Credit System institutions resulting under the plan, and any other matters relevant to the assistance to be provided by the Insurance Corporation to facilitate the merger under subparagraph (H).

"(E) CERTIFICATION OF PLAN.—Not later than 30 days after the receipt of the plan developed by the arbitrator, the Farm Credit Administration shall—

"(i) certify; or

"(ii) recommend to the arbitrator revisions to the plan that, if incorporated into the plan, will allow the Farm Credit Administration to certify,

that the resulting bank and any resulting associations are proposed to be organized in such a fashion that they will, on implementation of the plan, operate in compliance with applicable laws and regulations. The arbitrator and the Farm Credit Administration shall work cooperatively to ensure the expeditious issuance of the certification. If the Farm Credit Administration recommends to the arbitrator revisions to the plan that, if incorporated into the plan, will allow the Farm Credit Administration to certify the plan, the arbitrator shall, not later than 15 days after receipt of the recommended revisions, incorporate the revisions into the plan as the arbitrator deems appropriate to secure the certification.

"(F) REFERENDUM ON ASSOCIATION STRUCTURE.—

"(i) IN GENERAL.—Not later than 170 days after the issuance of an order by the Farm Credit Administration under paragraph (1)(D), the American Arbitration Association shall conduct, and compile and forward to the Farm Credit Administration the results of, a vote of current farmer-borrowers of the production credit associations and the Federal land bank associations in the States of Alabama, Louisiana, and Mississippi, in accordance with the Election Rules of the American Arbitration Association, to determine whether the farmer-borrowers of each association in the geographic areas described in clause (iii) prefer to have credit delivered—

"(I) in the case of production credit association farmer-borrowers, through a production credit association or through an agricultural credit association as proposed in the plan; and

"(II) in the case of Federal land bank association farmer-borrowers, through a Federal land bank association or through an agricultural credit association as proposed in the plan.

Each farmer-borrower shall be entitled to one vote. The arbitrator shall establish record dates and other procedures for conducting the referendum. The Federal Intermediate Credit Bank of Jackson, the Farm Credit Bank of Texas, and their affiliated associations shall cooperate in the conduct of the referendum, as determined necessary by the Arbitrator.

"(ii) DISCLOSURE.—The arbitrator shall send to farmer-borrowers eligible to vote under this subparagraph, with their ballot, a statement describing the potential consequences to the farmer-borrowers, and to the associations from which they borrow, of voting to charter an agricultural credit association and setting forth factors that farmer-borrowers should consider relevant to the choice between credit delivery through the current association structure and the chartering of an agricultural credit association. The arbitrator shall develop the disclosure materials in cooperation with the Farm Credit Administration and ensure that the materials are not inconsistent with applicable laws and regulations.

"(iii) TABULATION OF RESULTS.—The results of the vote under this subparagraph shall be compiled separately for production credit association farmer-borrowers and Federal land bank association farmer-borrowers in each of the following seven geographic areas:

"(I) The area served by the Federal Land Bank Association of South Mississippi.

"(II) The area served by the Federal Land Bank Association of North Mississippi.

"(III) The area served by the Federal Land Bank Association of South Alabama.

"(IV) The area served by the Federal Land Bank Association of North Alabama.

"(V) The area served by the Federal Land Bank Association of South Louisiana.

"(VI) The area served by both the Federal Land Bank Association of North Louisiana and the First South Production Credit Association.

"(VII) The area served by both the Federal Land Bank Association of North Louisiana and the Northwest Louisiana Production Credit Association.

"(iv) PUBLICATION OF RESULTS.—The results of the vote under this subparagraph, as tabulated by the American Arbitration Association, shall be made promptly available to the public in a manner determined appropriate by the Farm Credit Administration.

"(G) IMPLEMENTATION.—Not later than 10 days after the date of the receipt of the results of the referendum conducted under subparagraph (F), the Farm Credit Administration shall issue such charters or charter amendments and take such other regulatory actions as may be necessary to implement the merger or mergers as provided for under the certified plan. In this regard, the Farm Credit Administration shall—

"(i) issue a charter or charter amendment and take any such other regulatory actions as may be necessary to provide for the establishment of an agricultural credit association in each of the geographic areas described in subparagraph (F)(iii) where a majority of the farmer-borrowers of both the production credit association and the Federal land bank association voted under subparagraph (F)(i) that they preferred to have credit delivered through an agricultural credit association (which charter shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations); and

"(ii) not issue a charter or charter amendment or take any such other regulatory action to provide for the establishment of an agricultural credit association in any of the geographic areas described in subparagraph (F)(iii) where less than a majority of the farmer-borrowers of the production credit association or the Federal land bank association voted in the referendum under subparagraph (F)(i) that they preferred to have credit delivered through an agricultural credit association (provided that the charter of any remaining association in such geographic area shall be subject to change thereafter in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and any applicable regulations).

"(H) FACILITATION.—

"(i) IN GENERAL.—Beginning on the date of the issuance of an order by the Farm Credit Administration under paragraph (1)(D), the Farm Credit System Insurance Corporation shall expend amounts from the Farm Credit Insurance Fund to the extent necessary to facilitate the merger prescribed in the plan.

"(ii) MAINTENANCE OF BOOK VALUE.—Assistance provided by the Corporation under this subparagraph shall be in amounts not to exceed that required to maintain book value per share of stockholders' equity at the same value reflected on the most recent audited financial statements of the Federal Intermediate Credit Bank of Jackson and the Farm Credit Bank of Texas prior to or effective with the date of the merger.

"(iii) OTHER ASSISTANCE.—Until the expiration of 5 years from the effective date of a merger authorized by this subsection, or the final resolution of any litigation against the Federal Intermediate Credit Bank of Jackson or any of its stockholders pending on the date of the enactment of this subsection, whichever is later, the Corporation shall guarantee prompt payment of any loss experienced by the merged bank, which loss is caused by the failure of any association-stockholder of the merged bank that was a stockholder of the Federal Intermediate Credit Bank of Jackson immediately prior to the merger, or any successor to the association, to pay when due any obligation of principal or interest owed by the association or its successor to the resulting bank.

"(iv) TERMS AND CONDITIONS.—Assistance provided by the Corporation under this subparagraph shall be on such terms and conditions as the Corporation deems appropriate to facilitate the merger.

"(I) SAFETY AND SOUNDNESS.—

"(i) IN GENERAL.—Except as provided in clause (ii), if at any time prior to the completion of the merger required under this subsection the Farm Credit Administration determines that the Federal Intermediate Credit Bank of Jackson is being operated in an unsafe or unsound manner (as determined in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)), the Farm Credit Administration, after consultation with the respective boards of directors of the affected banks and taking into consideration the purposes of this subsection, may require the Federal Intermediate Credit Bank of Jackson to merge with a Farm Credit Bank, subject to such terms and conditions as the Farm Credit Administration may prescribe. The Farm Credit System Insurance Corporation shall expend amounts in the Farm Credit Insurance Fund to the extent necessary to facilitate the merger prescribed under this subparagraph, including the provision of assistance as provided in section 5.61(a)(2)(A)(iii) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–10(a)(2)(A)(iii)), on such terms and conditions as the Corporation deems appropriate.

"(ii) ARBITRATED MERGER.—If at any time after the Farm Credit Administration issues an order under paragraph (1)(D), but prior to the completion of the merger required under this subsection, the Farm Credit Administration determines that the Federal Intermediate Credit Bank of Jackson is being operated in an unsafe or unsound manner (as determined in accordance with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)), the Farm Credit Administration shall, after consultation with the boards of directors of the Federal Intermediate Credit Bank of Jackson and the Farm Credit Bank of Texas, take such action as it deems necessary pursuant to the authorities provided under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) to return the operation of the Federal Intermediate Credit Bank of Jackson to a safe and sound condition, pending the completion of the merger under paragraph (2).

"(J) MERGER PLAN FOR AGRICULTURAL CREDIT ASSOCIATIONS.—In any of the States of Alabama, Louisiana, or Mississippi where all of the associations are chartered as agricultural credit associations, the boards of directors of each such association in each State are encouraged to submit to the farmer-borrowers of each such association for their approval a plan for merging the associations into one statewide agricultural credit association, in accordance with the applicable provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

"(K) DEFINITIONS.—As used in this paragraph:

"(i) AGRICULTURAL CREDIT ASSOCIATION.—The term 'agricultural credit association' means an association having the same authorities, attributes, and obligations as, and for all purposes an agricultural credit association resulting from the implementation of the plan under this paragraph shall be deemed to be, an association resulting from the merger of a production credit association and a Federal land bank association under section 7.8 of the Farm Credit Act of 1971 (12 U.S.C. 2279c–1).

"(ii) FARMER-BORROWER.—The term 'farmer-borrower' means a borrower from a Farm Credit System association in the State of Alabama, Louisiana, or Mississippi who holds voting stock, or is eligible to hold voting stock, in the association or a stockholder in any such association.

"(3) REVIEW.—

"(A) IN GENERAL.—Actions and determinations of the arbitrator, the Farm Credit Administration, or the Farm Credit System Insurance Corporation pursuant to this subsection shall not be subject to judicial review except as provided in this paragraph, nor shall they be subject to the requirements of subchapter II of chapter 5 or chapter 7 of title 5, United States Code.

"(B) AGENCY DETERMINATIONS.—

"(i) IN GENERAL.—Any petition for review of a determination or other action of the Farm Credit Administration or the Farm Credit System Insurance Corporation under this subsection shall be filed in the United States Court of Appeals for the District of Columbia Circuit not later than 10 days after the determination, or the petition shall be barred. The court shall have exclusive jurisdiction to determine the proceeding in accordance with standard procedures as supplemented by procedures hereinafter provided and no other district court or court of appeals of the United States shall have jurisdiction over any such challenge in any proceeding instituted prior to, on, or after the date of enactment of this subsection. The review of any determination or action of the Farm Credit Administration or the Farm Credit System Insurance Corporation under this subsection shall be based on the examination of all of the information before the Farm Credit Administration or the Farm Credit System Insurance Corporation, as the case may be, at the time the determination was made. The court reviewing the determination or action shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(ii) PROCEDURES.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any such proceeding that set page limits on briefs and time limits for filing briefs and motions and other actions that are shorter than the limits specified in the Federal Rules of Civil or Appellate Procedure.

"(iii) EXPEDITED REVIEW.—Any such proceeding before the court shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way. The court shall render its final decision relative to any challenge not later than 50 days from the date the challenge is brought unless the court determines that a longer period of time is required to satisfy the requirements of the Constitution.

"(C) ARBITRATOR DETERMINATIONS.—

"(i) IN GENERAL.—Except as otherwise provided in this paragraph, any petition for review of a determination or other action of the arbitrator named under paragraph (2) shall be filed in accordance with the United States Arbitration Act (9 U.S.C. 1 et seq.). Such Act shall apply to the arbitration conducted pursuant to paragraph (2) to the same extent as if the arbitration were established in a contract evidencing a transaction in commerce between the Federal Intermediate Credit Bank of Jackson and the Farm Credit Bank of Texas.

"(ii) PROCEDURES.—Notwithstanding the United States Arbitration Act (9 U.S.C. 1 et seq.), any petition for review of a determination or other action of the arbitrator under this subsection shall be filed not later than 10 days after the determination, or the petition shall be barred. The court specified under such Act shall have exclusive jurisdiction to determine the proceeding in accordance with the applicable procedures under such Act, as supplemented by procedures hereinafter provided, and no other district court shall have jurisdiction over any such challenge in any such proceeding. Notwithstanding any other provision of law, the court may set rules governing the procedures of any such proceeding that set page limits on briefs and time limits for filing briefs and motions and other actions that are shorter than the limits specified in the United States Arbitration Act or the Federal Rules of Civil or Appellate Procedure.

"(iii) EXPEDITED REVIEW.—Any such proceeding before the court shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way. The court shall render its final decision relative to any challenge as soon as possible in accordance with the United States Arbitration Act (9 U.S.C. 1 et seq.), or not later than 30 days from the date the challenge is brought, whichever is sooner, unless the court determines that a longer period of time is required to satisfy the requirements of the Constitution.".

(b) LONG-TERM LENDING AUTHORITY OF THE FARM CREDIT BANK OF TEXAS WITH RESPECT TO THE STATES OF ALABAMA, LOUISIANA, AND MISSISSIPPI.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Farm Credit Bank of Texas may act in accordance with the exclusive charter of the bank, as amended by the Farm Credit Administration on February 7, 1989, and effective February 9, 1989 (except to the extent that the charter may be further amended by the Farm Credit Administration in accordance with its general authorities under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), subject to such limitations on the issuance of competitive charters as may be provided in section 5.17 of such Act (12 U.S.C. 2252)).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if such paragraph had become law on February 7, 1989.

(c) DENIAL OF COMPETITIVE CHARTERS.—Section 5.17(a)(2) (12 U.S.C. 2252(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraphs:

"(B) The Farm Credit Administration shall not issue a charter to, or approve an amendment to the charter of, any institution of the Farm Credit System to operate under title I or II that would authorize the institution to exercise lending authority, whether directly or indirectly as an agent of a Farm Credit Bank, in a territory in which the charter of another such institution authorizes the

other institution to exercise like authority, whether directly or indirectly as an agent of a Farm Credit Bank, except with the approval of—

"(i) in a case affecting only the charter of one or more associations—

"(I) a majority of the shareholders (present and voting or voting by proxy) of each of the associations that would have like lending authority (whether directly or indirectly as an agent of a Farm Credit Bank) in any of that territory if the charter action were taken; and

"(II) a majority of the board of directors of the Farm Credit Bank with which the affected associations are affiliated; or

"(ii) in a case affecting the charter of one or more banks—

"(I) a majority of the shareholders (present and voting or voting by proxy) of the affiliated associations of each of the banks that would have like lending authority in any of that territory if the charter action were taken;

"(II) a majority of the shareholders (present and voting or voting by proxy) of each of the banks that would have like lending authority in any of that territory if the charter action were taken; and

"(III) a majority vote of the boards of directors of each of the banks that would have like lending authority in any of that territory if the charter action were taken.

"(C) Subparagraph (B) shall apply only in those geographic areas where, due to the failure of a Federal intermediate credit bank to merge in accordance with section 410(a) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note), the Federal intermediate credit bank or its successor is chartered to provide short- and intermediate-term credit, and a neighboring Farm Credit Bank that is not the successor to the Federal intermediate credit bank is chartered to provide long-term credit, in the same geographic territory.".

TITLE V—MISCELLANEOUS

SEC. 501. VALUATION RESERVES OF PRODUCTION CREDIT ASSOCIATIONS.

Subsection (b) of section 2.3 (12 U.S.C. 2074(b)) is amended to read as follows:

"(b) APPLICATION OF EARNINGS.—At the end of each fiscal year, each production credit association shall apply the amount of the earnings of the association for the fiscal year in excess of the operating expenses of the association (including provision for valuation reserves against loan assets in accordance with generally accepted accounting principles)—

"(1) first, to the restoration of the impairment (if any) of capital; and

"(2) second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Farm Credit Bank.".

SEC. 502. RISK MANAGEMENT PARTICIPATION AUTHORITY.

Section 3.1(11) (12 U.S.C. 2122(11)) is amended—

(1) by inserting "(A)" after "(11)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) Participate in any loan of a type otherwise authorized under this title that is made to a similar entity by any institution in the business of extending credit, including purchases of participations in loans to finance international trade transactions involving the sale of agricultural commodities or the products thereof, except that—

"(I) a bank for cooperatives may not participate in a loan—

"(aa) if the participation would cause the total amount of all loan participations by the bank under this subparagraph involving a single credit risk to exceed 10 percent of the bank's total capital; or

"(bb) if the participation by the bank will itself equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by the other banks for cooperatives under this subparagraph, will cause the cumulative amount of the participations by all banks for cooperatives in the loan to equal or exceed 50 percent of the principal of the loan;

"(II) a bank for cooperatives may not participate in a loan to a similar entity under this subparagraph if the similar entity has a loan or loan commitment outstanding with a Farm Credit Bank or an association chartered under this Act, unless agreed to by the Bank or association; and

"(III) the cumulative amount of participations that a bank for cooperatives may have outstanding under this subparagraph at any time may not exceed 15 percent of the bank's total assets.

"(ii) As used in this subparagraph, the term 'similar entity' means an entity that, while not eligible for a loan under section 3.8, is functionally similar to an entity eligible for a loan under section 3.8 in that it derives a majority of its income from, or has a majority of its assets invested in, the conduct of activities functionally similar to those conducted by the entity.

"(iii) With respect to similar entities that are eligible to borrow from a Farm Credit Bank or association under title I or II, the authority of a bank for cooperatives to participate in loans to the entities under this subparagraph shall be subject to the prior approval of the Farm Credit Bank or Banks in whose chartered territory the entity is eligible to borrow. The approval may be granted on an annual basis and under such terms and conditions as may be agreed on between the bank for cooperatives and the Farm Credit Bank or Banks that serve the territory.".

SEC. 503. EQUITY VOTING FOR ONE DIRECTOR OF EACH BANK FOR COOPERATIVES.

Section 3.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2123(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2)(A) If approved by the stockholders through a bylaw amendment, the nomination and election of one member from a bank for cooperatives (other than the National Bank for Cooperatives) shall be carried out with each voting stockholder of a bank for cooperatives having one vote, plus a number of votes (or fractional part thereof) equal to—

"(i) the number of stockholders eligible to vote; multiplied by

"(ii) the percentage (or fractional part thereof) of the total equity interest (including allocated, but not unallocated, surplus and reserves) in the bank of all stockholders held by the individual voting stockholder at the close of the immediately preceding fiscal year of the bank.

"(B) The total number of votes under this paragraph shall be the number of voting stockholders of a bank for cooperatives multiplied by two.".

SEC. 504. TECHNICAL AMENDMENT.

The first sentence of section 3.7(a) (12 U.S.C. 2128(a)) is amended by inserting "at any time (whether or not they have a loan from the bank outstanding)" after "technical and financial assistance".

SEC. 505. EXPANSION OF WATER AND SEWER LENDING AUTHORITY OF BANKS FOR COOPERATIVES.

Section 3.7(f) (12 U.S.C. 2128(f)) is amended—

(1) by striking "the installation, expansion, or improvement of" and inserting "installing, maintaining, expanding, improving, or operating"; and

(2) by striking "to extend" and inserting "extending".

SEC. 506. ELIGIBILITY TO BORROW FROM A BANK FOR COOPERATIVES.

Section 3.8(b)(1) (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following new subparagraph:

"(E) Any creditworthy private entity that satisfies the requirements for a service cooperative under paragraphs (1), (2), and (4) of subsection (a) and subsidiaries of the entity, if the entity is organized to benefit agriculture in furtherance of the welfare of its farmer-members and is operated on a not-for-profit basis.".

SEC. 507. NON-VOTING REPRESENTATIVE ON BOARD OF FUNDING CORPORATION.

Paragraph (2) of section 4.9(d) (12 U.S.C. 2160(d)(2)) is amended to read as follows:

"(2) NON-VOTING REPRESENTATIVES.—

"(A) ASSISTANCE BOARD.—During the period in which the Assistance Board is in existence, the board of directors of the Assistance Board shall designate one of its directors to serve as a non-voting representative to the board of directors of the Corporation.

"(B) MEETINGS.—The person designated by the Assistance Board under subparagraph (A) may attend and participate in all deliberations of the board of directors of the Corporation.

"(C) TERMINATION OF ASSISTANCE BOARD.—After termination of the Assistance Board, neither the Assistance Board nor its successor, the Farm Credit System Insurance Corporation, shall have any representation on the board of directors of the Corporation.".

SEC. 508. REPEAL OF PROHIBITION AGAINST GUARANTEE OF CERTAIN INSTRUMENTS OF INDEBTEDNESS.

Section 4.16 (12 U.S.C. 2204) is repealed.

SEC. 509. COMPENSATION OF BANK DIRECTORS.

Section 4.21 (12 U.S.C. 2209) is amended to read as follows:

"SEC. 4.21. COMPENSATION OF BANK DIRECTORS.

"(a) IN GENERAL.—The Farm Credit Administration shall monitor the compensation of members of the board of directors of a System bank received as compensation for serving as a director of the bank to ensure that the amount of the compensation does not exceed a level of $20,000 per year, as adjusted to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, unless the Farm Credit Administration determines that such level adversely affects the safety and soundness of the bank.

"(b) WAIVER.—The Farm Credit Administration may waive the limitation prescribed in subsection (a) under exceptional circumstances, as determined in accordance with regulations promulgated by the Farm Credit Administration.".

SEC. 510. CLARIFICATION OF TREATMENT OF FARM CREDIT ADMINISTRATION OPERATING EXPENSES.

Section 5.15(b)(1) (12 U.S.C. 2250(b)(1)) is amended—

(1) by inserting ", for purposes of sequestration," after "regard"; and

(2) by striking "or any other law".

SEC. 511. APPROVAL OF COMPETITIVE CHARTERS.

Section 5.17(a) (12 U.S.C. 2252(a)) is amended by adding at the end the following new paragraphs:

"(13)(A) Subject to subparagraph (B), the Farm Credit Administration may approve an amendment to the charter of any institution of the Farm Credit System operating under title I or II, which would authorize the institution to exercise lending authority in any territory—

"(i) in the geographic area served by an association that was reassigned pursuant to section 433 of the Agricultural Credit Act of 1987 (12 U.S.C. 2071 note) (where the geographic area was a part of the association's territory as of the date of the reassignment); and

"(ii) in which the charter of an institution that is not seeking the charter amendment authorizes the institution to exercise the type of lending authority that is the subject of the charter request.

"(B) The Farm Credit Administration may approve a charter amendment under subparagraph (A) only on the approval of—

"(i) the respective boards of directors of the associations that, if the charter request is approved, would exercise like lending authority in any of the territory that is the subject of the charter request;

"(ii) a majority of the stockholders of each association described in clause (i) voting, in person or by proxy, at a duly authorized stockholders' meeting; and

"(iii) the respective boards of directors of the Farm Credit Banks that, if the charter request is approved, would exercise, either directly or through associations, like lending authority in any of the territory described in subparagraph (A)(i).

"(14)(A) Subject to subparagraph (B), the Farm Credit Administration may approve a request to charter an association of the Farm Credit System to operate under title II where the proposed charter—

"(i) will include any of the geographic area included in the territory served by an association that was reassigned pursuant to section 433 of the Agricultural Credit Act of 1987 (12 U.S.C. 2071 note) (where the geographic area was a part of the association's territory as of the date of the reassignment); and

"(ii) will authorize the association to exercise lending authority in any territory in the geographic area in which the charter of an association that is not requesting the charter authorizes the association to exercise the type of lending authority that is the subject of the charter request.

"(B) The Farm Credit Administration may approve a charter request under subparagraph (A) only on the approval of—

"(i) the respective boards of directors of the associations that, if the charter request is approved, would exercise like lending authority in any of the territory that is the subject of the charter request;

"(ii) a majority vote of the stockholders (if any) of each association described in clause (i) voting, in person or by proxy, at a duly authorized stockholder's meeting; and

"(iii) the respective boards of directors of the Farm Credit Banks that, if the charter request is approved, would exercise, either directly or through associations, like lending authority in any of the territory described in subparagraph (A)(i).".

SEC. 512. EXAMINATIONS.

The third sentence of section 5.19(a) (12 U.S.C. 2254(a)) is amended by striking "shall include" and inserting "may include, if appropriate".

SEC. 513. AUTHORITY TO EXAMINE SYSTEM INSTITUTIONS.

(a) AUTHORITY OF FARM CREDIT SYSTEM INSURANCE CORPORATION.—Section 5.59 (12 U.S.C. 2277a–8) is amended—

(1) in the section heading, by striking "**insured system banks**" and inserting "**system institutions**"; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) EXAMINATION OF SYSTEM INSTITUTIONS.—

"(1) EXAMINATION AUTHORITY.—

"(A) IN GENERAL.—If the Board of Directors considers it necessary to examine an insured System bank, a production credit association, an association making direct loans under the authority provided under section 7.6, or any System institution in receivership, the Board may, using Farm Credit Administration examiners, conduct the examination using reports and other information on the System institution prepared or held by the Farm Credit Administration.

"(B) REQUEST FOR ADDITIONAL EXAMINATION OR OTHER INFORMATION.—If the Board determines that such reports or information are not adequate to enable the Corporation to carry out the duties of the Corporation under this subsection, the Board shall request the Farm Credit Administration to examine or to obtain other information from or about the System institution and provide to the Corporation the resulting examination report or such other information.

"(2) APPOINTMENT OF EXAMINERS.—If the Farm Credit Administration informs the Corporation that the Farm Credit Administration is unable to comply with a request made under paragraph (1)(B) with respect to a System institution, the Board may appoint examiners to examine the institution.

"(3) POWERS AND REPORT.—Each examiner appointed under paragraph (2) shall make such examination of the affairs of the System institution as the Board may direct, and shall make a full and detailed report of the examination to the Corporation.

"(4) APPOINTMENT OF CLAIM AGENTS.—The Board of Directors of the Corporation shall appoint claim agents who may investigate and examine all claims for insured obligations.".

(b) DUTIES OF THE FARM CREDIT ADMINISTRATION.—Section 5.19 (12 U.S.C. 2254) is amended by adding at the end the following new subsection:

"(d) On receipt of a request made under section 5.59(b)(1)(B) with respect to a System institution, the Farm Credit Administration shall—

"(1) furnish for the confidential use of the Farm Credit System Insurance Corporation reports of examination of the institution and other reports or information on the institution; and

"(2)(A) examine, or obtain other information on, the institution and furnish for the confidential use of the Farm Credit System Insurance Corporation the report of the examination and such other information; or

"(B) if the Farm Credit Administration Board determines that compliance with the request would substantially impair the ability of the Farm Credit Administration to carry out the other duties and responsibilities of the Farm Credit Administration under this Act, notify the Board of Directors of the Farm Credit System Insurance Corporation that the Farm Credit Administration will be unable to comply with the request.".

SEC. 514. FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST REPORTING BY DIRECTORS, OFFICERS, AND EMPLOYEES OF FARM CREDIT SYSTEM INSTITUTIONS.

(a) FINDINGS.—Congress finds that—

(1) the disclosure of the compensation paid to, loans made to, and transactions made with a Farm Credit System institution by, directors and senior officers of the institution provides the stockholders of the institutions with information necessary to better manage the institutions, provides the Farm Credit Administration with information necessary to efficiently and effectively regulate the institutions, and enhances the financial integrity of the Farm Credit System by making the information available to potential investors;

(2) the reporting of potential conflicts of interest by directors, officers, and employees of institutions of the Farm Credit System benefits the stockholders of the institutions, helps to ensure the financial viability of the institutions, provides information valuable to the Farm Credit Administration in periodic examinations of the institutions, and therefore enhances the safety and soundness of the Farm Credit System; and

(3) the directors, officers, or employees of some Farm Credit System institutions may not be subject to the regulations of the Farm Credit Administration requiring the disclosure of the financial information and the reporting of the potential conflicts of interest.

(b) PURPOSE.—It is the purpose of this section to ensure that the information reported by the directors, officers, and employees of Farm Credit System institutions under regulations of the Farm Credit Administration requiring the disclosure of financial information and the reporting of potential conflicts of interest—

(1) provides the stockholders of all Farm Credit System institutions with information to assist the stockholders in making informed decisions regarding the operation of the institutions;

(2) provides investors and potential investors with information necessary to assist them in making investment decisions regarding Farm Credit System obligations or institutions; and

(3) provides the Farm Credit Administration with information necessary to allow the Farm Credit Administration to effectively and efficiently examine and regulate all Farm Credit System institutions and thus enhance the safety and soundness of the Farm Credit System.

(c) REVIEW.—Not later than 120 days after the date of enactment of this Act, the Farm Credit Administration shall complete a review of the current regulations of the Farm Credit Administration regarding the disclosure of financial information and the reporting of potential conflicts of interest by the directors, officers, and employees of Farm Credit System institutions. Consistent with the purpose of this section as provided in subsection (b), the review shall address whether the regulations—

(1) are adequate to fulfill the purpose of this section and such other purposes as the Farm Credit Administration determines to be consistent with the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and other applicable law, and to be otherwise necessary or appropriate;

(2) currently require the disclosure of financial information and the reporting of potential conflicts of interest by the directors, officers, and employees of all Farm Credit System institutions; and

(3) currently require the disclosure or reporting of the information by all of the appropriate directors, officers, or employees of Farm Credit System institutions.

(d) IMPLEMENTATION.—Not later than 360 days after the date of enactment of this Act, the Farm Credit Administration shall amend its current financial disclosure and conflict

of interest regulations as the Administration determines necessary to carry out the purpose of this section and to address any deficiencies in the regulations that the Farm Credit Administration determines necessary pursuant to the review conducted under subsection (c).

SEC. 515. ONE-TIME EFAP ASSISTANCE.

(a) USE OF ACCOUNT.—The Secretary of Agriculture shall use the account in which funds appropriated under section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) are credited or deposited, or another account established for the use of the Secretary of Agriculture, for the purpose of purchasing, processing and distributing additional commodities for the emergency food assistance program established under such Act (7 U.S.C. 612c note) as required by this section.

(b) USE OF RECEIPTS.—

(1) IN GENERAL.—Not later than 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(A) calculate the estimated present value of the future receipts available to the Federal Government, under procedures or definitions established in the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), as a result of enactment of this Act and the amendments made by this Act; and

(B) advise the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the dollar amount of that value.

(2) CREDIT.—Not later than 20 days after the date of enactment of this Act, an amount equal to the dollar amount of that value shall be credited to, or deposited in, the account referred to in subsection (a) by the Secretary of the Treasury.

(c) REQUIRED PURCHASE OF COMMODITIES BY THE SECRETARY OF AGRICULTURE.—

(1) IN GENERAL.—The Secretary of Agriculture shall—

(A) use all of the funds provided to the Secretary under subsection (a) to purchase, process, and distribute additional commodities for the emergency food assistance program; and

(B) allot the additional commodities to States in accordance with the application of the allocation formula established in section 214(f) of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) to the total value of the additional commodities.

(2) TYPES AND VARIETIES.—The additional commodities shall be of the types and varieties required under section 214(d) of such Act.

(3) REALLOCATION.—The additional commodities may be reallocated under procedures established by the Secretary of Agriculture in accordance with section 214(g) of such Act.

(d) ENTITLEMENT TO RECEIVE COMMODITIES.—Each State shall be entitled to receive during fiscal year 1993 its allotment of the additional commodities purchased by the Secretary of Agriculture under this section.

(e) TERMINATION OF AUTHORITY.—The authority provided to carry out this section shall terminate on September 30, 1993.

SEC. 516. TECHNICAL CORRECTIONS.

(a) CORRECTION OF REFERENCE TO SECTION 1236 OF THE FOOD SECURITY ACT OF 1985.—The matter under the heading "CONSTRUCTION AND ANADROMOUS FISH" of title I of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1918) is amended by striking "title 16 U.S.C. section 3832(a)(6)" and inserting "section 1232(a)(6) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(6))".

(b) SECTION 1245(b) OF THE FOOD SECURITY ACT OF 1985.—

(1) CORRECTION.—Section 1245(b) of the Food Security Act of 1985 (16 U.S.C. 3845(b)) is amended by striking "(A) through (G)" and inserting "A through G".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect immediately after section 1443 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3602) took effect.

(c) SECTION 307(a)(6)(B) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) is amended by striking clause (ii), and by redesignating clauses (iii) through (viii) as clauses (ii) through (vii), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect at the same time as the amendments made by section 501(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1865) took effect.

(d) SECTION 310B(c) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 310B(c) (7 U.S.C. 1932(c)) is amended by striking "business enterprises," and inserting "business enterprises or the creation, expansion, and operation of rural distance learning networks or rural learning programs that provide educational instruction or job training instruction related to potential employment or job advancement to adult students,".

(e) SECTION 310D(a) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 310D(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1934(a)) is amended by striking "304(d)(1)" and inserting "304(a)(1)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect at the same time as the amendments made by section 501(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1865) took effect.

(f) SECTION 312(a) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) REPLACEMENT OF UNEXECUTABLE AMENDMENT MADE BY THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—

(A) CORRECTION.—Subsection (b) of section 1818 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3830) is amended to read as follows:

"(b) OPERATING LOAN PURPOSES.—The first sentence of section 312(a) (7 U.S.C. 1942(a)) is amended—

"(1) by striking 'and' at the end of clause (11); and

"(2) by inserting ', and (13) borrower training under section 359' before the period at the end.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the Food, Agriculture, Conservation, and Trade Act of 1990 at the time such Act became law.

(2) REPEAL OF UNEXECUTABLE AMENDMENT MADE BY THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Subsection (b) of section 501 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1866) is repealed. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) shall be applied and administered as if such subsection had never become law.

(g) AMENDMENTS TO SECTION 331E OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 331E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981e) is amended—

(A) in subsection (a), by striking "Disaster Relief Act of 1974" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)"; and

(B) in subsection (b), by inserting "Robert T. Stafford" before "Disaster Relief".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect immediately after section 501(d) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1866) took effect.

(h) SECTION 335(e)(1)(A)(i) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTIONS TO AMENDMENT MADE BY THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Section 501(f)(1) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1867) is amended—

(A) by inserting "the first place such term appears" before "and all that follows"; and

(B) by striking "borrower-owner (as defined in subparagraph (F)" and inserting "the borrower-owner (as defined in subparagraph (F))".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect immediately after section 501(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 took effect.

(i) SECTION 352(a) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 352(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(a)) is amended by redesignating the second paragraph (4) as paragraph (5).

(j) SECTION 352(b)(2) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 352(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(b)(2)) is amended by striking "borrower's" and inserting "borrower-owner's".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect at the same time as the amendments made by section 501(f) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1867) took effect.

(k) SECTION 702(h)(2) OF THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Section 702(h)(2) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1881) is amended by inserting "section" before "2388(h)(3)".

(l) SECTION 306C(b)(1) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 306C(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(b)(1)) is amended by striking "or connecting such systems to the residences of such individuals" and inserting ", connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems".

(m) SECTION 306C OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 306C of the Consolidated Farm and

Rural Development Act (7 U.S.C. 1926c) is amended by adding at the end the following new subsection:

"(f) REGULATIONS.—Not later than 30 days after the date of enactment of this subsection, the Secretary shall issue interim final regulations, with a request for public comments, implementing this section.".

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.

REQUEST FOR PERMISSION TO CONSIDER CERTAIN BILLS EN BLOC

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of H.R. 6129, H.R. 6128, H.R. 6127, and H.R. 6124, and that they may be considered en bloc.

The SPEAKER pro tempore. The Chair would insist that the gentleman do them one at a time.

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AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6129) to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration, and to amend the Farm Credit Act of 1971, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6129

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 "Agricultural Credit Improvement Act of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to the Consolidated Farm and Rural Development Act.
Sec. 3. Limitation on aggregate indebtedness.
Sec. 4. Interest rate for loans sold into secondary market; guaranteed loan fees.
Sec. 5. Federal-State beginning farmer partnership.
Sec. 6. Grants for private business enterprises.
Sec. 7. Down payment loan program.
Sec. 8. Special assistance to certain qualified beginning farmers and ranchers.
Sec. 9. Graduation of borrowers with operating loans or guarantees to private commercial credit.
Sec. 10. Consideration of borrowers for loan service programs.
Sec. 11. Time period within which county committee is required to meet to consider applications for farm ownership and operating loans and guarantees and beginning farmer plans.
Sec. 12. Increase in period during which county committee loan eligibility certification continues in effect.
Sec. 13. Processing of applications for farm operating loans.
Sec. 14. Graduation of seasoned direct loan borrowers to the loan guarantee program.
Sec. 15. Simplified application for guaranteed loans of $50,000 or less.
Sec. 16. Inventory lease or lease with option to purchase.
Sec. 17. Transfer of Indian lands pledged as collateral for FmHA loans.
Sec. 18. Debt service margin requirements; certified lenders program.
Sec. 19. Definition of qualified beginning farmer or rancher.
Sec. 20. Targeting of funds.
Sec. 21. Equal access to FmHA assistance by gender.
Sec. 22. State mediation programs.
Sec. 23. Regulations.
Sec. 24. Technical amendment.

SEC. 2. REFERENCES TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Wherever 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 the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), except to the extent otherwise specifically provided.

SEC. 3. LIMITATION ON AGGREGATE INDEBTEDNESS.

Section 305 (7 U.S.C. 1925) is amended by striking "and 310D of this title" and inserting "310D, and 310E".

SEC. 4. INTEREST RATE FOR LOANS SOLD INTO SECONDARY MARKET; GUARANTEED LOAN FEES.

Section 309(h) (7 U.S.C. 1929(h)) is amended—

(1) in inserting "(1)" after "(h)"; and

(2) by adding at the end the following new paragraphs:

"(2) The interest rate payable by a borrower on the portion of a guaranteed loan that is sold by a lender to the secondary market under this title may be lower than the interest rate charged on the portion retained by the lender, but shall not exceed the average interest rate charged by the lender on loans made to farm and ranch borrowers.

"(3) With regard to any loan guarantee on a loan made by a commercial or cooperative lender related to a loan made by the Secretary under section 310E—

"(A) the Secretary shall not charge a fee to any person (including a lender); and

"(B) a lender may charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan.".

SEC. 5. FEDERAL-STATE BEGINNING FARMER PARTNERSHIP.

(a) COORDINATION OF ASSISTANCE FOR QUALIFIED BEGINNING FARMERS AND RANCHERS.—Section 309 (7 U.S.C. 1929) is amended by adding at the end the following new subsection:

"(i)(1) Not later than 60 days after any State expresses to the Secretary, in writing, a desire to coordinate the provision of financial assistance to qualified beginning farmers and ranchers in the State, the Secretary and the State shall conclude a joint memorandum of understanding that shall govern the coordination of the provision of the financial assistance by the State and the Secretary.

"(2) The memorandum of understanding shall provide that if a State beginning farmer program makes a commitment to provide a qualified beginning farmer or rancher with financing to establish or maintain a viable farming or ranching operation, the Secretary shall, subject to applicable law, normal loan approval criteria, and the availability of funds provide the farmer or rancher with a down payment loan under section 310E or a guarantee of the financing provided by the State program, or both.

"(3) The Secretary shall not charge any person (including a lender) any fee with respect to the provision of any guarantee under this subsection.

"(4) The Secretary shall notify each State of the provisions of this subsection.

"(5) As used in paragraph (1), the term 'State beginning farmer program' means any program that is—

"(A) carried out by, or under contract with, a State; and

"(B) designed to assist persons in obtaining the financial assistance necessary to enter agriculture and establish viable farming or ranching operations.".

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT; PURPOSE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the "Advisory Committee on Beginning Farmers and Ranchers", which shall provide advice to the Secretary on—

(A) the development of the program of coordinated assistance to qualified beginning farmers and ranchers under section 309(i) of the Consolidated Farm and Rural Development Act (as added by subsection (a) of this section);

(B) methods of maximizing the number of new farming and ranching opportunities created through the program;

(C) methods of encouraging States to participate in the program;

(D) the administration of the program; and

(E) other methods of creating new farming or ranching opportunities.

(2) MEMBERSHIP.—The Secretary shall appoint the members of the Advisory Committee. The Advisory Committee shall include representatives from the following:

(A) The Farmers Home Administration.

(B) State beginning farmer programs (as defined in section 309(i)(5) of the Consolidated Farm and Rural Development Act (as added by subsection (a) of this section)).

(C) Commercial lenders.

(D) Private nonprofit organizations with active beginning farmer or rancher programs.

(E) The Cooperative Extension Service.

(F) Community colleges or other educational institutions with demonstrated experience in training beginning farmers or ranchers.

(G) Other entities or persons providing lending or technical assistance for qualified beginning farmers or ranchers.

SEC. 6. GRANTS FOR PRIVATE BUSINESS ENTERPRISES.

Section 310B(c) (7 U.S.C. 1932(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

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

"(2) The Secretary may make grants to qualified nonprofit organizations for the provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities. Assistance provided under this paragraph may include on-site technical assistance to local and regional governments, public transit agencies, and related nonprofit and for-profit organizations in rural areas, the development of training materials, and the provision of necessary training assistance to local officials and agencies in rural areas.".

SEC. 7. DOWN PAYMENT LOAN PROGRAM.

(a) IN GENERAL.—Subtitle A (7 U.S.C. 1922 et seq.) is amended by adding at the end the following new section:

"SEC. 310E. DOWN PAYMENT LOAN PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—Notwithstanding any other section of this subtitle, the Secretary shall establish, within the farm ownership loan program established under this subtitle, a program under which loans shall be made under this section to qualified beginning farmers and ranchers for down payments on farm ownership loans.

"(2) ADMINISTRATION.—The Secretary shall be the primary coordinator of credit supervision for the down payment loan program established under this section, in consultation with the commercial or cooperative lender and, if applicable, the contracting credit counseling service selected under section 360(c).

"(b) LOAN TERMS.—

"(1) PRINCIPAL.—Each loan made under this section shall be in an amount equal to 30 percent of the purchase price or appraisal value, whichever is lower, of the farm or ranch to be acquired, unless the borrower requests a lesser amount.

"(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be 4 percent.

"(3) DURATION.—Each loan under this section shall be made for a period of 10 years or less, at the option of the borrower.

"(4) REPAYMENT.—Each borrower of a loan under this section shall repay the loan to the Secretary in equal annual installments.

"(5) NATURE OF RETAINED SECURITY INTEREST.—The Secretary shall retain an interest in each farm or ranch acquired with a loan made under this section that shall—

"(A) be secured by the farm or ranch;

"(B) be junior only to such interests in the farm or ranch as may be conveyed at the time of acquisition to the person (including a lender) from whom the borrower obtained a loan used to acquire the farm or ranch; and

"(C) require the borrower to obtain the permission of the Secretary before the borrower may grant an additional security interest in the farm or ranch.

"(c) LIMITATIONS.—

"(1) BORROWERS REQUIRED TO MAKE MINIMUM DOWN PAYMENT.—The Secretary shall not make a loan under this section to any borrower with respect to a farm or ranch if the contribution of the borrower to the down payment on the farm or ranch will be less than 10 percent of the purchase price of the farm or ranch.

"(2) MAXIMUM PRICE OF PROPERTY TO BE ACQUIRED.—The Secretary shall not make a loan under this section with respect to a farm or ranch for which the purchase price or appraisal value, whichever is lower, exceeds $250,000.

"(3) PROHIBITED TYPES OF FINANCING.—The Secretary shall not make a loan under this section with respect to a farm or ranch if the farm or ranch is to be acquired with other financing that contains any of the following conditions:

"(A) The financing is to be amortized over a period of less than 30 years.

"(B) A balloon payment will be due on the financing during the 10-year period beginning on the date the loan is to be made by the Secretary.

"(d) ADMINISTRATION.—In carrying out this section, the Secretary shall, to the maximum extent practicable—

"(1) facilitate the transfer of farms and ranches from retiring farmers and ranchers to persons eligible for insured loans under this subtitle;

"(2) make efforts to widely publicize the availability of loans under this section among—

"(A) potentially eligible recipients of the loans;

"(B) retiring farmers and ranchers; and

"(C) applicants for farm ownership loans under this subtitle;

"(3) encourage retiring farmers and ranchers to assist in the sale of their farms and ranches to qualified beginning farmers and ranchers by providing seller financing; and

"(4) coordinate the loan program established by this section with State programs that provide farm ownership or operating loans for beginning farmers and ranchers.".

(b) AVAILABILITY OF FARM OWNERSHIP LOANS AND LOAN GUARANTEES FOR CERTAIN BEGINNING FARMERS AND RANCHERS.—Subtitle A (7 U.S.C. 1922 et seq.) (as amended by subsection (a) of this section) is further amended by adding at the end the following new section:

"SEC. 310F. AVAILABILITY OF FARM OWNERSHIP LOANS AND LOAN GUARANTEES FOR CERTAIN QUALIFIED BEGINNING FARMERS AND RANCHERS.

"(a) ASSISTANCE PROHIBITED FOR A LIMITED PERIOD.—Except as otherwise provided in this section, if the Secretary approves the application of a qualified beginning farmer or rancher (referred to in this section as the 'applicant') for assistance under section 318, the Secretary shall not make a loan under this subtitle to the applicant or provide a guarantee under section 309(h) with respect to any farm real estate loan made to the applicant.

"(b) AVAILABILITY OF DOWN PAYMENT LOANS.—After the applicable period, the Secretary may make an insured loan under this subtitle, or a down payment loan under section 310E, to an applicant if—

"(1) throughout the applicable period, the applicant conducted an operation for which assistance is provided under section 318 in accordance with the plan for special assistance; and

"(2) the applicant is otherwise eligible for the loan.

"(c) AVAILABILITY OF LOAN GUARANTEES.—After the applicable period, the Secretary may guarantee under section 309(h) the repayment of a commercial or cooperative loan made to an applicant referred to in subsection (a) if—

"(1) throughout the applicable period, the applicant conducted the operation for which assistance is provided under section 318 in accordance with the plan for special assistance; and

"(2) the applicant is otherwise eligible for the loan guarantee.

"(d) APPLICABLE PERIOD DEFINED.—As used in this section, the term 'applicable period' means the first 5 years for which an applicant has operated a farm or ranch, including the period of time the applicant is provided assistance under section 318.".

SEC. 8. SPECIAL ASSISTANCE TO CERTAIN QUALIFIED BEGINNING FARMERS AND RANCHERS.

Subtitle B (7 U.S.C. 1941 et seq.) is amended by adding at the end the following new section:

"SEC. 318. SPECIAL ASSISTANCE TO CERTAIN QUALIFIED BEGINNING FARMERS AND RANCHERS.

"(a) IN GENERAL.—The Secretary shall provide special assistance in accordance with this section to enable a qualified beginning farmer or rancher who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 5 years (referred to in this section as the 'applicant'), to conduct viable farming or ranching operations.

"(b) SUBMISSION OF PLAN OF FARM OPERATION.—An applicant who desires to apply for special assistance under this section shall submit a plan, in coordination with activities conducted under sections 359, 360, 361, and 362, that—

"(1) describes, for each of the first 5 years for which assistance under this section is sought for the operation—

"(A) how the operation is to be conducted;

"(B) the types and quantities of commodities to be produced by the operation;

"(C) the production methods and practices to be employed by the operation;

"(D) the conservation measures to be taken in the operation;

"(E) the equipment needed to conduct the operation (including any expected replacements for the equipment) and, with respect to each item of needed equipment, whether the applicant owns, leases, or otherwise has access to the item, or proposes to purchase, lease, or otherwise gain access to the item;

"(F) the expected income and expenses of the operation;

"(G) the expected credit needs of the operation, including the types and amounts of assistance to be sought under this section; and

"(H) the site or sites at which the operation is (or is to be) located; and

"(2) projects the financial status of the operation after assistance under this section has been provided for a period of not more than 10 years, consistent with section 319, as is necessary for the operation to become financially viable without further assistance from the Secretary, including specific goals that the applicant projects to meet in order to progress toward graduation as expeditiously as possible.

"(c) DETERMINATIONS BY THE COUNTY COMMITTEE; APPROVAL OF PLAN.—The county committee shall approve a plan submitted by an applicant in accordance with subsection (b) if the county committee determines that—

"(1) the applicant has not operated a farm or ranch, or has operated a farm or ranch for not more than 5 years;

"(2) during the 5-year period ending with the submission of the plan, the applicant has had sufficient education and experience to indicate that the applicant is able to conduct a successful farming or ranching operation, as the case may be;

"(3) the applicant owns, leases, or has a commitment to have leased to the applicant the site or sites of the operation;

"(4) there is, or will be, available to the applicant equipment sufficient to conduct the operation in accordance with the plan;

"(5) the applicant agrees to participate in such loan assessment, borrower training, and financial management programs as the Secretary may require; and

"(6) the applicant is otherwise eligible for assistance under this title.

"(d) DETERMINATION BY THE SECRETARY; APPROVAL OF APPLICATION FOR ASSISTANCE.—

The Secretary shall approve an application for assistance under this section for an operation described in a plan approved by a county committee under this section if the Secretary determines that—

"(1) the operation would generate income sufficient to cover the expenses of the operation, debt service, and adequate living expenses of the applicant, to the extent that other income would not cover the living expenses, if the operation received assistance under this section as provided for in the plan; and

"(2) during the commitment period established in accordance with subsection (e)(1), the operation will be financially viable without further assistance from the Secretary and the identified goals are reasonable and practicable.

"(e) PROVISION OF ASSISTANCE.—

"(1) DETERMINATION OF COMMITMENT PERIOD.—

"(A) INITIAL DETERMINATION.—In approving an application under subsection (d), the Secretary shall, subject to subparagraph (C), determine the period during which assistance under this section is to be provided for the operation described in the application (referred to in this subsection as the 'commitment period').

"(B) AUTHORITY TO EXTEND PERIOD; NO AUTHORITY TO REDUCE PERIOD.—At any time, the Secretary may, subject to subparagraph (C) and subsections (f) and (g), extend the duration of the commitment period. The Secretary shall not reduce the duration of the commitment period.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The duration of any commitment period (including any extensions of the period) shall not exceed 10 years and shall be consistent with section 319.

"(ii) ELIGIBILITY FOR INSURED OPERATING LOANS.—During the commitment period, an applicant shall not be eligible to receive an insured operating loan under this section after the date that is 8 years after the date on which the applicant first receives assistance under this section.

"(2) OPERATING LOANS; LOAN GUARANTEES.—

"(A) IN GENERAL.—To the extent that an applicant whose application is approved under subsection (d) is unable to obtain sufficient credit from commercial or cooperative lenders to finance the operation described in the application at reasonable rates and terms (taking into consideration prevailing private and cooperative rates, and terms in the community in which the operation is (or is to be) located, for loans for similar purposes and periods of time), the Secretary shall, subject to the availability of funds and to subsections (f) and (g) and consistent with sections 360 and 362, make a conditional commitment to the applicant for each of the years of the commitment period—

"(i) to provide to any commercial or cooperative lender who makes a loan to the applicant that is within the credit needs of the operation (as specified in the plan contained in the application) a guarantee under section 309(h) for the repayment of 90 percent of the loan principal and interest;

"(ii)(I) to provide to any commercial or cooperative lender who makes a loan to the applicant that is within the credit needs of the operation (as specified in the plan contained in the application) a guarantee under section 309(h) for the repayment of 90 percent of the loan principal and interest and an interest subsidy payment in the amount necessary to ensure that the applicant qualifies for such a loan but not more than the amount of interest assistance allowed by section 351; or

"(II) if during any of the first 4 years for which assistance is provided under this section the Secretary determines that the applicant will not qualify for a loan described in subclause (I), an interest subsidy payment sufficient to ensure that the effective rate of interest payable by the applicant on the loan equals the rate of interest charged to low income, limited resource borrowers on insured operating loans made under this subtitle that are of comparable size and maturity; or

"(iii) to make an insured loan under this subtitle to the applicant, in the amount specified in the plan contained in the application, at an interest rate that is no higher than the interest rate charged to regular borrowers and no lower than the interest rate charged to low income, limited resource borrowers under this subtitle.

"(3) LOANS OR GUARANTEES FOR NEW OR IMPROVED EQUIPMENT.—The Secretary shall make a commitment to any applicant whose application is approved under subsection (d) to provide the applicant with loans under this subtitle or loan guarantees under section 309(h) to finance the acquisition, improvement, or repair of equipment needed in the operation described in the application if the plan contained in the application provides for the commitment, to the extent that the applicant is unable to obtain sufficient credit from commercial or cooperative lenders for such purposes at reasonable rates and terms (taking into consideration prevailing private and cooperative rates and terms in the community in which the operation is, or is to be, located, for loans for similar purposes and periods of time).

"(4) PRIORITY IN PURCHASE OF INVENTORY EQUIPMENT; LOANS OR GUARANTEES FOR THE PURCHASES IN CERTAIN CASES.—During the commitment period, the Secretary shall—

"(A) accord the applicant whose application is approved under subsection (d) priority for the purchase of equipment in the inventory of the Farmers Home Administration necessary for the success of the operation described in the application; and

"(B) provide the applicant with loans under this subtitle or loan guarantees under section 309(h) to finance the purchases if the plan contained in the application provides for the assistance, to the extent that the applicant is unable to obtain sufficient credit from commercial or cooperative lenders for such purpose at reasonable rates and terms (taking into consideration prevailing private and cooperative rates, and terms in the community in which the operation is, or is to be, located, for loans for similar purposes and periods of time).

"(5) OTHER KINDS OF ASSISTANCE.—During the commitment period, the Farmers Home Administration, the Extension Service, the Soil Conservation Service, and the other entities of the Department of Agriculture shall provide the applicant with such other assistance and information as may be needed in developing and implementing the operation described in the application.

"(6) FEES.—

"(A) SECRETARY.—The Secretary shall not charge a fee to any person (including a lender) in connection with any loan guarantee provided in accordance with this section.

"(B) LENDER.—A lender may charge a loan origination and servicing fee in connection with a loan or loan guarantee provided in accordance with this section in an amount not to exceed 1 percent of the amount of the loan.

"(f) ANNUAL PLAN REVISIONS REQUIRED AS CONDITION OF CONTINUED ASSISTANCE.—The Secretary shall not provide assistance under this section for an operation for any particular year after the first year for which the assistance is provided, unless—

"(1) not later than 60 days before the assistance is to be first provided for the particular year, the plan describing the operation has been revised, pursuant to section 360, based on the experience of the year preceding the particular year, to provide the information required by subsection (b) for the 5-year period beginning with the particular year (or, if shorter, the period beginning with the particular year and ending with the year in which the plan projects the operation as becoming financially viable); and

"(2) the Secretary has approved the revised plan.

"(g) EFFECTS OF AVOIDABLE FAILURE TO ACHIEVE GOALS.—

"(1) TERMINATION OF COMMITMENTS.—The Secretary shall revoke commitment for assistance made to an applicant under this section if the operation of the applicant fails, for 2 consecutive years, to meet the goals specified in the plan, unless the failure has not materially reduced the likelihood of the operation becoming financially viable and is due to circumstances beyond the control of the applicant.

"(2) SUSPENSION OF ELIGIBILITY FOR ASSISTANCE.—During the 3-year period that begins with the date a commitment made to an applicant is revoked under paragraph (1), the applicant shall not be eligible for assistance under this section.".

SEC. 9. GRADUATION OF BORROWERS WITH OPERATING LOANS OR GUARANTEES TO PRIVATE COMMERCIAL CREDIT.

Subtitle B (7 U.S.C. 1941 et seq.) (as amended by section 8 of this Act) is further amended by adding at the end the following new section:

"SEC. 319. GRADUATION OF BORROWERS WITH OPERATING LOANS OR GUARANTEES TO PRIVATE COMMERCIAL CREDIT.

"(a) GRADUATION PLAN.—The Secretary shall establish a plan, in coordination with activities under sections 359, 360, 361, and 362, to encourage each borrower with an outstanding loan under this subtitle or with respect to whom there is an outstanding guarantee under this subtitle to graduate to private commercial or other sources of credit.

"(b) LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE.—Notwithstanding any other provision of this subtitle:

"(1) GENERAL RULE.—Except as provided in paragraph (2), the Secretary shall not—

"(A) make a loan to a borrower under this subtitle for any year after the 10th year for which such a loan is made to the borrower; or

"(B) guarantee for any year a loan made to a borrower for a purpose specified in this subtitle, after the 15th year for which loans under this subtitle are made to, or such a guarantee is provided with respect to, the borrower.

"(2) TRANSITION RULE.—If, as of the date of enactment of this section, the Secretary has made a loan to a borrower under this subtitle for 5 or more years, or has provided a guarantee for 10 or more years with respect to one or more loans made to the borrower for a purpose specified in this subtitle, the Secretary shall not make a loan to the borrower under this subtitle, or provide such a guarantee with respect to a loan made to the borrower for a purpose specified in this subtitle, after the 5th year occurring after the date of enactment for which a loan is made under this subtitle to, or such a guarantee is provided with respect to, the borrower.".

SEC. 10. CONSIDERATION OF BORROWERS FOR LOAN SERVICE PROGRAMS.

The first sentence of section 331D(e) (7 U.S.C. 1981d(e)) is amended by inserting after "not later than 60 days after receipt of the notice required in this section" the following: "or, in extraordinary circumstances as determined by the applicable State director, after the 60-day period".

SEC. 11. TIME PERIOD WITHIN WHICH COUNTY COMMITTEE IS REQUIRED TO MEET TO CONSIDER APPLICATIONS FOR FARM OWNERSHIP AND OPERATING LOANS AND GUARANTEES AND BEGINNING FARMER PLANS.

Section 332 (7 U.S.C. 1982) is amended—

(1) in subsection (c), by striking "The committee" and inserting "Subject to subsection (e), the committee"; and

(2) by adding at the end the following new subsection:

"(e) The county committee shall meet to consider approval of an application received by the committee for a loan under this title, a guarantee under section 309(h), or a plan of farm operation under section 318, not later than—

"(1) 5 days after receipt of the application if at the time of the receipt there is at least one other such application or plan pending; or

"(2) 15 days after receipt of the application if at the time of the receipt there are no other such applications or plans pending.".

SEC. 12. INCREASE IN PERIOD DURING WHICH COUNTY COMMITTEE LOAN ELIGIBILITY CERTIFICATION CONTINUES IN EFFECT.

Section 333(2)(A)(iii) (7 U.S.C. 1983(2)(A)(iii)) is amended by striking "2 years" and inserting "5 years".

SEC. 13. PROCESSING OF APPLICATIONS FOR FARM OPERATING LOANS.

Section 333A(a)(2) (7 U.S.C. 1983a(a)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by inserting "(other than under subtitle B)" after "under this title"; and

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

"(B)(i) Not later than 10 calendar days after the Secretary receives an application for an operating loan or loan guarantee under subtitle B, the Secretary shall notify the applicant of any information required before a decision may be made on the application. On receipt of an application, the Secretary shall request from other parties such information as may be needed in connection with the application.

"(ii) Not later than 15 calendar days after the date an agency of the Department of Agriculture receives a request for information made pursuant to clause (i), the agency shall provide the Secretary with the requested information.

"(iii) If, not later than 20 calendar days after the date a request is made pursuant to clause (i) with respect to an application, the Secretary has not received the information requested, the Secretary shall notify the applicant and the district office of the Farmers Home Administration, in writing, of the outstanding information.

"(iv) A county office shall notify the district office of the Farmers Home Administration of each application for an operating loan or loan guarantee under subtitle B that is pending more than 45 days after receipt, and the reasons the application is pending.

"(v) A district office that receives a notice provided under clause (iv) with respect to an application shall immediately take steps to ensure that final action is taken on the application not later than 15 days after the date of the receipt of the notice.

"(vi) The district office shall report to the State office of the Farmers Home Administration on each application for an operating loan or loan guarantee under subtitle B that is pending more than 45 days after receipt by the county committee, and the reasons the application is pending.

"(vii) Each month, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on a State-by-State basis, as to each application for an operating loan or loan guarantee under subtitle B on which final action had not been taken within 60 calendar days after receipt by the Secretary, and the reasons final action had not been taken.".

SEC. 14. GRADUATION OF SEASONED DIRECT LOAN BORROWERS TO THE LOAN GUARANTEE PROGRAM.

Section 333A (7 U.S.C. 1983a) is amended by adding at the end the following new subsection:

"(f)(1) As used in this subsection:

"(A) The term 'approved lender' means a lender approved prior to the date of enactment of this subsection by the Secretary under the approved lender program established by exhibit A to subpart B of part 1980 of title 7, Code of Federal Regulations (as in effect on January 1, 1991), or a lender certified under section 114.

"(B) The term 'seasoned direct loan borrower' means a borrower receiving a direct loan under this title who has been classified as 'commercial' or 'standard' under subpart W of part 2006 of the Instruction Manual (as in effect on January 1, 1991).

"(2) The Secretary, or a contracting third party, shall annually review under section 360 the loans of each seasoned loan borrower. If, based on the review, it is determined that a borrower would be able to obtain a loan, guaranteed by the Secretary, from a commercial or cooperative lender at reasonable rates and terms for loans for similar purposes and periods of time, the Secretary shall assist the borrower in applying for the commercial or cooperative loan.

"(3) In accordance with section 362, the Secretary shall prepare a prospectus on each seasoned direct loan borrower determined eligible to obtain a guaranteed loan. The prospectus shall contain a description of the amounts of loan guarantee and interest assistance that the Secretary will provide to the seasoned direct loan borrower to enable the seasoned direct loan borrower to carry out a financially viable farming plan if a guaranteed loan is made.

"(4) With the approval of the borrower, the Secretary shall provide the prospectus of the seasoned direct loan borrower to each approved lender whose lending area includes the location of the seasoned direct loan borrower. If the Secretary receives an offer from an approved lender to extend credit to the seasoned direct loan borrower under terms and conditions contained in the prospectus, the seasoned direct loan borrower shall not be eligible for an insured loan from the Secretary under subtitle A or B, except as otherwise provided in this subsection.

"(5) If the Secretary is unable to provide loan guarantees and, if necessary, interest assistance to the seasoned direct loan borrower under this subsection in amounts sufficient to enable the seasoned direct loan borrower to borrow from commercial sources the amount required to carry out a financially viable farming plan, or if the Secretary does not receive an offer from an approved lender to extend credit to a seasoned direct loan borrower under the terms and conditions contained in the prospectus, the Secretary shall make an insured loan to the seasoned direct loan borrower under subtitle A or B, whichever is applicable.

"(6) To the extent necessary for the borrower to obtain a loan, guaranteed by the Secretary, from a commercial or cooperative lender, the Secretary shall provide interest rate reductions as provided for under section 351.".

SEC. 15. SIMPLIFIED APPLICATION FOR GUARANTEED LOANS OF $50,000 OR LESS.

Section 333A (7 U.S.C. 1983a) (as amended by section 14 of this Act) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary shall provide to lenders a short, simplified application form for guarantees under this title of loans the principal amount of which is $50,000 or less.

"(2) In developing the application, the Secretary shall—

"(A) consult with commercial and cooperative lenders; and

"(B) ensure that—

"(i) the form can be completed manually or electronically, at the option of the lender;

"(ii) the form minimizes the documentation required to accompany the form;

"(iii) the cost of completing and processing the form is minimal; and

"(iv) the form can be completed and processed in an expeditious manner.".

SEC. 16. INVENTORY LEASE OR LEASE WITH OPTION TO PURCHASE.

The fourth sentence of section 335(c)(1) (7 U.S.C. 1985(c)(1)) is amended—

(1) by inserting "(A)" after "shall be"; and

(2) by inserting before the period at the end the following: "or (B) leased to persons eligible for assistance under the provisions of any law administered by the Farmers Home Administration or the Rural Development Administration under an annual lease or a lease with an option to purchase, with a preference for sale".

SEC. 17. TRANSFER OF INDIAN LANDS PLEDGED AS COLLATERAL FOR FMHA LOANS.

Section 335(e)(1) (7 U.S.C. 1985(e)(1)) is amended—

(1) in subparagraph (D)(i), by striking "If" and inserting "Except as provided in subparagraph (G), if"; and

(2) by adding at the end the following new subparagraph:

"(G)(i) If—

"(I) the real property described in subparagraph (A)(i) is located within an Indian reservation;

"(II) the borrower-owner is an Indian tribe that has jurisdiction over the reservation in which the real property is located or the borrower-owner is a member of an Indian tribe;

"(III) the borrower-owner has obtained a loan made, insured, or guaranteed under this title; and

"(IV) the borrower-owner and the Secretary have exhausted all of the procedures provided for in this title to permit a borrower-owner to retain title to the real property, such that it is necessary for the borrower-owner to relinquish title,

the Secretary shall dispose of or administer the property only as provided in subparagraph (D), as modified by this subparagraph.

"(ii) The Secretary shall provide the borrower-owner of real property that is described in clause (i) with written notice of—

"(I) the right of the borrower-owner to voluntarily convey the real property to the Secretary; and

"(II) the fact that real property so conveyed will be placed in the inventory of the Secretary.

"(iii) The Secretary shall provide the borrower-owner of the real property with written notice of the rights and protections provided under this title to the borrower-owner, and the Indian tribe that has jurisdiction over the reservation in which the real property is located, from foreclosure or liquidation of the real property, including written notice of—

"(I) the provisions of subparagraphs (C)(i), (C)(ii), and (D), this subparagraph, and subsection (g)(6);

"(II) if the borrower-owner does not voluntarily convey the real property to the Secretary, that—

"(aa) the Secretary may foreclose on the property;

"(bb) in the event of foreclosure, the property will be offered for sale;

"(cc) the Secretary must offer a bid for the property that is equal to the fair market value of the property or the outstanding principal and interest of the loan, whichever is higher;

"(dd) the property may be purchased by another party; and

"(ee) if the property is purchased by another party, the property will not be placed in the inventory of the Secretary and the borrower-owner will forfeit the rights and protections provided under this title; and

"(III) the opportunity of the borrower-owner to consult with the Indian tribe that has jurisdiction over the reservation in which the real property is located or counsel to determine if State or tribal law provides rights and protections that are more beneficial than those provided the borrower-owner under this title.

"(iv)(I) Except as provided in subclause (II), the Secretary shall accept the voluntary conveyance of real property described in clause (i).

"(II) If a hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) is located on the property and the Secretary takes remedial action to protect human health or the environment if the property is taken into inventory, the Secretary shall accept the voluntary conveyance of the property only if the Secretary determines that it is in the best interests of the Federal Government.

"(v) If a borrower-owner does not voluntarily convey to the Secretary real property described in clause (i), at least 30 days before a foreclosure sale of the property, the Secretary shall provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of—

"(I) the sale;

"(II) the fair market value of the property; and

"(III) the requirements of this subparagraph.

"(vi)(I) Except as provided in subclause (II), at a foreclosure sale of real property described in clause (i), the Secretary shall offer a bid for the property that is equal to the higher of—

"(aa) the fair market value of the property; or

"(bb) the outstanding principal and interest of the loan.

"(II) If a hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) is located on the property and the Secretary takes remedial action to protect human health or the environment if the property is taken into inventory, subclause (I) shall apply only if the Secretary determines that it is in the best interests of the Federal Government.".

SEC. 18. DEBT SERVICE MARGIN REQUIREMENTS; CERTIFIED LENDERS PROGRAM.

Section 339 (7 U.S.C. 1989) is amended—

(1) by striking "SEC. 339. The" and inserting the following:

"SEC. 339. RULES AND REGULATIONS.

"(a) IN GENERAL.—The"; and

(2) by adding at the end the following new subsections:

"(b) DEBT SERVICE MARGIN REQUIREMENTS.—Notwithstanding subsection (a), in providing farmer program loan guarantees under this title, the Secretary shall consider the income of the borrower adequate if the income is equal to or greater than the income necessary—

"(1) to make principal and interest payments on all debt obligations of the borrower, in a timely manner;

"(2) to cover the necessary living expenses of the family of the borrower; and

"(3) to pay all other obligations and expenses of the borrower not financed through debt obligations referred to in paragraph (1), including expenses of replacing capital items (determined after taking into account depreciation of the items).

"(c) CERTIFIED LENDERS PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall guarantee loans for any purpose specified in subtitle B that are made by lending institutions certified by the Secretary.

"(2) CERTIFICATION REQUIREMENTS.—The Secretary shall certify a lending institution that meets such criteria as the Secretary may prescribe in regulations, including the ability of the institution to properly make, service, and liquidate the loans of the institution.

"(3) CONDITION OF CERTIFICATION.—As a condition of the certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this subsection, using standards that are not less stringent than generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders. The Secretary shall, at least annually, monitor the performance of each certified lender to ensure that the conditions of the certification are being met.

"(4) EFFECT OF CERTIFICATION.—Notwithstanding any other provision of law:

"(A) The Secretary shall guarantee 80 percent of a loan made under this subsection by a certified lending institution as described in paragraph (1), subject to county committee certification that the borrower of the loan meets the eligibility requirements and such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title.

"(B) With respect to loans to be guaranteed by the Secretary under this subsection, the Secretary shall permit certified lending institutions to make appropriate certifications (as provided by regulations issued by the Secretary)—

"(i) relating to issues such as creditworthiness, repayment ability, adequacy of collateral, and feasibility of farm operation; and

"(ii) that the borrower is in compliance with all requirements of law, including regulations issued by the Secretary.

"(C) The Secretary shall approve or disapprove a guarantee not later than 14 calendar days after the date that the lending institution applied to the Secretary for the guarantee. If the Secretary rejects the loan application within the 14-day period, the Secretary shall state, in writing, all of the reasons the application was rejected.

"(5) RELATIONSHIP TO OTHER REQUIREMENTS.—Neither this subsection nor subsection (d) shall affect the responsibility of the Secretary to certify eligibility, review financial information, and otherwise assess an application.

"(d) PREFERRED CERTIFIED LENDERS PROGRAM.—

"(1) IN GENERAL.—Commencing not later than two years after the date of enactment of the Agricultural Credit Improvement Act of 1992, the Secretary shall establish a Preferred Certified Lenders Program for lenders who establish their—

"(A) knowledge of, and experience under, the program established under subsection (c):

"(B) knowledge of the regulations concerning the guaranteed loan program; and,

"(C) proficiency related to the certified lender program requirements.

The Secretary shall certify any lending institution as a Preferred Certified Lender that meets such criteria as the Secretary may prescribe by regulation.

"(2) REVOCATION OF DESIGNATION.—The designation of a lender as a Preferred Certified Lender shall be revoked at any time that the Secretary determines that such lender is not adhering to the rules and regulations applicable to the program or if the loss experiences of a Preferred Certified Lender is excessive as compared to other Preferred Certified Lenders, except that such suspension or revocation shall not affect any outstanding guarantee.

"(3) CONDITION OF CERTIFICATION.—As a condition of such preferred certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders. The Secretary shall, at least annually, monitor the performance of each preferred certified lender to ensure that the conditions of such certification are being met.

"(4) EFFECT OF PREFERRED LENDER CERTIFICATION.—Notwithstanding any other provision of law, the Secretary shall—

"(A) guarantee 80 percent of an approved loan made by a certified lending institution as described in this subsection, subject to county committee certification that the borrower meets the eligibility requirements or such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title;

"(B) permit certified lending institutions to make all decisions, with respect to loans to be guaranteed by the Secretary under this subsection relating to credit worthiness, the closing, monitoring, collection and liquidation of loans, and to accept appropriate certifications, as provided by regulations issued by the Secretary, that the borrower is in compliance with all requirements of law or regulations promulgated by the Secretary; and

"(C) be deemed to have guaranteed 80 percent of a loan made by a preferred certified lending institution as described in paragraph (1), if the Secretary fails to approve or reject the application of such institution within 14 calendar days after the date that the lending institution presented the application to the Secretary. If the Secretary rejects the application within the 14-day period, the Secretary shall state, in writing, the reasons the application was rejected.".

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SEC. 19. DEFINITION OF QUALIFIED BEGINNING FARMER OR RANCHER.

Section 343(a) (7 U.S.C. 1991(a)) is amended—

(1) by striking "this title (1) the term" and all that follows through "fish farming," at the end of paragraph (1) and inserting "this title:

"(1) The term 'farmer' includes a person who is engaged in, or who, with assistance afforded under this title, intends to engage in, fish farming.";

(2) by indenting, and aligning the margins of, paragraphs (2) through (10) so as to align with paragraph (1) (as amended by paragraph (1));

(3) by striking "the" the first place it appears in each of such paragraphs and inserting "The";

(4) by striking the comma at the end of each of paragraphs (2) through (8) and inserting a period;

(5) by striking ", and" at the end of paragraph (9) and inserting a period; and

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

"(11) The term 'qualified beginning farmer or rancher' means an applicant—

"(A) who is eligible for assistance under this title;

"(B) who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 years;

"(C) in the case of a cooperative, corporation, partnership, or joint operation, who has members, stockholders, partners, or joint operators who are all related to one another by blood or marriage;

"(D)(i) in the case of an owner and operator of a farm or ranch, who—

"(I) in the case of a loan made to an individual, individually or with the immediate family of the applicant—

"(aa) materially and substantially participates in the operation of the farm or ranch; and

"(bb) provides substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the State or county in which the farm or ranch is located; or

"(II)(aa) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, has members, stockholders, partners, or joint operators, materially and substantially participate in the operation of the farm or ranch; and

"(bb) in the case of a loan made to a corporation, has stockholders, all of whom are qualified beginning farmers or ranchers; and

"(ii) in the case of an applicant seeking to own and operate a farm or ranch, who—

"(I) in the case of a loan made to an individual, individually or with the immediate family of the applicant, will—

"(aa) materially and substantially participate in the operation of the farm or ranch; and

"(bb) provide substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the State or county in which the farm or ranch is located; or

"(II)(aa) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, will have members, stockholders, partners, or joint operators, materially and substantially participate in the operation of the farm or ranch; and

"(bb) in the case of a loan made to a corporation, has stockholders, all of whom are qualified beginning farmers or ranchers;

"(E) who agrees to participate in such loan assessment, borrower training, and financial management programs as the Secretary may require;

"(F) who does not own land or who, directly or through interests in family farm corporations, owns land, the aggregate acreage of which does not exceed 15 percent of the median acreage of the farms or ranches, as the case may be, in the county in which the farm or ranch operations of the applicant are located, as reported in the most recent census of agriculture taken under section 142 of title 13, United States Code; and

"(G) who demonstrates that the available resources of the applicant and spouse (if any) of the applicant are not sufficient to enable the applicant to continue farming or ranching on a viable scale.".

SEC. 20. TARGETING OF FUNDS.

(a) FARM OPERATING LOANS FOR BEGINNING FARMERS AND RANCHERS.—Section 346(b) (7 U.S.C. 1994(b)) is amended by adding at the end the following new paragraph:

"(5)(A) In expending funds available for insured operating loans under subtitle B, including loans made under section 318—

"(i) during the first 6 months of fiscal year 1994, the Secretary shall reserve not less than 30 percent of the funds available for the fiscal year to make insured operating loans to qualified beginning farmers or ranchers;

"(ii) during the first 6 months of each of fiscal years 1995 and 1996, the Secretary shall reserve not less than 40 percent of the funds available for the fiscal year to make insured operating loans to qualified beginning farmers or ranchers; and

"(iii) during the first 6 months of each of fiscal years 1997 and thereafter, the Secretary may reserve not more than 50 percent of the funds available for the fiscal year to make insured operating loans to qualified beginning farmers or ranchers.

"(B) In each fiscal year described in subparagraph (A), with regard to the funds not reserved under subparagraph (A), a qualified beginning farmer or rancher may apply for insured operating loans, but shall not receive any preference as a result of status as a qualified beginning farmer or rancher.".

(b) PORTIONS OF FARM OWNERSHIP LOAN GUARANTEE FUNDS TARGETED TO BEGINNING FARMERS OR RANCHERS.—Section 346(b)(2) (7 U.S.C. 1994(b)(2)) is amended by adding at the end the following new sentence:

"Not less than 25 percent of the amounts appropriated for guarantees of farm ownership loans for each of the fiscal years 1994, 1995, 1996, and 1997 shall be reserved by the Secretary during the first 6 months of the respective fiscal year for guarantees of farm ownership loans to beginning farmers or ranchers.".

(c) FARM OWNERSHIP LOANS.—

(1) PERCENTAGE OF INSURED FARM OWNERSHIP LOAN FUNDS RESERVED FOR BEGINNING FARMERS OR RANCHERS.—Section 346(b)(3) is amended by adding at the end the following new subparagraph:

"(D) To the extent that it is not inconsistent with an exercise of authority under section 355, in expending funds available for insured farm ownership loans—

"(i) during fiscal year 1994, the Secretary shall reserve not less than 55 percent of the funds available for the fiscal year to make insured farm ownership loans to qualified beginning farmers or ranchers;

"(ii) during fiscal year 1995, the Secretary shall reserve not more than 65 percent of the funds available for the fiscal year to make insured farm ownership loans to qualified beginning farmers or ranchers; and

"(iii) during each of fiscal years 1996 and thereafter, the Secretary may reserve not less than 65 percent and not more than 70 percent of the funds available for the fiscal year to make insured farm ownership loans to qualified beginning farmers or ranchers.".

(2) FUNDS RESERVED FOR DOWN PAYMENT LOAN PROGRAM.—Section 346(b)(3) (as amended by paragraph (1) of this subsection) is further amended by adding at the end the following new subparagraph:

"(E) To the extent that it is not inconsistent with an exercise of authority under section 355, the Secretary shall reserve not less than 60 percent of the amounts reserved for qualified beginning farmers or ranchers under subparagraph (D) for any fiscal year for down payment loans under section 310E.".

(3) CERTAIN UNOBLIGATED DOWN PAYMENT LOAN PROGRAM FUNDS AVAILABLE FOR ANY TYPE OF INSURED FARM OWNERSHIP LOANS FOR BEGINNING FARMERS AND RANCHERS.—Section 346(b)(3) (as amended by paragraph (2) of this subsection) is further amended by adding at the end the following new subparagraph:

"(F) To the extent that it is not inconsistent with an exercise of authority under section 355, to the maximum extent practicable, any funds reserved for down payment loans under section 310E for a fiscal year by reason of subparagraph (E) that are not obligated by the end of the second quarter of the fiscal year shall be available during the third quarter of the fiscal year for any type of insured farm ownership loans to beginning farmers and ranchers.".

(d) INTEREST RATE ASSISTANCE PROGRAM.—Section 346(b)(3) (as amended by subsection (c)(3) of this section) is further amended by adding at the end the following new subparagraph:

"(G) Not less than 40 percent of the amounts available for the interest rate reduction program under section 351 shall be reserved for the first 6 months of each fiscal year for assistance to beginning farmers or ranchers.".

(e) DOWN PAYMENT LOAN PROGRAM.—Section 346(b) (as amended by subsection (a) of this section) is further amended by adding at the end the following new paragraph:

"(6) Notwithstanding any other provision of this title, at the end of the third quarter of each fiscal year, the Secretary shall transfer, and use to carry out section 310E, 75 percent of the amount that would otherwise be available for guaranteed operating loans.".

SEC. 21. EQUAL ACCESS TO FMHA ASSISTANCE BY GENDER.

(a) TARGET PARTICIPATION RATES.—Section 355(a) (7 U.S.C. 2003(a)) is amended—

(1) in paragraph (2), by striking "In establishing" and inserting "Except as provided in paragraph (3), in establishing"; and

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

"(3) GENDER.—With respect to gender, target participation rates shall take into consideration the number of current and potential socially disadvantaged farmers and ranchers in a State in proportion to the total number of farmers and ranchers in the State.".

(b) TARGETING OF LOANS TO MEMBERS OF GROUPS WHOSE MEMBERS HAVE BEEN SUBJECTED TO GENDER PREJUDICE.—Section 355(e)(1) (7 U.S.C. 2003(e)(1)) is amended by striking "or ethnic" and inserting ", ethnic, or gender".

(c) RECORDKEEPING OF LOANS BY BORROWER'S GENDER.—Subtitle D (7 U.S.C. 1981 et seq.) is amended by adding at the end the following new section:

"SEC. 369. RECORDKEEPING OF LOANS BY BORROWER'S GENDER.

"The Secretary shall classify, by gender, records of applicants for loans and loan guarantees under this title.".

SEC. 22. STATE MEDIATION PROGRAMS.

Section 502 of the Agricultural Credit Act of 1987 (7 U.S.C. 5102) is amended—

(1) in subsection (b)(1), by striking "50" and inserting "70"; and

(2) in subsection (c), by inserting "with respect to which the amount was paid" before the period.

SEC. 23. REGULATIONS.

(a) INTERIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall issue such interim regulations as are necessary to implement this Act and the amendments made by this Act.

(b) FINAL REGULATIONS.—Not later than October 1, 1993, the Secretary of Agriculture shall issue such final regulations as are necessary to implement this Act and the amendments made by this Act.

SEC. 24. TECHNICAL AMENDMENT.

Section 306C(a)(2) is amended to read as follows:

"(2) CERTAIN AREAS TARGETED.—

"(A) IN GENERAL.—Loans and grants under paragraph (1) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county—

"(i) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

"(ii) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), loans and grants under paragraph (1) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a rural area that was recognized as a colonia as of October 1, 1989.".

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.

UNITED STATES WAREHOUSE ACT AMENDMENTS

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6128) to amend the United States Warehouse Act to provide for the use of electronic cotton warehouse receipts, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6128

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

SECTION 1. USE OF ELECTRONIC COTTON WAREHOUSE RECEIPTS.

Section 17(c) of the United States Warehouse Act (7 U.S.C. 259(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "The Secretary" and inserting "Notwithstanding any other provision of Federal or State law, the Secretary";

(B) by inserting after "licensed under this Act" the following: "or in any other warehouse"; and

(C) by striking "under section 18" and inserting "(i) under section 18 in the case of a warehouse licensed under this Act or (ii) under any applicable State law in the case of a warehouse not licensed under this Act";

(2) in paragraph (2)—

(A) by striking "provision of law—" and inserting "provision of Federal or State law:";

(B) in subparagraph (A)—

(i) by striking "the record" and inserting "The record";

(ii) by striking "ownership" both places it appears and inserting "possessory";

(iii) by striking "of this Act" and inserting "of this Act or State law"; and

(iv) by striking "; and" and inserting a period; and

(C) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) Any person designated as a holder of an electronic warehouse receipt authorized under this subsection and subsection (d) shall, for the purpose of perfecting the security interest of the person under Federal or State law with respect to the cotton covered by the warehouse receipt, be considered to be in possession of the warehouse receipt. If more than one security interest exists in the cotton reflected on the electronic warehouse receipt, the priority of the security interests shall be determined by the applicable Federal or State law. This subsection is applicable to electronic cotton warehouse receipts and any other security interests covering cotton stored in a cotton warehouse, regardless of whether the warehouse is licensed under this Act."; and

(3) in paragraph (3)—

(A) by striking "licensed under this Act" and inserting "covered under this subsection"; and

(B) by striking "owner" and inserting "holder".

SEC. 2. EXPEDITED ACTION ON MARKETING ORDERS.

Section 8c(1) of the Agricultural Adjustment Act (7 U.S.C. 608c(1)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new sentences: "In carrying out this section, the Secretary shall complete all informal rulemaking actions necessary to respond to recommendations submitted by administrative committees for such orders as expeditiously as possible, but not more than 45 days (to the extent practicable) after submission of the committee recommendations. The Secretary shall establish time frames for each office and agency within the Department of Agriculture to consider the committee recommendations.".

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.

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS OF 1992

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6127) to amend the Perishable Agricultural Commodities Act, 1930, to prescribe conditions under which a transferee shall be deemed to have received trust assets with notice of the breach of the trust, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6127

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 "Perishable Agricultural Commodities Act Amendments of 1992".

SEC. 2. RECEIPT OF TRUST ASSETS WITH NOTICE OF BREACH OF TRUSTS.

Section 5(c)(2) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraphs:

"(B) A transferee shall be deemed to have received trust assets with notice of the breach of the trust when a commission merchant, dealer, or broker transfers trust assets in breach of the trust—

"(i) as payment on a loan that is used for produce business operations, as defined by the Secretary; or

"(ii) as payment on a loan used for nonproduce business operations if the payment is not a normal, scheduled payment made in the ordinary course of business, as defined by the Secretary.

"(C) A transferee shall be deemed to have received trust assets without notice of the breach of the trust when a commission merchant, dealer, or broker transfers trust assets in breach of the trust as payment on a loan for nonproduce business operations, if the payment is a normal, scheduled payment made in the ordinary course of business, as defined by the Secretary, unless the transferee knew or should have known of the breach of the trust.".

SEC. 3. REGULATIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out the amendments made by section 2.

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.

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990 AMENDMENTS

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6124) to amend the Food, Agriculture, Conservation, and Trade Act of 1990, to improve health care services and educational services through telecommunications, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6124

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

SECTION 1. IMPROVEMENT OF HEALTH CARE SERVICES AND EDUCATIONAL SERVICES THROUGH TELECOMMUNICATIONS.

(a) PROGRAMS FOR CONSORTIA IN QUALIFIED LOCAL EXCHANGE SERVICE AREAS.—Chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) is amended by adding at the end the following new section:

"SEC. 2335A. SPECIAL HEALTH CARE AND DISTANCE LEARNING PROGRAM FOR QUALIFIED SERVICE AREAS.

"(a) DEVELOPMENT OF CONSORTIA.—The Administrator shall encourage the development of consortia to provide health care services or educational services through telecommunications in rural areas of a qualified local exchange carrier service area. Each consortium shall be composed of—

"(1) a tertiary care facility, rural referral center, medical teaching institution, or educational institution accredited by the State;

"(2) any number of institutions that provide health care services or educational services; and

"(3) not less that three rural hospitals, clinics, community health centers, migrant health centers, local health departments, or similar facilities, or not less than three educational institutions accredited by the State.

"(b) SPECIAL PROGRAM FOR QUALIFIED LOCAL EXCHANGE CARRIER SERVICE AREAS.—

"(1) REGULATIONS AND SPECIAL PROGRAM.—Through regulations issued not later than 190 days after the date of enactment of this section, the Administrator shall establish a program under which qualified consortia described in subsection (a) located within qualified local exchange carrier service areas may apply to the Administrator for grants to support the costs of activities involved in the sending and receiving of information that will improve the delivery of health care services or educational services through telecommunications in rural areas.

"(2) SELECTION OF GRANTEES.—The Administrator shall—

"(A) establish application procedures;

"(B) review the applications submitted under this subsection in a timely manner; and

"C) make grants in accordance with this subsection and with regulations issued by the Administrator.

"(3) PRIORITIES.—

"(A) IN GENERAL.—Priority for grants under this subsection shall be accorded applicants whose applications and plans demonstrate—

"(i) the greatest likelihood of successfully and efficiently carrying out the activities described in the application and the plan of the applicant;

"(ii) the greatest likelihood of improving health care services or educational services in the rural areas;

"(iii) coordination between local exchange carriers to carry out activities as described in the application; and

"(iv) unconditional financial support from each affected local community.

"(B) GEOGRAPHIC DIVERSITY.—In awarding grants, the Administrator shall seek to achieve geographic diversity among the grantees.

"(4) MAXIMUM AMOUNT OF GRANT.—The amount of each grant awarded under this subsection shall not exceed $1,500,000.

"(5) DISTRIBUTION OF GRANTS.—Grants to a qualified consortium under this subsection shall be disbursed over a period of not more than 3 years.

"(6) USE OF FUNDS.—

"(A) IN GENERAL.—Grants under this subsection may be used to support the costs of activities involving the sending and receiving of information to improve health care services or educational services in rural areas, including—

"(i) in the case of grants to improve health care services—

"(I) consultations between health care providers;

"(II) transmitting and analyzing x-rays, lab slides, and other images;

"(III) developing and evaluating automated claims processing, and transmitting automated patient records; and

"(IV) developing innovative health professions education programs;

"(ii) in the case of grants to improve educational services—

"(I) developing innovative education programs and expanding curriculum offerings;

"(II) providing continuing education to all members of the community;

"(III) providing means for libraries of educational institutions or public libraries to share resources;

"(IV) providing the public with access to State and national data bases;

"(V) conducting town meetings; and

"(VI) covering meetings of agencies of State government, and

"(iii) in all cases—

"(I) transmitting financial information; and

"(II) such other related activities as the Administrator considers to be consistent with the purposes of this section.

"(7) LIMITATION ON ACQUISITION OF INTERACTIVE TELECOMMUNICATIONS EQUIPMENT.—Not more than 40 percent of the amount of any grant made under this subsection may be used to acquire interactive telecommunications end user equipment.

"(8) LIMITATION ON USE OF CONSULTANTS.—Not more than 5 percent of the amount of any grant made under this subsection may be used to employ or contract with any consultant or similar person.

"(9) PROHIBITIONS.—Grants made under this subsection may not be used, in whole or in part, to establish or operate a telecommunications network or to provide any telecommunications services for hire.

"(c) EXPEDITED TELEPHONE LOANS.—Local exchange carriers located in a qualified local exchange carrier service area shall be eligible to apply for expedited loans under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.). The Administrator shall respond to a completed application for such a loan no later than 45 days after receipt. The Administrator shall notify the applicant in writing of its decision regarding each such application.

"(d) DEFINITION.—As used in this section, the term 'qualified local exchange carrier service area' means the service area of a local telephone exchange carrier in which the local exchange carrier has a plan approved by the Administrator for upgrading and modernizing the rural telecommunications infrastructure of the service area. The plan shall—

"(1) provide for eliminating party line service within the local exchange carrier service area and for other improvements and modernization in rural telephone service;

"(2) provide for the enhancement of the availability of educational opportunities or the availability of improved medical care through telecommunications;

"(3) encourage and improve the use of telecommunications, computer networks, and related advanced technologies to provide educational and medical benefits to people in rural areas; and

"(4) provide for the achievement of the goals described in subparagraphs (A) through (C) not later than 10 years after the approval of the plan.".

(b) EXTENSION OF CHAPTER 1.—Notwithstanding any other provision of law, chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 950aaa et seq.), including the amendments made by this section, shall be effective until September 30, 1997.

(c) ALLOCATION OF FUNDS.—Section 2335(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-4) is amended by adding at the end the following new paragraph:

"(8) USE OF APPROPRIATED FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Administrator shall make available—

"(i) 50 percent of the funds made available pursuant to paragraph (3) for grants for end users that are consortia participating in the special program established under section 2335A; and

"(ii) 50 percent of the funds made available pursuant to paragraph (3) to provide funds for the programs, and end users participating in the programs, authorized by sections 2331 through 2335.

"(B) RELEASE OF FUNDS.—Not earlier than April 1 and not later than May 1 of each year, the Administrator shall make such funds described in subparagraph (A) as remain unobligated, available for any purpose described in subparagraph (A).".

(d) EFFECT OF AMENDMENTS.—The amendments made by this section shall not apply to funds appropriated for fiscal year 1993 to carry out subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) or require the revision of any regulation proposed to carry out such subtitle during fiscal year 1993.

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. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6125, H.R. 6129, H.R. 6128, H.R. 6127, and H.R. 6124, the bills just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 2681, NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 593 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 593

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (S. 2681) relating to Native Hawaiian Health Care, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 593 is the rule providing for the consideration of S. 2681, Native Hawaiian Health Care Amendments of 1992.

This is an open rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The rule makes in order as the original text, for the purpose of amendment, the amendment in the nature of a substitute printed in the report to accompany the rule. Clause 7 of rule XVI, which prohibits nongermane amendments, is waived against the substitute.

Mr. Speaker, because of the severe time constraints we are operating under, the rule limits to 2 hours the time for consideration of the bill for amendment. However, any Member may offer any germane amendment.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, S. 2681 reauthorizes, through fiscal year 2000, the Native Hawaiian Care Improvement Act, which was enacted to respond to the special health care needs of native Hawaiians. The act, which passed in 1988 and expires this year, created a health care system based on the native organizational structure, with island-specific plans to deliver primary health care for a population with alarmingly high rates of death and disease.

Mr. Speaker, to repeat, House Resolution 593 is an open rule. I urge the adoption of the resolution so that we may proceed to the consideration of S. 2681.

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

Mr. Speaker, I rise in support of House Resolution 593, the rule for consideration of S. 2681, the Native Hawaiian Health Care Act.

The distinguished gentleman from California [Mr. BEILENSON] has explained this rule. It is a modified open rule, with a 2-hour limit on the time for amendments.

I commend the chairman of the Rules Committee, Mr. MOAKLEY, and the ranking member, Mr. SOLOMON of New York, for bringing an essentially open rule to the House floor, even at this late hour of the session.

While the minority has had concerns throughout the past months with time limits on the amendment process, in this case, 2 hours should provide the House an ample opportunity to fully debate and consider whatever disagreements there are within the bill. As we all know, an open rule is simply the best process for crafting a final product that can attract a majority of the House, and be signed into law.

Mr. Speaker, the Native Hawaiian Health Care Act reauthorizes through fiscal year 2000 a number of programs to improve the health of native Hawaiians, and funds health care centers and medical school scholarships for native Hawaiians.

Some Members have raised concerns that this bill is unnecessary because ample Federal health programs exist to address the Hawaiian health problems specifically targeted by this bill. Considering the overall level of Federal spending, they have argued that we simply can't afford, and don't need, to fund special programs for health services in Hawaii alone.

The administration does not object to passage of S. 2681 as long as it includes an amendment to ensure that no person is discriminated against in any of the programs on the basis of race, color, or national origin.

Mr. Speaker, this bill failed to pass under suspension of the rules last week. Considering the level of concern and opposition to the bill, it should not have been considered under suspension of the rules—a process that severely limits debate and prohibits amendments. The Rules Committee has made correctly provided an open rule for its full consideration and I urge swift passage of the rule so that we can move to the bill's prompt consideration.

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

Mr. BEILENSON. Mr. Speaker, we have no requests for time, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR CALL OF PRIVATE CALENDAR ON TODAY

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be considered today.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the first bill on the Private Calendar.

WILLIE D. HARRIS

The Clerk called the bill (H.R. 760) to permit Willie D. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes.

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.

LUIS FERNANDO BERNATE CHRISTOPHER

The Clerk called the bill (H.R. 1100) for the relief of Luis Fernando Bernate Christopher.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SENSENBRENNER. Mr. Speaker, I object.

Mr. COBLE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The bill is recommitted to the Committee on the Judiciary.

HOWARD W. WAITE

The Clerk, called the bill (H.R. 1123) for the relief of Howard W. Waite.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SENSENBRENNER. Mr. Speaker, I object.

Mr. COBLE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The bill is recommitted to the Committee on the Judiciary.

EARL B. CHAPPELL, JR.

The Clerk called the bill (H.R. 1280) for the relief of Earl B. Chappell, Jr.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SENSENBRENNER. Mr. Speaker, I object.

Mr. COBLE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The bill is recommitted to the Committee on the Judiciary.

WILLIAM A. KUBRICK

The Clerk called the bill (H.R. 2345) for the relief of William A. Kubrick.

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.

"MARIPOSA;" "BLITHE SPIRIT," "BLUEJACKET," AND "JUBILEE"; "A WEIGH OF LIFE;" "REDDY JANE;" "SEA HORSE;" "WILD GOOSE;" "THE DAY DREAM;" "NORTH ATLANTIC;" "TOUGH OF CLASS;" "LIQUID GOLD;" "DELPHINUS II;" "CAMINANTE;" "FOUR B'S;" "HIGH CALIBRE;" FIFTY-FIFTY" "HAZANA;" "SOUTHERN YANKEE;" BARGE MM "262;" AND "MISS JOAN"

Mr. BOUCHER. Mr. Speaker, pursuant to a request by the Committee on Merchant Marine and Fisheries, I ask unanimous consent that Private Calendar Nos. 35 through 53 Bill Nos. H.R. 4802, H.R. 4987, H.R. 5094, H.R. 5128, H.R. 5148, H.R. 5163, H.R. 5197, H.R. 5190, H.R. 5226, H.R. 5227, H.R. 5228, H.R. 5358, H.R. 5410, H.R. 5425, H.R. 4719, H.R. 4469, H.R. 4191, H.R. 3086, and H.R. 3005, be passed over without prejudice.

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

There was no objection.

FLORENCE ADEBOYEKU

The Clerk read the bill (H.R. 3336) for the relief of Florence Adeboyeku.

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

H.R. 3336

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

SECTION 1. PERMANENT RESIDENCE STATUS FOR FLORENCE ADEBOYEKU.

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Florence Adeboyeku shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall only apply if she applies to the Attorney General for permanent residence status under such subsection within two years after the date of the enactment of this Act.

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

Strike out all after the enacting clause and insert:

SECTION 1. PERMANENT RESIDENT STATUS FOR FLORENCE ADEBOYEKU

(a) IN GENERAL.—Subject to subsection (b), for the purposes of section 204 of the Immigration and Nationality Act, Florence Adeboyeku shall be considered to be an immediate relative within the meaning of section 201(b) of such Act upon the filing of a petition under section 204 of such Act.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Florence Adeboyeku files such petition on her own behalf within two years after the date of enactment of this Act.

(c) ADJUSTMENT OF STATUS.—Florence Adeboyeku shall be considered to have been lawfully admitted to the United States and, notwithstanding section 245(c) of the Immigration and Nationality Act, shall be eligible for processing under section 245 of such Act upon approval of the petition filed under subsection (a).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Florence Adeboyeku shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and 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 Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

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, and a motion to reconsider was laid on the table.

CRAIG B. SORENSEN AND NITA M. SORENSEN

The Clerk called the bill (H.R. 5164) for the relief of Craig B. Sorensen and Nita M. Sorensen.

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

H.R. 5164

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

SECTION 1. WAIVER OF TIME LIMITATION.

(a) IN GENERAL.—The time limitation set forth in the item relating to "DEPARTMENT OF AGRICULTURE—FOREST SERVICE—SETTLEMENT OF CLAIMS, FOREST SERVICE" in Public Law 101-302 (104 Stat. 230) shall not apply to a claim against the United States filed by Craig B. Sorensen and Nita M. Sorensen of Salt Lake City, Utah, for damages resulting from the Clover-Mist Fire.

(b) DEADLINE.—Subsection (a) shall apply only if Craig B. Sorensen and Nita M. Sorensen submit a claim pursuant to such subsection within the six-month period beginning on the date of the enactment of this Act.

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

Strike all after the enacting clause and insert the following:

Notwithstanding the time limitation set forth in the item relating to "DEPARTMENT OF AGRICULTURE—FOREST SERVICE—SETTLEMENT OF CLAIMS, FOREST SERVICE" in Public Law 101-302 (104 Stat. 230), the claim against the United States filed by Craig B. Sorensen, and Nita M. Sorensen of Salt Lake City, Utah, for damages resulting from the Clover-Mist Fire, dated March 17, 1989, but not received by the Forest Service until September of 1990, shall be considered to have been timely filed.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and 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 Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

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, and a motion to reconsider was laid on the table.

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HEIRS AND ASSIGNS OF HATTIE DAVIS ROGERS OF THE NEZ PERCE INDIAN RESERVATION, ID

The Clerk called the bill (H.R. 5359) for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, ID.

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

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

There was no objection.

KRISHANTHI SAVA KOPP

The Clerk called the bill (H.R. 5749) for the relief of Krishanthi Sava Kopp.

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

H.R. 5749

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

SECTION 1. CITIZENSHIP FOR KRISHANTHI SAVA KOPP.

(a) IN GENERAL. Subject to subsection (b), Krishanthi Sava Kopp may be naturalized and issued a certificate of naturalization as a citizen of the United States by taking the oath required by section 337 of the Immigration and Nationality Act in the manner prescribed by such section.

(b) DEADLINE FOR APPLICATION. Subsection (a) shall apply only if Krishanthi Sava Kopp applies to take the oath referred to in such subsection by submitting the required form within the 2-year period beginning on the date of the enactment of this Act.

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

SECTION 1. CITIZENSHIP FOR KRISHANTHI SAVA KOPP.

(a) IN GENERAL.—Notwithstanding any other provisions of law, and subject to subsection (b), Krishanthi Sava Kopp may be naturalized and issued a certificate of naturalization as a citizen of the United States by taking the oath required by section 337 of the Immigration and Nationality Act in the manner prescribed by such section.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Krishanthi Sava Kopp applies to take the oath referred to in such subsection by submitting the required form within the 2-year period beginning on the date of the enactment of this Act.

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

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and 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 Virginia?

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, and a motion to reconsider was laid on the table.

ANNA C. MASSARI

The Clerk called the bill (H.R. 5923) for the relief of Anna C. Massari.

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

H.R. 5923

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim for the disbursement of pay due by the Department of the Navy to Anna C. Massari, as represented by payroll checks that were issued to, but not negotiated by, Anna C. Massari prior to March 31, 1991.

(b) DEADLINE.—Subsection (a) shall apply only if Anna C. Massari or her authorized representatives submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

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.

House Resolution 568

Resolved, That the bill (H.R. 5953) entitled "A bill for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the United States Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with section 2509 of such title.

DONALD W. SNEEDEN, MARY S. SNEEDEN, AND HENRY C. BEST

The Clerk called the resolution (H. Res. 568) referring the bill (H.R. 5953) for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best, to the chief judge of the U.S. Claims Court.

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

With the following committee amendments:

Page 1, line 1, strike "5953" and insert "6012".

Page 1, line 1, insert "(a)" after "That".

Page 1, add the following after line 8:

(b) In conducting its proceedings concerning H.R. 6012 in accordance with section 2509 of title 28, United States Code, the United States Claims Court may recommend the payment of money under the bill, notwithstanding provisions in an agreement dated June 5, 1986, between the United States and the contractor, J. Lawson Jones Construction Co., Inc., on behalf of its subcontractor, Lincoln Construction Company, Inc., that the contractor agreed to release the Government from all claims arising out of the contract dispute and that the agreement constituted a full accord and satisfaction of all the contractors' claims against the United States. In determining whether such provisions in the agreement should bar the award of any additional money, the Claims Court shall determine whether the United States acted in bad faith in settling the claim, knowing that at the time of the settlement negotiations Lincoln Construction Company, Inc., because of its obligations to pay debts pursuant to a bankruptcy proceeding, was constrained to accept even an unreasonable settlement offer.

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

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

There was no objection.

The committee amendments were agreed to.

The resolution was agreed to.

The title of the resolution was amended so as to read: "Resolution referring the bill (H.R. 6012) for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best, to the chief judge of the United States Court.".

A motion to reconsider was laid on the table.

CHRISTY CARL HALLIEN

The Clerk called the Senate bill (S. 1181) for the relief of Christy Carl Hallien of Arlington, Texas.

The being no objection, the Clerk read the Senate bill as follows:

S. 1181

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

SECTION 1. RELIEF FROM LIABILITY.

(a) RELIEF.—Christy Carl Hallien of Arlington, Texas, is relieved of all liability for repayment to the United States of the sum of $11,865.13, plus accrued interest. This sum represents part of the amount that Christy Carl Hallien owes to the Department of Defense for payments that he received from the Department of Defense for travel and relocation expenses arising from his relocation from Burlington, Vermont, to accept employment with the Department of Defense in Arlington, Texas, in October 1983.

(b) BASIS FOR RELIEF.—The basis for granting this relief is that an agent of the Department of Defense erroneously informed Christy Carl Hallien that he was entitled to reimbursement of all travel and relocation expenses incurred relating to his relocation from Vermont to Texas.

SEC. 2. LIMITATION OF ATTORNEYS' OR AGENTS' FEES.

Not more than 10 percent of the amount referred to in section 1 shall be paid to any agent or attorney of Christy Carl Hallien for any service rendered in connection with the relief provided by this Act. Violation of this section is a misdemeanor punishable by a fine of not more than $1,000.

Passed the Senate September 17 (legislative day, September 8), 1992.

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.

PROVIDING FOR CONSIDERATION OF H.R. 2321, DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 596, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 596

Resolved, That upon the adoption of this resolution the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN] for purposes of debate only. Pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 596 is a rule providing for the consideration of the Dayton Aviation Heritage Preservation Act of 1992. This resolution provides that upon its adoption, H.R. 2321 and the Senate amendments will be taken from the Speaker's table and the House will be considered to have agreed to the Senate amendments.

This resolution, Mr. Speaker, will enable the House to agree to the Senate passed amendments to legislation establishing the Dayton Aviation National Historical Park. This is a noncontroversial piece of legislation which overwhelmingly passed the House under Suspension of the Rules on March 4, 1992. On October 1, 1992, the Senate passed the bill with technical and conforming amendments, including an amendment to cap spending at $200,000 for the development and management of certain properties within the Park.

The purpose of H.R. 2321 is to preserve and protect the historical sites in Dayton, Ohio, that are connected with the Wright brothers or that were instrumental in the invention and development of the airplane.

The bill establishes the Dayton Aviation Heritage National Historical Park as a unit of the National Park System consisting of five properties: the Wright Cycle Co. building, the Hoover Block, the 1905 Wright Flyer including Wright Hall, and Huffman Prairie Flying Field, and the Paul Laurence Dunbar home. Four of these sites are National Historic Landmarks, the highest designation of national historical significance offered by the National Park Service.

The bill also establishes the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing historic sites in the Miami Valley associated with the Wright brothers, aviation, or Paul Laurence Dunbar. The bill requires 50 percent non-Federal matching funds for the operation of the Commission and places a cap of $350,000 on annual appropriations.

More major events occurred in aviation history in Dayton, OH, than any other single place in the world. It was in the city and surrounding areas where Orville and Wilbur Wright grew up, developed the technology for controlled and powered flight, constructed the world's first airplane, constructed and flew the world's first practical airplane, and established the world's first permanent flying school.

Not only was Dayton the birthplace of aviation technology, but later events in Dayton led to the creation of the aerospace industry and commercial aviation. Following from the work of the Wright brothers, aviation pioneers in the Dayton area made numerous critical advances in the early development of aeronautics and promotion of flight. These included the manufacture of the world's first mass-produced airplane, the origination of the world's first commercial airplane flight, and the invention of the modern freefall parachute, radio beacon navigation, guided missile, and crop-duster airplane.

The Dayton Aviation Heritage National Historical Park was conceived to preserve the aviation treasures in the Dayton area and share with the rest of the Nation our historic heritage. The park will tap the preservation expertise and park management experience of the National Park Service to tell the story of Dayton's contributions to aviation history. By becoming part of the National Park Service, Dayton would join the ranks of the most important historic shrines in the Nation.

The Dayton Aviation Heritage Commission, also created by this bill, will help restore and coordinate the historical aviation sites throughout the Dayton area that were involved with the development of flight. The commission will work with resources that are not included in the park, but that tell the story of Dayton's contributions to the development of aviation technology and industry. The commission is intended to act as a partnership between the Federal, State, and local governments as well as the private sector.

I want to note that the Senate amendment gives the Air Force the final authority on decisions that affect Huffman Prairie Flying Field. It is important for this authority to be retained. The field is a part of Wright-Patterson Air Force Base, a major installation with a key role in our national defense. The Senate amendment insures that the Air Force will have the ability to make decisions concerning the historic field consistent with the mission of the Air Force base.

There are numerous benefits to the Nation in establishing the Dayton Aviation Heritage National Historical Park. It will help teach future generations about our historical aviation heritage. At a time when the U.S. seems to be falling behind in research and development, it is important to be reminded that some of the world's greatest technological advances did occur here. Because of the link with Paul Laurence Dunbar, the creation of the park will bring attention to the work of this important black poet and it will offer a message of unity between the races.

The park is supported by a broad coalition of civic, cultural, and historical organizations in Dayton. Support is coordinated through the 2003 Fund Committee, U.S. District Judge Walter H. Rice, chairman; J. Bradford Tillson, vice chairman; Gerald S. Sharkey, secretary; and Madeline J. Iseli-Smith, executive director. The creation of this park would not be possible without their dedication and tireless work.

Mr. Speaker, given the serious time constraints currently facing the House, this resolution will allow us to expeditiously finish this issue and send the legislation to the President. The Rules Committee passed this resolution by voice vote and I urge my colleagues to adopt it.

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

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

Mr. Speaker, I rise in strong support of this resolution through which the House will agree to the Senate Amendments to H.R. 2321, and will permit us to sent this measure creating the Dayton Aviation Heritage National Park to the President.

Mr. Speaker, I thank the chairman of the Rules Committee, the gentleman from Massachusetts Mr. MOAKLEY, and the distinguished ranking Republican Member of the committee Mr. SOLOMON, for reporting this resolution which will move this bill along.

My good friend and colleague from Dayton, Mr. HALL is to be commended for his tireless efforts in bringing this national park to fruition. Along with the third member of the Dayton Area congressional delegation, DAVE HOBSON, we are proud to be able to bring this bill to the floor a final time before the close of the 102d Congress.

Many Americans are not aware of it, but the airplane was born in Dayton, Oh. Indeed, the Wright Brothers are one of the great examples of the many American inventors and entrepreneurs who pushed this country to technological and industrial superiority in the 20th century.

The Wright Brothers were from Dayton. They owned and operated a bicycle shop in Dayton, and they did the vast majority of the development and testing of their airplanes in Dayton.

Among the five historical sites that will be incorporated into this national park, are the Wright Brothers Home, the Wright Brothers Bicycle Shop, and Huffman Field where they did much of their flight testing.

The national park will not be located in some far off wilderness corner of our Nation, but instead is right within the Dayton metropolitan area. It is also not limited to the notion of a national park as pristine open spaces. Instead the park will serve as a living example of the great technological strides that America made at the turn of this century—a harbinger of what has become the American century.

It is my hope, and I know Mr. HALL and Mr. HOBSON share it, that millions of Americans from around the country,

but especially children, will be able to stop and learn about the Wright Brothers at this national park as they pass through Dayton in the coming years.

They can learn about the invention of the airplane—an industry in which the United States is still the world leader—but hopefully the experience can also kindle the dreams, and spark the fire of discovery and invention, that led to the bold discoveries of the Wright Brothers.

There is no reason to believe that the 21st century will not also be the American century. The Wright Brothers were born from American freedom, and the boundless energy of a continent bent on doing bigger and better things. If America remains the most free country in the world, and if the energy and enthusiasm of our children are pushed toward discovery and success, then 21st century Wright Brothers will appear in Dayton, and elsewhere.

Mr. Speaker, the House passed H.R. 2321 under suspension of the rules last March, and the Senate added two modifying amendments. The first limits Federal expenditures on the park, in particular for the two non-Federal properties. The second ensures that the Secretary of Air force will make decisions regarding the use of Huffman Field, the Wright Brothers testing ground, as it is located on a portion of Wright-Patterson Air Force Base.

Mr. Speaker, this bill has undergone substantial review, and where needed, revision. The chairman of the Interior Subcommittee on National Parks and Public Lands, Mr. VENTO of Minnesota, came before the Rules Committee in support of this resolution. As he stated, this bill is reasonable in scope, responsible in cost, and consistent with the precedents for park establishment.

As a member of the Dayton congressional delegation, I urge my colleagues to support this. I congratulate Mr. HALL and Mr. HOBSON for their fine work in bringing this part to fruition.

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

Mr. HALL of Ohio. Mr. Speaker, I have only one person who wants to speak, and that is the gentleman from Minnesota [Mr. VENTO] who has probably played, of all the people in the House of Representatives, the major part in making this bill a reality. As you know, he is chairman of the subcommittee of jurisdiction.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, this bill has really been explained by the sponsor of the measure and the proponent of the rule, the gentleman from Ohio [Mr. HALL].

Mr. Speaker, I congratulate the gentleman from Ohio [Mr. HALL]. I think most of us recognize there is a lot of work that went into developing the type of support in Dayton, OH, that exists for this because of a commission or a group that was set up and did the study work. TONY HALL cooperated with that group, and I think they put forth a very sound idea and concept.

We were happy to try to craft it within the concept of our National Parks System. Mr. Speaker, the one thing I point out to Members is that very often, when we are placing a unit of the National Park System, it represents some conflict in our history, the Civil War, other types of events that occurred. Very often, they do not contain the type of social history, the type of inventiveness and other qualities that I think define us as Americans.

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Certainly the events that took place in Dayton, OH, around the turn of the century at a modest bicycle shop on Hawthorne St. I think really epitomize the type of spirit and character of the American people.

In this measure today we have an opportunity to try and preserve some of that resource, some of the original fabric and some of the other monuments and homes around Dayton, OH, which really make it our capital of aviation, our capital of flight, really not just national, but internationally.

I thought it was interesting on the hearing on this measure that we had one of the grandsons of the Wright Brothers testifying in support of the measure.

I think it demonstrates again the type of continuity that we have in our communities and the type of cultural resource that needs to be preserved that is being preserved and would be preserved in the adoption of the rule today and sending to the President this very important bill.

So I want to commend the gentleman from Ohio [Mr. HALL] and the Ohio delegation, the gentleman from Ohio [Mr. HOBSON] who worked so hard on this measure. They deserve a lot of credit. I think it is to the credit of our Park Service.

Mr. Speaker, I rise in support of House Resolution 596, a rule which would take from the Speaker's desk the bill H.R. 2321 with the Senate amendments and concur in the Senate amendments.

H.R. 2321 would establish the Dayton Aviation Heritage National Historical Park in Dayton, OH. This bill was introduced by Representatives TONY HALL and DAVID HOBSON along with a number of Representatives from the State of Ohio. It passed the House on March 4, 1992. Subsequently, the Senate considered H.R. 2321 on October 1, 1992, and has now returned the bill to the House with several minor amendments.

Although many Americans know about the Wright Brothers' flight over the beaches of Kitty Hawk, few are familiar with the important role played by the city of Dayton, OH, in aviation history. Dayton is where Wilbur and Orville Wright grew up, developed the technology for the first airplane, constructed and flew the world's first practical and maneuverable airplane and established the world's first permanent flying school.

The purpose of H.R. 2321, as amended, is to preserve, enhance, and interpret the historic structures and artifacts in the Dayton area associated with the Wright Brothers and the development of aviation. The park will consist of four sites: the Wright Cycle Co. and Hoover Block, the Huffman Prairie Flying Field, the Wright Flyer III, and the Paul Lawrence Dunbar House. All of these sites have been designated as national historic landmarks, and together they tell the story of the invention of the airplane and the importance of the Dayton environment to that process.

This bill has undergone careful review and substantial revision in its path through the House and Senate. The Senate amendments put a cap on the amount of Federal funds which could be spent on the two non-Federal properties in the park and clarified the authority of the Secretary of Defense to make decisions concerning the properties under its jurisdiction in the park. These amendments are acceptable.

Mr. Speaker, the invention of the airplane is one of the most significant events of this century. Fortunately a number of structures and artifacts related to this invention remain intact in the Dayton area. The bill before us would preserve those structures and sites for the benefit of present and future generations. The bill as amended is reasonable in scope, responsible in cost, and consistent with precedents for park establishment. It has strong bipartisan support and I urge Members to support the rule so that we can send this bill to the President.

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

Mr. Speaker, I do not know what the future may hold, but it has been my privilege to serve with the gentleman from Montgomery County, OH, for the past 10 or 12 years and to represent a portion of that county.

I am privileged to say as a member of the Rules Committee serving with the gentleman from Ohio [Mr. HALL], there is no one for whom I have greater affection or respect, and I am privileged to bring this final rule of the year to the floor with him and wish him the best in this difficult time in which his son is out at the National Institutes of Health recovering from leukemia.

The gentleman from Ohio is an outstanding legislator, an outstanding Member of Congress, and a distinguished American.

I wish him well on this bill.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate those kind words. I appreciate the support of the gentleman from Ohio [Mr. MCEWEN] and the gentleman from Ohio [Mr. HOBSON]. They made it possible, along with the gentleman from Minnesota [Mr. VENTO].

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RAY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Monday, October 5, 1992.

HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 2152) to enhance the effectiveness of the United Nations International driftnet fishery conservation program with a Senate amendment to the House amendments to the Senate amendment.

The Clerk read as follows:

Senate amendments to House amendments to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Seas Driftnet Fisheries Enforcement Act".

SEC. 2. FINDINGS AND POLICY.

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

(1) Large-scale driftnet fishing on the high seas is highly destructive to the living marine resources and ocean ecosystems of the world's oceans, including anadromous fish and other living marine resources of the United States.

(2) The cumulative effects of large-scale driftnet fishing pose a significant threat to the marine ecosystem, and slow-reproducing species like marine mammals, sharks, and seabirds may require many years to recover.

(3) Members of the international community have reviewed the best available scientific data on the impacts of large-scale pelagic driftnet fishing, and have failed to conclude that this practice has no significant adverse impacts which threaten the conservation and sustainable management of living marine resources.

(4) The United Nations, via General Assembly Resolutions numbered 44-225, 45-197, and most recently 46-215 (adopted on December 20, 1991), has called for a worldwide moratorium on all high seas driftnet fishing by December 31, 1992, in all the world's oceans, including enclosed seas and semi-enclosed seas.

(5) The United Nations has commended the unilateral, regional, and international efforts undertaken by members of the international community and international organizations to implement and support the objectives of the General Assembly resolutions.

(6) Operative paragraph (4) of United Nations General Assembly Resolution numbered 46-215 specifically "encourages all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations on the high seas of the world's oceans and seas".

(7) The United States, in section 307(1)(M) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)), has specifically prohibited the practice of large-scale driftnet fishing by United States nationals and vessels both within the exclusive economic zone of the United States and beyond the exclusive economic zone of any nation.

(8) The Senate, through Senate Resolution 396 of the 100th Congress (approved on March 18, 1988), has called for a moratorium on fishing in the Central Bering Sea and the United States has taken concrete steps to implement such moratorium through international negotiations.

(9) Despite the continued evidence of a decline in the fishery resources of the Bering Sea and the multiyear cooperative negotiations undertaken by the United States, the Russian Federation, Japan, and other concerned fishing nations, some nations refuse to agree to measures to reduce or eliminate unregulated fishing practices in the waters of the Bering Sea beyond the exclusive economic zones of the United States and the Russian Federation.

(10) In order to ensure that the global moratorium on large-scale driftnet fishing called for in United Nations General Assembly Resolution numbered 46-215 takes effect by December 31, 1992, and that unregulated fishing practices in the waters of the Central Bering Sea are reduced or eliminated, the United States should take the actions described in this Act and encourage other nations to take similar action.

(b) POLICY.—It is the stated policy of the United States to—

(1) implement United Nations General Assembly Resolution numbered 46-215, approved unanimously on December 20, 1991, which calls for an immediate cessation to further expansion of large-scale driftnet fishing, a 50 percent reduction in existing large-scale driftnet fishing effort by June 30, 1992, and a global moratorium on the use of large-scale driftnets beyond the exclusive economic zone of any nation by December 31, 1992;

(2) bring about a moratorium on fishing in the Central Bering Sea, or an international conservation and management agreement to which the United States and the Russian Federation are parties that regulates fishing in the Central Bering Sea; and

(3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone of any nation.

TITLE I—HIGH SEAS LARGE-SCALE DRIFTNET FISHING

SEC. 101. DENIAL OF PORT PRIVILEGES AND SANCTIONS FOR HIGH SEAS LARGE-SCALE DRIFTNET FISHING.

(a) DENIAL OF PORT PRIVILEGES.—

(1) PUBLICATION OF LIST.—Not later than 30 days after the date of enactment of this Act and periodically thereafter, the Secretary of Commerce, in consultation with the Secretary of State, shall publish a list of nations whose nationals or vessels conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation.

(2) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, in accordance with recognized principles of international law—

(A) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any large-scale driftnet fishing vessel that is documented under the laws of the United States or of a nation included on a list published under paragraph (1); and

(B) deny entry of that vessel to any place in the United States and to the navigable waters of the United States.

(3) NOTIFICATION OF NATION.—Before the publication of a list of nations under paragraph (1), the Secretary of State shall notify each nation included on that list regarding—

(A) the effect of that publication on port privileges of vessels of that nation under paragraph (1); and

(B) any sanctions or requirements, under this Act or any other law, that may be imposed on that nation if nationals or vessels of that nation continue to conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation after December 31, 1992.

(b) SANCTIONS.—

(1) IDENTIFICATIONS.—

(A) INITIAL IDENTIFICATIONS.—Not later than January 10, 1993, the Secretary of Commerce shall—

(i) identify each nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation; and

(ii) notify the President and that nation of the identification under clause (i).

(B) ADDITIONAL IDENTIFICATIONS.—At any time after January 10, 1993, whenever the Secretary of Commerce has reason to believe that the nationals or vessels of any nation are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation, the Secretary of Commerce shall—

(i) identify that nation; and

(ii) notify the President and that nation of the identification under clause (i).

(2) CONSULTATIONS.—Not later than 30 days after a nation is identified under paragraph (1)(B), the President shall enter into consultations with the government of that nation for the purpose of obtaining an agreement that will effect the immediate termination of large-scale driftnet fishing by the nationals or vessels of that nation beyond the exclusive economic zone of any nation.

(3) PROHIBITION ON IMPORTS OF FISH AND FISH PRODUCTS AND SPORT FISHING EQUIPMENT.—

(A) PROHIBITION.—The President—

(i) upon receipt of notification of the identification of a nation under paragraph (1)(A); or

(ii) if the consultations with the government of a nation under paragraph (2) are not satisfactorily concluded within 90 days,

shall direct the Secretary of the Treasury to prohibit the importation into the United States of fish and fish products and sport fishing equipment (as that term is defined in section 4162 of the Internal Revenue Code of 1986 (26 U.S.C. 4162)) from that nation.

(B) IMPLEMENTATION OF PROHIBITION.—With respect to an import prohibition directed under subparagraph (A), the Secretary of the Treasury shall implement such prohibition not later than the date that is 45 days after the date on which the Secretary has received the direction from the President.

(C) PUBLIC NOTICE OF PROHIBITION.—Before the effective date of any import prohibition under this paragraph, the Secretary of the Treasury shall provide public notice of the impending prohibition.

(4) ADDITIONAL ECONOMIC SANCTIONS.—

(A) DETERMINATION OF EFFECTIVENESS OF SANCTIONS.—Not later than 6 months after the date the Secretary of Commerce identifies a nation under paragraph (1), the Secretary shall determine whether—

(i) any prohibition established under paragraph (3) is insufficient to cause that nation to terminate large-scale driftnet fishing conducted by its nationals and vessels beyond the exclusive economic zone of any nation; or

(ii) that nation has retaliated against the United States as a result of that prohibition.

(B) CERTIFICATION.—The Secretary of Commerce shall certify to the President each affirmative determination under subparagraph (A) with respect to a nation.

(C) EFFECT OF CERTIFICATION.—Certification by the Secretary of Commerce under subparagraph (B) is deemed to be a certification under section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)), as amended by this Act.

SEC. 102. DURATION OF DENIAL OF PORT PRIVILEGES AND SANCTIONS.

Any denial of port privileges or sanction under section 101 with respect to a nation shall remain in effect until such time as the Secretary of Commerce certifies to the President and the Congress that such nation has terminated large-scale driftnet fishing by its nationals and vessels beyond the exclusive economic zone of any nation.

SEC. 103. REQUIREMENTS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.

Section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended—

(1) in subparagraph (E)(i) by striking "July 1, 1992" and inserting in lieu thereof "January 1, 1993"; and

(2) in the last sentence by inserting ", except that, until January 1, 1994, the term 'driftnet' does not include the use in the northeast Atlantic Ocean of gillnets with a total length not to exceed 5 kilometers if the use is in accordance with regulations adopted by the European Community pursuant to the October 28, 1991, decision by the Council of Fisheries Ministers of the Community" immediately after "(16 U.S.C. 1822 note)".

SEC. 104. DEFINITIONS.

In this title, the following definitions apply:

(1) FISH AND FISH PRODUCTS.—The term "fish and fish products" means any aquatic species (including marine mammals and plants) and all products thereof exported from a nation, whether or not taken by fishing vessels of that nation or packed, processed, or otherwise prepared for export in that nation or within the jurisdiction thereof.

(2) LARGE-SCALE DRIFTNET FISHING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "large-scale driftnet fishing" means a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, with a total length of two and one-half kilometers or more is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(B) EXCEPTION.—Until January 1, 1994, the term "large-scale driftnet fishing" does not include the use in the northeast Atlantic Ocean of gillnets with a total length not to exceed 5 kilometers if the use is in accordance with regulations adopted by the European Community pursuant to the October 28, 1991, decision by the Council of Fisheries Ministers of the Community.

(3) LARGE-SCALE DRIFTNET FISHING VESSEL.—The term "large-scale driftnet fishing vessel" means any vessel which is—

(A) used for, equipped to be used for, or of a type which is normally used for large-scale driftnet fishing; or

(B) used for aiding or assisting one or more vessels at sea in the performance of large-scale driftnet fishing, including preparation, supply, storage, refrigeration, transportation, or processing.

TITLE II—FISHERIES CONSERVATION PROGRAMS

SEC. 201. IMPORT RESTRICTIONS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) PRODUCTS SUBJECT TO RESTRICTION.—Section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) in subsection (a)(4) by striking "fish products" and all that follows through "such duration", and inserting in lieu thereof "any products from the offending country for any duration";

(2) in subsection (c) by striking "fish products or wildlife products" and inserting in lieu thereof "products";

(3) in subsection (e)(2) by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(4) in subsection (f)—

(A) in paragraph (1) by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(B) in paragraph (5)—

(i) in the first sentence by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(ii) in the second sentence by striking "Fish products and wildlife products" and inserting in lieu thereof "Products".

(b) DEFINITIONS.—Section 8(h) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(h)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The term 'United States' means the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and every other territory and possession of the United States.";

(2) in paragraph (3)—

(A) by inserting "bilateral or" immediately before "multilateral"; and

(B) by inserting ", including marine mammals" immediately after "protect the living resources of the sea";

(3) by striking paragraphs (4) and (6);

(4) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(5) by amending paragraph (5), as so redesignated, to read as follows:

"(5) The term 'taking', as used with respect to animals to which an international program for endangered or threatened species applies, means to—

"(A) harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or

"(B) attempt to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect.".

SEC. 202. ENFORCEMENT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Secretary of Defense shall enter into an agreement under section 311(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(a)) in order to make more effective the enforcement of domestic laws and international agreements that conserve and manage the living marine resources of the United States.

(b) TERMS.—The agreement entered into under subsection (a) shall include—

(1) procedures for identifying and providing the location of vessels that are in violation of domestic laws or international agreements to conserve and manage the living marine resources of the United States;

(2) requirements for the use of the surveillance capabilities of the Department of Defense; and

(3) procedures for communicating vessel locations to the Secretary of Commerce and the Coast Guard.

SEC. 203. TRADE NEGOTIATIONS AND THE ENVIRONMENT.

It is the sense of the Congress that the President, in carrying out multilateral, bilateral, and regional trade negotiations, should seek to—

(1) address environmental issues related to the negotiations;

(2) modify articles of the General Agreement on Tariffs and Trade (referred to in this section as "GATT") to take into consideration the national environmental laws of the GATT Contracting Parties and international environmental treaties;

(3) secure a working party on trade and the environment within GATT as soon as possible;

(4) take an active role in developing trade policies that make GATT more responsive to national and international environmental concerns;

(5) include Federal agencies with environmental expertise during the negotiations to determine the impact of the proposed trade agreements on national environmental law; and

(6) periodically consult with interested parties concerning the progress of the negotiations.

TITLE III—FISHERIES ENFORCEMENT IN CENTRAL BERING SEA

SEC. 301. SHORT TITLE.

This title may be cited as the "Central Bering Sea Fisheries Enforcement Act of 1992".

SEC. 302. PROHIBITION APPLICABLE TO UNITED STATES VESSELS AND NATIONALS.

(a) PROHIBITION.—Vessels and nationals of the United States are prohibited from conducting fishing operations in the Central Bering Sea, except where such fishing operations are conducted in accordance with an international fishery agreement to which the United States and the Russian Federation are parties.

(b) CIVIL PENALTIES AND PERMIT SANCTIONS.—A violation of this section shall be subject to civil penalties and permit sanctions under section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858).

SEC. 303. PORT PRIVILEGES DENIAL FOR FISHING IN CENTRAL BERING SEA.

(a) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, after December 31, 1992, in accordance with recognized principles of international law—

(1) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any fishing vessel documented under the laws of a nation that is included on a list published under subsection (b); and

(2) deny entry of such fishing vessel to any place in the United States and to the navigable waters of the United States.

(b) PUBLICATION OF LIST.—Not later than 45 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall publish in the Federal Register a list of nations whose nationals or vessels conduct fishing operations in the Central Bering Sea, except where such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties. The Secretary shall publish as an addendum to the list the name of each vessel documented under the laws of each listed nation which conducts fishing operations in the Central Bering Sea. A revised list shall be published whenever the list is no longer accurate, except that a nation may not be removed from the list unless—

(1) the nationals and vessels of that nation have not conducted fishing operations in the Central Bering Sea for the previous 90 days and the nation has committed, through a bilateral agreement with the United States or in any other manner acceptable to the Secretary of Commerce, not to permit its nationals or vessels to resume such fishing operations; or

(2) the nationals and vessels of that nation are conducting fishing operations in the Central Bering Sea that are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties.

(c) NOTIFICATION OF NATION.—Before the publication of a list of nations under subsection (b), the Secretary of State shall notify each nation

included on that list and explain the requirement to deny the port privileges of fishing vessels of that nation under subsection (a) as a result of such publication.

SEC. 304. DURATION OF PORT PRIVILEGES DENIAL.

Any denial of port privileges under section 303 with respect to any fishing vessel of a nation shall remain in effect until such nation is no longer listed under section 303(b).

SEC. 305. RESTRICTION ON FISHING IN UNITED STATES EXCLUSIVE ECONOMIC ZONE.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, after notice and public comment, the Secretary of Commerce shall issue regulations, under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and any other applicable law, to prohibit—

(1) any permitted fishing vessel from catching, taking, or harvesting fish in a fishery under the geographical authority of the North Pacific Fishery Management Council if such vessel is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b);

(2) any processing facility from receiving any fish caught, taken, or harvested in a fishery under the geographical authority of the North Pacific Fishery Management Council if such facility is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b); and

(3) any permitted fishing vessel from delivering fish caught, taken, or harvested in a fishery under the geographic authority of the North Pacific Fishery Management Council to a processing facility that is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b).

(b) REQUIREMENT FOR SUBMISSION OF DOCUMENTS.—The Secretary of Commerce shall require under any regulations issued under subsection (a) the submission of any affidavits, financial statements, corporate agreements, and other documents that the Secretary of Commerce determines, after notice and public comment, are necessary to ensure that all vessels and processing facilities are in compliance with this section.

(c) APPEALS; DURATION OF PROHIBITIONS.—The regulations issued under subsection (a) shall—

(1) establish procedures for a person to appeal a decision to impose a prohibition under subsection (a) on a vessel or processing facility owned or controlled by that person; and

(2) specify procedures for the removal of any prohibition imposed on a vessel or processing facility under subsection (a)—

(A) upon publication of a revised list under section 303(b), and a revised addendum which does not include a fishing vessel owned or controlled by the person who also owns or controls the vessel or facility to which the prohibition applies; or

(B) on the date that is 90 days after such person terminates ownership and control in fishing vessels that are listed on the addendum under section 303(b).

SEC. 306. DEFINITIONS.

In this title, the following definitions apply:

(1) CENTRAL BERING SEA.—The term "Central Bering Sea" means the central Bering Sea area which is more than 200 nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured.

(2) FISHING VESSEL.—The term "fishing vessel" means any vessel which is used for—

(A) catching, taking, or harvesting fish; or

(B) aiding or assisting one or more vessels at sea in the performance of fishing operations, including preparation, supply, storage, refrigeration, transportation, or processing.

(3) OWNS OR CONTROLS.—When used in reference to a vessel or processing facility—

(A) the term "owns" means holding legal title to the vessel or processing facility; and

(B) the term "controls" includes an absolute right to direct the business of the person owning the vessel or processing facility, to limit the actions of or replace the chief executive officer (by whatever title), a majority of the board of directors, or any general partner (as applicable) of such person, to direct the transfer or operations of the vessel or processing facility, or otherwise to exercise authority over the business of such person, but the term does not include the right simply to participate in those activities of such person or the right to receive a financial return, such as interest or the equivalent of interest, on a loan or other financing obligation.

(4) PERMITTED FISHING VESSEL.—The term "permitted fishing vessel" means any fishing vessel that is subject to a permit issued by the Secretary of Commerce under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) PERSON.—The term "person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, cooperative, or other entity (whether or not organized under the laws of any State), and any State, local, or foreign government, or any entity of such government or the Federal Government.

(6) PROCESSING FACILITY.—The term "processing facility" means any fish processing establishment or fish processing vessel that receives unprocessed fish.

SEC. 307. TERMINATION.

This title shall cease to have force and effect after the date that is 7 years after the date of enactment of this Act, except that any proceeding with respect to violations of section 302 occurring prior to such termination date shall be conducted as if that section were still in effect.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. INTERMEDIARY NATIONS INVOLVED IN EXPORT OF CERTAIN TUNA PRODUCTS.

(a) INTERMEDIARY NATION DEFINED.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) The term 'intermediary nation' means a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(2)(B).".

(b) EMBARGO ON IMPORTS FROM INTERMEDIARY NATIONS.—Section 101(a)(2)(C) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)(C)) is amended to read as follows:

"(C) shall require the government of any intermediary nation to certify and provide reasonable proof to the Secretary that it has not imported, within the preceding six months, any yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation to the United States under subparagraph (B);".

SEC. 402. AUTHORITY TO EXTEND REEMPLOYMENT RIGHTS.

For purposes of employee rights and entitlements conferred by or pursuant to subchapter IV of chapter 35 of title 5, United States Code, the Secretary of State may, notwithstanding any other law or regulation, extend the reemployment rights of an employee of the United States who, as of January 1, 1992, was serving with the Intergovernmental Panel on Climate Change. Such extension may be made for 2 years, and may be further extended for 1 year, if the Secretary of State determines that such service is in the national interest and is necessary to facilitate the activities of the Intergovernmental Panel on Climate Change or any successor organization.

SEC. 403. LIMITATION ON TERMS OF VOTING MEMBERS OF REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302(b)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(b)(3)) is amended by striking "January 1, 1986" the second place it appears and inserting in lieu thereof "December 31, 1987".

SEC. 404. OBSERVER FEE FOR NORTH PACIFIC FISHERIES RESEARCH PLAN.

Section 313(b)(2)(E) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1862(b)(2)(E)) is amended by striking "one percentum, of the" and inserting in lieu thereof "2 percent, of the unprocessed ex-vessel".

TITLE V—FEES

SEC. 501. RECREATIONAL BOAT TAX REPEAL.

(a) IN GENERAL.—

(1) SCOPE OF FEE.—Section 2110(b)(1) of title 46, United States Code, is amended—

(A) by striking "1991, 1992, 1993, 1994, and 1995", and inserting in lieu thereof "1993 and 1994"; and

(B) by striking "that is greater than 16 feet in length" and inserting in lieu thereof "to which paragraph (2) of this subsection applies".

(2) AMOUNT OF FEE.—Section 2110(b)(2) of title 46, United States Code, is amended to read as follows:

"(2) The fee or charge established under paragraph (1) of this subsection is as follows:

"(A) in fiscal year 1993—

"(i) for vessels of more than 21 feet in length but less than 27 feet, not more than $35;

"(ii) for vessels of at least 27 feet in length but less than 40 feet, not more than $50; and

"(iii) for vessels of at least 40 feet in length, not more than $100.

"(B) in fiscal year 1994—

"(i) for vessels of at least 37 feet in length but less than 40 feet, not more than $50; and

"(ii) for vessels of at least 40 feet in length, not more than $100.";

(b) EFFECTIVE DATE.—The amendments made by this section are effective October 1, 1992.

SEC. 502. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the Federal Maritime Commission.

(2) COMMON CARRIER.—The term "common carrier" means a common carrier under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702), a common carrier by water in interstate commerce under the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), or a common carrier by water in intercoastal commerce under the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(3) CONFERENCE.—The term "conference" has the meaning given that term under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702).

(4) ESSENTIAL TERMS OF SERVICE CONTRACTS.—The term "essential terms of service contracts" means the essential terms that are required to be filed with the Commission and made available under section 8(c) of the Shipping Act of 1984 (46 App. U.S.C. 1707(c)).

(5) TARIFF.—The term "tariff" means a tariff of rates, charges, classifications, rules, and practices required to be filed by a common carrier or conference under section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707), or a rate, fare, charge, classification, rule, or regulation required to be filed by a common carrier or conference under the Shipping Act, 1916 (46 U.S.C.

801 et seq.), or the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(b) TARIFF FORM AND AVAILABILITY.—

(1) REQUIREMENT TO FILE.—Notwithstanding any other law, each common carrier and conference shall, in accordance with subsection (c), file electronically with the Commission all tariffs, and all essential terms of service contracts, required to be filed by that common carrier or conference under the Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.), the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), and the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(2) AVAILABILITY OF INFORMATION.—The Commission shall make available electronically to any person, without time, quantity, or other limitation, both at the Commission headquarters and through appropriate access from remote terminals—

(A) all tariff information, and all essential terms of service contracts, filed in the Commission's Automated Tariff Filing and Information System database; and

(B) all tariff information in the System enhanced electronically by the Commission at any time.

(c) FILING SCHEDULE.—New tariffs and new essential terms of service contracts shall be filed electronically not later than July 1, 1992. All other tariffs, amendments to tariffs, and essential terms of service contracts shall be filed not later than September 1, 1992.

(d) FEES.—

(1) AMOUNT OF FEE.—The Commission shall charge, beginning July 1 of fiscal year 1992 and in fiscal years 1993, 1994, and 1995—

(A) a fee of 46 cents for each minute of remote computer access by any individual of the information available electronically under this section; and

(B)(i) for electronic copies of the Automated Tariff Filing and Information System database (in bulk), or any portion of the database, a fee reflecting the cost of providing those copies, including the cost of duplication, distribution, and user-dedicated equipment; and

(ii) for a person operating or maintaining information in a database that has multiple tariff or service contract information obtained directly or indirectly from the Commission, a fee of 46 cents for each minute that database is subsequently accessed by computer by any individual.

(2) EXEMPTION FOR FEDERAL AGENCIES.—A Federal agency is exempt from paying a fee under this subsection.

(e) ENFORCEMENT.—The Commission shall use systems controls or other appropriate methods to enforce subsection (d).

(f) PENALTIES.—

(1) CIVIL PENALTIES.—A person failing to pay a fee established under subsection (d) is liable to the United States Government for a civil penalty of not more than $5,000 for each violation.

(2) CRIMINAL PENALTIES.—A person that willfully fails to pay a fee established under subsection (d) commits a class A misdemeanor.

(g) AUTOMATIC FILING IMPLEMENTATION.—

(1) CERTIFICATION OF SOFTWARE.—Software that provides for the electronic filing of data in the Automated Tariff Filing and Information System shall be submitted to the Commission for certification. Not later than 14 days after a person submits software to the Commission for certification, the Commission shall—

(A) certify the software if it provides for the electronic filing of data; and

(B) publish in the Federal Register notice of that certification.

(2) REPAYABLE ADVANCE.—

(A) AVAILABILITY AND USE OF ADVANCE.—Upon the date of enactment of this Act, the Secretary of the Treasury shall make available to the Commission, as a repayable advance, not more than $4,000,000, to remain available until expended. The Commission shall spend these funds to complete and upgrade the capacity of the Automated Tariff Filing and Information System to provide access to information under this section.

(B) REQUIREMENT TO REPAY.—

(i) IN GENERAL.—Any advance made to the Commission under subparagraph (A) shall be repaid, with interest, to the general fund of the Treasury not later than September 30, 1995.

(ii) INTEREST.—Interest on any advance made to the Commission under subparagraph (A)—

(I) shall be at a rate determined by the Secretary of the Treasury, as of the close of the calendar month preceding the month in which the advance is made, to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding; and

(II) shall be compounded annually.

(3) USE OF RETAINED AMOUNTS.—Out of amounts collected by the Commission under this section, amounts shall be retained and expended by the Commission for each fiscal year, without fiscal year limitation, to carry out this section and pay back the Secretary of the Treasury for the advance made available under paragraph (2).

(4) DEPOSIT IN TREASURY.—Except for the amounts retained by the Commission under paragraph (3), fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts.

(h) RESTRICTION.—No fee may be collected under this section after fiscal year 1995.

(i) CONFORMING AMENDMENT.—Section 2 of the Act of August 16, 1989 (46 App. U.S.C. 1111c), is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes and the gentleman from Michigan [Mr. DAVIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, I rise today in strong support of H.R. 2152, legislation to ensure that deadly large-scale drift nets will never again be used to ravage the oceans and that repeals the Coast Guard user fee on recreational boats.

Mr. Speaker, by now my colleagues are all too familiar with the destruction caused by large-scale drift nets—nets ranging up to 40 miles in length—that hang in the water like walls of death, drifting with the current and tides and killing virtually everything that comes in contact with them. For example, the drift net fishery in the North Pacific alone kills tens of thousands of marine mammals, turtles, seabirds, and U.S. salmon and trout each year.

As a result of the Drift Net Act of 1987, legislation I sponsored to rid the ocean of drift nets, we now have reliable scientific data that document the devastation of this fishery. With the enactment of H.R. 2152, we will mark the end of a battle we began over 5 years ago to stop the use of these nets. But this is not just our battle; it is a fight which has spread from the Congress, to the executive branch, to the environmental and fishing communities, and to the United Nations. Last December, 30 nations joined the United States in sponsoring a U.N. resolution calling for a global moratorium on all large-scale drift net fishing by December 31, 1992, and this bill will bolster the efforts of the United Nations to ensure that all nations comply with the moratorium.

Specifically, title I of the bill will deny U.S. port privileges to any foreign drift net fishing vessel and require the President to embargo all fish, fish products, and sport fishing equipment from countries that do not comply with the U.N. deadline. It also authorizes the President to use his discretionary embargo authority under the Pell amendment against those countries that continue to ignore the U.N. deadline.

This bill also marks a very important milestone in our efforts to protect our fragile marine environment. For the first time, we are legislating mandatory trade sanctions against those countries that violate an international fishery conservation agreement, and we are including provisions that will strengthen the President's leverage in international negotiations on fisheries and wildlife matters.

Title II of the bill repeals the user fee tax for recreational boaters that was enacted 2 years ago. Mr. Speaker, this tax was imposed by the Omnibus Budget Reconciliation Act of 1990; against our committee's wishes. According to OMB predictions, the fee was supposed to raise $262 million. Instead it has raised only $47 million.

When the user fee was first proposed by the Reagan administration, they argued that those who benefit from the Coast Guard—in this case recreational boaters—should pay for those benefits. The truth, Mr. Speaker, is that the Coast Guard does not get one penny of the moneys collected, and they end up actually incurring costs for administering this looney scheme.

Mr. Speaker, the user fee was a mistake 10 years ago when it was proposed by the Reagan/Bush administration; it was a mistake 2 years ago when it was enacted; and it is a mistake now. I urge my colleagues to sink this fee by supporting H.R. 2152.

Finally, I would like to thank my colleagues on the Ways and Means Committee, Mr. GIBBONS and Mr. ROSTENKOWSKI, for all their help and cooperation in bringing this bill to the floor today.

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

Mr. Speaker, I rise in strong support of H.R. 2152. This bill establishes a program to enforce the U.N. resolutions banning the use of large-scale drift net fishing on the high seas. The mandatory sanctions contained in this bill

against countries that do not stop drift net fishing by the end of the year will put an end to the unacceptable practice of drift net fishing.

I am especially pleased that we are considering this bill because it contains a repeal of the Coast Guard recreational boat tax. I introduced H.R. 534, a bill to repeal the boat tax, on January 15, 1991. Today, that bill has 278 cosponsors. With the help of those Members, including the leadership of the Merchant Marine and Fisheries Committee, we overcame significant budgetary and political obstacles that prevented the House and Senate from passing a repeal of the boat tax. Over a year ago, the House voted 412 to 6 on a Sense of the Congress resolution to repeal the recreational boat tax. Today the House will live up to its commitment to recreational boaters and send the repeal of the recreational boat tax to the President for his signature.

Mr. Speaker, I hope that the Federal Maritime Commission will aggressively implement the Automated Tariff Filing and Information System [ATFI] fee and meet the offsetting receipts goals set by the Congressional Budget Office and the Office of Management and Budget. I believe that if the requirements of this bill are properly implemented, the ATFI retrieval system will become an asset to the merchant marine community and enhance international commerce. Unlimited access to ATFI, combined with all the enhancement capabilities of the ATFI software, will benefit the entire international trade community.

I urge my colleagues to support this bill.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I strongly support H.R. 2152 and urge its adoption by the House.

This is a strong environmental bill that received unanimous approval from the House the first time it was passed. It is the product of decades of hard work by Alaskans who have felt the devastation caused by high seas drift net vessels. Passage of this bill will put the last nail in the coffin of the foreign drift net fleet, which has been responsible for destroying our salmon, our birds, and our marine mammals.

In addition to these attributes, H.R. 2152 also includes my language expanding the Pell amendment. This language will give our President a stronger hand in dealing with nations that violate international conservation agreements.

Furthermore, this bill puts the brakes on the rapidly growing foreign trawl fleet that harvests pollock in the donut hole in the Bering Sea. By acting now to limit that fishery, we will avoid future conservation problems.

Finally, this bill repeals the boat user tax, which has caused problems for many of our citizens.

Mr. Speaker, I want to compliment my colleague GERRY STUDDS for his work in conserving our marine resources, and my colleague BOB DAVIS for his fight to repeal the boat user tax. Most of all, I want to compliment the thousands of Alaskan fishermen who fought so hard, for so long, to sink the foreign drift net fleet. We've won at last.

Mr. DAVIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], who has worked very hard on this measure.

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

I just wanted to get up and celebrate the closing chapter of what I hope is going to be the closing chapter in this long history. It started in this Chamber a couple years ago in the middle of the night, and I hope we are going to get it taken care of here before the middle of the night.

I want to urge support of my colleagues for this.

I want to directly commend the ingenuity of the chairman, the gentleman from Massachusetts, and the ranking member, the gentleman from Michigan, who persisted and hung in there.

I think we are going to get a good piece of legislation here. I know the people of the United States are going to notice this and be happy when it is completed.

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

Mr. HUGHES. I rise today in support of H.R. 2152, a bill to enhance the effectivness of the U.N. International Drift Net Fishery Conservation Program.

For several years the United States has endeavored to protect marine mammals and threatened and endangered species from large-scale destruction such as that caused by drift nets. Indeed, for too many years, driftnetters have been allowed to fish the seas, decimating populations of marine mammals, seabirds, sea turtles and nontarget fish populations, in addition to seriously overfishing target species. Lost or discarded drift nets roam the seas unabated causing widespread destruction of marine life.

H.R. 2152 encourages full implementation of the United Nations resolution to end large-scale drift net fishing on the high seas by prohibiting fishing vessels of nations that engaged in drift net fishing from entering U.S. ports, and imposing certain import sanctions against countries whose vessels violate the moratorium.

The bill also expands the authority of the President to impose import restrictions on any product of a nation which conducts fishery practices or engages in trade that diminish the effectiveness of international programs for fishery conservation or the protection of endangered or threatened species.

Mr. Speaker, I am particularly pleased that this bill includes a provision to phase out the recreational vessel fee. Since its implementation in 1990 with passage of the Omnibus Budget Reconciliation Act, it has been clear that the Congress is unanimously agreed that this unjust fee should be eliminated.

The recreational vessel user fees were implemented under the guise of covering the cost of certain indirect Coast Guard services, such as aids to navigation and search and rescue. However, the fees are deposited directly into the general fund and do not guarantee a single service from the Coast Guard.

Furthermore, this fee has wasted scarce Coast Guard services, burdened millions of boat owners, and generated a small percentage of the revenues it projected to raise. This tax unjustly targets an already heavily taxed segment of our population. Indeed, recreational boaters already pay approximately $175 million into the Wallop-Breaux fund, through taxes and fees on fishing equipment, motorboat fuel, and imported watercraft.

Mr. Speaker, I strongly support the provisions of the drift net bill and the phase out of the boat user fees. The time for this bill is long overdue and I urge my colleagues' support for its passage.

Mr. DAVIS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

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

Mr. Speaker, I rise in strong support of the repeal of the boat user fee. San Diego is a coastal district. If we want to tax the rich, the boat users are not the rich. They are really hurting.

Mr. Speaker, I rise in support of this measure.

Mr. DAVIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I rise in strong support of H.R. 2152 on both the driftnet and the lifting of the fees from the boaters. They have really been very adamant in my district about getting them up.

Mr. STUDDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in strong support of this measure.

Mr. Speaker, it is with great pleasure and pride that I rise in support of HR 2252. Provisions of this bill to repeal the Coast Guard user fee and to provide enforcement tools to ensure an end to large scale driftnet fishing represent bipartisan efforts of our Merchant Marine and Fisheries Committee and I want to commend its leadership for their efforts.

Mr. Speaker, this is a good bill and I urge my colleagues to send it on to the President who, with just one stroke of the pen, can re-

peal the boat tax and ensure our seas are going to be free from these curtains of death.

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

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

The SPEAKER pro tempore. The question is on the notion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate amendment.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments to the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

INTERMODAL SAFE CONTAINER TRANSPORTATION ACT OF 1992

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3598) to amend title 59, United States Code, to provide for verification of weights, and for other purposes, as amended.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Safe Container Transportation Act of 1992".

SEC. 2. CERTIFICATION OF WEIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 508. Certification of weights and description

"(a) NOTIFICATION AND CERTIFICATION.—

"(1) PRIOR NOTIFICATION.—Before the time any person tenders to an initial carrier any loaded container or trailer for intermodal transportation having a projected gross cargo weight (inclusive of packing material and pallets) of more than 10,000 pounds, such person shall give such carrier written notification of such gross cargo weight and a reasonable description of the contents of the container or trailer. The notification may be transmitted electronically.

"(2) CERTIFICATION.—At or before the time of tendering to an initial carrier for intermodal transportation of a container or trailer to which paragraph (1) applies or of a loaded container or trailer having an actual gross cargo weight (inclusive of packing material and pallets) of more than 10,000 pounds, the person tendering the container or trailer shall certify to the carrier in writing the actual gross cargo weight and a reasonable description of the contents of the container or trailer.

"(3) VIOLATION.—After the date on which the Secretary of Transportation issues final regulations to enforce this section, it shall be a violation of this section for any person tendering a loaded container or trailer to fail to comply with paragraph (1) or (2) or to provide false or erroneous information in a written certification required by paragraph (2).

"(4) LIMITATION ON APPLICABILITY.—For purposes of this section, a carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouseman, and terminal operator shall not be considered to be a person tendering a loaded container or trailer to an initial carrier, unless the carrier, agent, broker, customs broker, freight forwarder, warehouseman, or terminal operator assumes legal responsibility for the loading of property into the container or trailer.

"(b) FORWARDING INFORMATION TO SUBSEQUENT CARRIERS.—

"(1) IN GENERAL.—It shall be a violation of this section for a carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouseman, or terminal operator to fail to forward the certification of actual gross cargo weight and reasonable description of the contents of a loaded container or trailer provided under subsection (a)(2) to a subsequent carrier transporting the container or trailer in intermodal transportation.

"(2) LIMITATION ON INTERPRETATION OF CARRIER FORWARDING INFORMATION.—The forwarding of information under paragraph (1) by a carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouseman, or terminal operator shall not constitute, or in any way be construed as, a verification or affirmation by the carrier, agent, broker, customs broker, freight forwarder, warehouseman, or terminal operator of the accuracy or completeness of such information.

"(c) UNLAWFUL COERCION.—It shall be unlawful—

"(1) for any person to coerce or attempt to coerce a person participating in intermodal transportation to transport a loaded container or trailer having an actual gross cargo weight of more than 10,000 pounds (inclusive of packing materials and pallets) before the certification required by subsection (a)(2) has been provided; and

"(2) for any person, knowing that the weight of the loaded container or trailer or the weight of the tractor-trailer combination carrying the container or trailer in intermodal transportation is in excess of that permitted by applicable State law, to coerce or attempt to coerce any carrier—

"(A) to transport the container or trailer; or

"(B) to operate the tractor-trailer combination;

in violation of such law.

"(d) DUTY OF MOTOR CARRIER.—It shall be unlawful for a motor carrier (as such term is defined in section 10102 of this title) to provide transportation of a loaded container or trailer to which subsection (a)(2) applies prior to receiving the certification required by subsection (a)(2).

"(e) LIMITATION ON APPLICABILITY TO CARRIERS.—The provisions of subsections (a) and (c) shall not apply to a carrier when the carrier is transferring a loaded container or trailer to other carriers in the course of intermodal transportation, unless the carrier is also the person tendering the loaded container or trailer to the initial carrier.

"(f) STATE ENFORCEMENT.—A State is authorized to enact legislation to enable the State or a political subdivision of the State—

"(1) to assess fines and penalties for violations of State highway weight laws and regulations by a tractor-trailer combination carrying a loaded container or trailer for which a certification is required under subsection (a)(2) against the person tendering to the initial carrier the loaded container or trailer; and

"(2) to impound the container or trailer until such fines and penalties have been paid by the owners or beneficial owners of the contents of the container or trailer or the person tendering the loaded container or trailer to the initial carrier;

in any case in which the fines or penalties result from providing false or erroneous information in a written certification in violation of subsection (a)(3).

"(g) LIENS.—

"(1) IN GENERAL.—If a carrier or person involved in the intermodal transportation of a loaded container or trailer for which a certification is required under subsection (a)(2) must under State law post bond or pay any fines, penalties, costs, expenses, or interest resulting from providing false or erroneous information in a written certification with respect to the container or trailer or the contents thereof to the initial carrier in violation of subsection (a)(3), the carrier or other person shall have a lien against such contents equivalent to the amount of such bond or fines, penalties, costs, expenses, or interest incurred by the carrier or other person until the carrier or other person has received a payment of such amount from the owner or beneficial owner of the contents or from the person responsible for making the certification.

"(2) LIMITATIONS.—

"(A) LIMITATION ON DISPOSITION OF CONTENTS.—A lien under this subsection shall not authorize a carrier or other person to sell or otherwise dispose of the contents of a loaded container or trailer until the person who tendered the container or trailer to the initial carrier is given a reasonable opportunity to determine responsibility for the bond or fines, penalties, costs, expenses, or interest.

"(B) TREATMENT OF CERTAIN OWNERS AND BENEFICIAL OWNERS.—For purposes of this subsection, an owner or beneficial owner of the contents of a container or trailer or a person tendering a container or trailer to the initial carrier shall not be treated as a carrier or person involved in the intermodal transportation of the container or trailer.

"(C) LIMITATION ON APPLICABILITY.—The provisions of this subsection and subsection (f)(2) shall not apply to a container or trailer the contents of which are perishable agricultural commodities (as such term is defined in the Perishable Agricultural Commodities Act, 1930).

"(h) LIMITATION ON STATUTORY CONSTRUCTION.—This section shall not be construed as creating any obligation or responsibility for the person tendering the loaded container or trailer to the initial carrier to ensure that the initial carrier or any other carrier involved in the intermodal transportation will comply with any State statutes or regulations prescribing weight limitations for highway transportation, beyond the requirements set forth in this section.".

(b) ENFORCEMENT.—Section 521(b)(2)(A) of such title is amended by inserting "or which is a violation of section 508 of this title" after "Act of 1984".

(c) DEFINITIONS.—Section 501(a) of such title is amended by adding at the end the following new paragraphs:

"(4) 'beneficial owner' means a person who does not have title to property but has ownership rights in the property. For purposes of this paragraph, a trustee of property in transit from an overseas point of origin who is domiciled in or is doing business in the United States shall be treated as a beneficial owner of such property. A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouseman, or terminal operator providing or arranging for any portion of intermodal transportation of property shall in no case be a beneficial owner of such property, for purposes of this paragraph, solely by reason of providing or arranging for such transportation.

"(5) 'carrier' means—

"(A) a motor carrier, water carrier, and rail carrier (as such terms are defined in section 10102 of this title), and

"(B) an ocean common carrier (as such term is defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)),

providing transportation of property in commerce.

"(6) 'container' has the meaning given the term 'freight container' by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number IS0668-1979(E)), including successive revisions thereto, and similar containers that are used in providing transportation in interstate commerce.

"(7) 'initial carrier' means the first carrier transporting a loaded container or trailer in intermodal transportation.

"(8) 'intermodal transportation' means successive carriage of a loaded container or trailer from an origin point to a destination point by more than one mode of transportation in interstate or foreign commerce. Such term shall include carriage by more than one mode of transportation in interstate or foreign commerce both under a single bill of lading and under separate bills of lading.

"(9) 'trailer' means a nonpower, cargo carrying, trailing unit which is designed for use in combination with a truck tractor.".

(d) REGULATIONS.—The Secretary shall initiate a proceeding to issue regulations to enforce section 508 of title 49, United States Code, within 180 days after the date of the enactment of this Act and shall issue final regulations within 270 days after such date of enactment. The Secretary may establish, by regulation, exemptions to such regulations that are in the public interest and consistent with the purposes of this Act.

(e) CONFORMING AMENDMENT TO CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 105 of title 49, United States Code, is amended by adding at the end the following new item:

"508. Certification of weights and description.".

SEC. 3. DATA COLLECTION NEEDS.

(a) STUDY.—The Secretary of Transportation shall conduct a study for the purpose of—

(1) assessing—

(A) existing data and data collection needs with respect to the movement in intermodal transportation of loaded containers and trailers (including containers and trailers containing perishable agricultural commodities) in violation of section 508 of title 49, United States Code, and State highway motor vehicle weight laws;

(B) the legal and practical impediments to the collection of such data; and

(C) how these intermodal movements compare with other overweight domestic highway freight movements; and

(2) providing legislative and other recommendations for improving the collection of such data.

(b) CONSULTATION.—In carrying out the study under this section, the Secretary of Transportation shall consult with the States and shippers, carriers, port authorities, and other persons involved in the intermodal transportation of loaded containers and trailers.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Public Works and Transportation, the Committee on Energy and Commerce, and the Committee on Merchant Marine and Fisheries of the House of Representatives and to the appropriate committees of the Senate a report on the results of the study conducted under this section, together with the recommendations referred to in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

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

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

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Mr. MINETA. Mr. Speaker, first of all, let me commend my esteemed colleague, the gentlewoman from Maryland [Mrs. BENTLEY] for introducing H.R. 3598 last October. This legislation will begin the process of addressing the problem of overweight containers and trailers in intermodal transportation.

I also want to thank Chairman DINGELL of the Energy and Commerce Committee, who shares jurisdiction on this legislation, for his assistance in drafting this amendment. I am attaching a copy of a letter under his signature in which he confirms his agreement to the amendments.

I also want to acknowledge the jurisdiction of the Merchant Marine and Fisheries Committee in this legislation and thank acting Chairman STUDDS of that committee for his support for this legislation and his assistance in bringing it to the floor.

The amendment I am offering has made minor and technical changes to H.R. 3598 to respond to the suggestions of a broad coalition of shippers, carriers, and others involved in the intermodal transportation of containers and trailers.

Overweight intermodal shipments are a national problem. The issue of intermodal containers and trailers used to transport cargo by ship, rail and highway through U.S. ports has increased dramatically over the last 30 years. Just how revolutionary a method of handling freight transportation intermodal shipments has become is demonstrated by the fact that in 1967, 20 percent of the cargo handled in the port of New York was containerized. That figure now approaches 90 percent.

The cargo shipped in intermodal containers or trailers may meet the weight limitations of the container, the ship, the crane and the rail car on its trip and yet exceed weight limitations when transported by truck on the public highways. As many as one-third of these containers may contain loads that, when carried by a highway vehicle, are in violation of State weight laws and pose serious road damage and safety problems with their movements.

Currently, truckers are held responsible for operating overweight vehicles and fined for violating State weight limitations. Yet, they are generally in the middle or at the end of the intermodal transportation chain and have no control over the loading of overweight containers.

A March 1989 Federal Highway Administration analysis of U.S. ports shipping records for a 12-day period indicated that one out of three containers had cargoes at weights that could cause the truck transporting it to violate vehicle weight laws.

If enacted, H.R. 3598 will make it a requirement for a shipper to provide a carrier involved in intermodal transportation with a written certification of the gross cargo weight and a reasonable description of the contents of the cargo, which must be passed on to each subsequent person in the intermodal chain.

If a carrier receives a fine or penalty for violation of State weight laws as a result of a false or erroneous certification, he is entitled to a lien against the person responsible for the certification. However, the contents of the container or trailer may not be sold to pay for the penalties until the person responsible for the certification is able to determine who should reimburse the carrier.

Perishable agricultural commodities are exempted from the lien and impoundment requirements.

Mr. Speaker, H.R. 3598 represents an important first step in getting a handle on the growing problem of overweight containers and trailers on our Nation's highways. We need to take this step now to preserve port access highways for our Nation's future economic growth and to safeguard the driving public from the safety risks posed by transporting overweight containers and trailers on our Nation's highways.

I urge the adoption of H.R. 3598, the Intermodal Safe Container Transportation Act of 1992. I will be submitting under general leave a more detailed explanation of the amendment and relevant letters of jurisdiction. Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, in response to the suggestions of a broad coalition of shippers, carriers, and others involved in the intermodal transpor-

tation of loaded containers and trailers, the Committee on Public Works and Transportation has made minor and technical changes to H.R. 3598, the Intermodal Safe Container Transportation Act of 1992. The committee has focused on intermodal transportation in this legislation not to disadvantage this valuable segment of the transportation industry, but because we recognize its growing importance to the Nation's economic competitiveness in the global marketplace. The committee also views this legislation as a logical first step in dealing with the overall problem of transportation of overweight containers and trailers.

Since 1988, truckers engaged in intermodal transportation have argued for stronger Federal and State laws to address the steady growth in overweight container and trailer traffic, plaguing our ports and connecting highways. Containers that may be legally and safely loaded for water or rail transportation can, nonetheless, be unsafe or violate State highway weight limitations when they are loaded on a tractor-trailer combination vehicle. In fact, studies reveal that approximately 33 percent of all 20- and 40-foot containers moving through U.S. ports carried cargo loads that would likely cause the vehicles carrying these containers to violate State highway weight limits if loaded on trucks.

Overweight containers and trailers pose problems for our Nation's transportation infrastructure and for the safety of the traveling public. Even small increases in truck axle loads can produce exponential increases in the rate of pavement deterioration on our highways. In addition, extremely heavy containers can decrease a truck's braking capacity and increase the stress on its mechanical parts and tires. This could result in tire failure or loss of steering control.

Currently, truckers are held responsible for operating overweight vehicles and fined for violating State weight limitations. Yet, they are generally in the middle or at the end of the intermodal transportation chain and have no control over the loading of the containers. This legislation, therefore, takes a different approach to assigning responsibility for overweight containers and trailers, but it is not the committee's intent, in any way, to relieve truckers from their responsibility to comply with State highway weight laws.

The committee's bill recognizes that it is the person who obtains intermodal transportation for a loaded container or trailer of more than 10,000 pounds who has control over the loading of the container or trailer. The bill, therefore, requires the person who tenders a loaded container or trailer to the initial carrier to provide the carrier with advance written notification and certification of the projected and actual gross cargo weight and a reasonable description of the contents. Failure to provide the advance notification or certification constitutes a violation of the law. It is also a violation to provide false or erroneous information in the certification. It is not the committee's intent to burden shippers with unnecessary new requirements, but rather to establish reasonable procedures to address the growing problem of overweight containers and trailers.

The bill makes other persons in the intermodal transportation chain responsible for passing on to subsequent carriers the written certification of the actual gross cargo weight of the container or trailer and the reasonable description of its contents. These persons may include carriers, agents of carriers, brokers, customs brokers, freight forwarders, warehousemen, and terminal operators.

The bill also makes it unlawful for a person to coerce or attempt to coerce an intermodal transportation provider to transport a loaded container or trailer without first providing a written certification of the weight and contents of the container or trailer or knowing that the loaded container or trailer is overweight. The bill further makes it unlawful for a motor carrier to transport a loaded container or trailer without first receiving the written certification.

To strengthen enforcement of state highway weight laws, the bill authorizes States to enact laws to assess fines and penalties and to impound overweight containers and trailers in any case in which the fines or penalties were assessed because false or erroneous information was provided in the certification. Fines and penalties are to be assessed against the person responsible for making the certification. Carriers are granted a lien against the cargo, sufficient to cover the amount of bond or fines, penalties, costs, expenses or interest incurred by the carrier or other person for the highway weight law violation, until the carrier or other person is reimbursed by the cargo's owner or beneficial owner or the person responsible for making the certification. Perishable agricultural commodities are exempted from the lien and impoundment requirements because they are fragile and a total loss to the owner could result if their delivery is delayed.

This bill authorizes the Secretary of Transportation to develop regulations to implement this legislation, and it affords the Secretary the flexibility to make exceptions in the public interest and consistent with the purposes of this act. The Secretary may, for example, except from the lien and impound requirements, other perishable commodities where the circumstances clearly merit it. This would not apply to seasonable commodities which are not perishable nor to other commodities like beer which have frequently been identified as present in overweight shipments and are not considered perishable. The committee intends the Secretary to consult extensively with State weight enforcement officials in developing its implementing regulations. In cases where overweight containers and trailers contain mixed loads or where false or erroneous information has been provided in the certification, the committee considers consultation with State enforcement officials to be particularly important.

Finally, the bill authorizes a 2-year study to assess existing data and future data collection needs regarding the intermodal transportation of loaded containers and trailers that violate section 508 of title 49, United States Code, and State highway weight laws, and the legal and practical impediments to collecting the data. The study will also address how these intermodal movements compare with other overweight domestic highway freight movements and provide legislative and other recommendations for improving data collection on overweight container and trailer traffic. It is to be conducted by the Secretary of Transportation in consultation with the States, shippers, carriers, port authorities, and other persons involved in intermodal transportation.

This legislation is noncontroversial. It is the product of a consensus, forged through months of negotiation with representatives of the many interests involved in the intermodal transportation of loaded containers and trailers. It is an important first step in getting a handle on the growing problem of overweight containers and trailers on our Nation's highways. We need to take this step now to preserve precious port access highways for our Nation's future economic growth and to safeguard the driving public from the safety risks posed by intermodal transportation of overweight containers and trailers.

Mr. Speaker, I urge support for the bill and am attaching hereto an exchange of letters with the Committee on Energy and Commerce and Committee on Merchant Marine and Fisheries acknowledging jurisdiction over this subject matter.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, October 3, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 3598, the "Intermodal Safe Container Transportation Act of 1992", as amended.

On October 22, 1991, this legislation was jointly referred to the Committee on Public Works and Transportation and the Committee on Energy and Commerce. Following hearings on the bill, our respective staffs have developed a compromise proposal in the form of an amendment in the nature of a substitute to the bill. On behalf of our Committee, I recognize your Committee's jurisdiction over this important proposed substitute and would respectfully request that the Committee on Energy and Commerce agree to allow H.R. 3598, as amended, to be scheduled for the suspension calendar.

In addition, I would be happy to include our exchange of letters in the record during debate on this bill, and I want to extend my sincere appreciation for the cooperation you and your staff have accorded us on this matter.

With all good wishes.

Sincerely,

ROBERT A. ROE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 3, 1992.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with respect to your letter requesting our agreement to the placement of H.R. 3598, the Intermodal Safe Container Act of 1992, as amended pursuant to the joint efforts of our two Committees, on the suspension calendar.

Our Committee has reviewed the amendment in the nature of a substitute and appreciate the inclusion of provisions that we recommended therein. In view of the need for prompt floor action on the amended bill, I have no objection to its consideration on the suspension calendar. This decision, of course, should in no manner be construed as a waiver of our Committee's jurisdiction over the subject matter of H.R. 3598 or of our Committee's right to be named as conferees in any subsequent conference or to be fully in-

cluded in any further discussions with the Senate in the absence of any formal conference.

I appreciate the cooperative manner in which our Committee staffs have worked on this matter and would appreciate your inclusion of our correspondence in the record.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, DC, October 3, 1992.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Energy and Commerce and the Committee on Public Works and Transportation are in the process of bringing to the House H.R. 3598, the Intermodal Safe Container Transportation Act of 1991, a bill to provide for the verification of weights of loaded containers. I have reviewed the joint draft proposal of the amendment in the nature of a substitute (dated October 2, 1992/6:58 p.m.). Although I have no substantive objections to the proposed substitute amendment, it contains matters within the jurisdiction of the Committee on Merchant Marine and Fisheries, and I request that the Committee on Energy and Commerce and Public Works and Transportation recognize the jurisdictional interest of my Committee over this legislation.

H.R. 3598 is an important and sound piece of legislation that will substantially improve our transportation infrastructure. The proposed substitute would remedy the damage caused to our highways by the carriage of overweight containers. These overweight shipping containers pose a serious safety hazard to the motoring public and accelerate the deterioration of our Nation's highways.

This bill affects all aspects of the intermodal chain of transportation, from delivery to receipt. The Shipping Acts of 1916 and 1984 and the Intercoastal Shipping Act of 1933 regulate oceanborne common carriage in our international, domestic, and intercoastal trades. Rule X, clause 1(n) of the Rules of the House of Representatives gives the Committee on Merchant Marine and Fisheries jurisdiction over the regulation of common carriers by water (vessels in the intermodal transportation system).

The proposed amendment in the nature of a substitute would require shippers to certify containers of over 10,000 pounds. The shipper would be required to tender the certificate to the initial carrier; in turn, each subsequent carrier would be required to forward the certificate. Failure to forward the required certificate would subject ocean common carriers to penalty. The amendment in the nature of a substitute uses the Shipping Act, 1984 definition for the term "ocean common carrier". Additionally, the proposed substitute would require the Secretary of Transportation to conduct a study assessing data and data collection needs with respect to the movement in intermodal transportation of loaded containers. The results of that study are to be transmitted to my Committee.

Mr. Chairman, I support this legislation and do not wish to impede its progress. However, because it contains matters that affect ocean shipping, a matter within the jurisdiction of the Committee on Merchant Marine and Fisheries, I ask that you include a copy of this letter as part of the general debate on H.R. 3598.

With kind regards.

Sincerely,

GERRY E. STUDDS,
Acting Chairman.

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

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

Mr. Speaker, I want to thank the gentleman from New Jersey [Mr. ROE], chairman of the Committee on Public Works and Transportation, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], our ranking minority member, for their leadership in bringing this legislation to the floor. Both of them will be sorely missed in the 103d Congress. I also want to thank the gentleman from California [Mr. MINETA], chairman of the Surface Transportation Subcommittee, who has just given an excellent background on the needs for this legislation, and also the gentleman from Pennsylvania [Mr. SHUSTER], the subcommittee's ranking minority member, for their hard work and assistance in moving H.R. 3598 through the committee and bringing my legislation to the floor today.

Following the April 2d subcommittee hearing on this legislative measure, both Chairman MINETA and Mr. SHUSTER proved to be invaluable in the lengthy meetings and negotiations held to resolve the concerns of various entities potentially impacted by this legislation.

I especially want to thank both the subcommittee's majority and minority staffs for their diligence in addressing the expressions of concern raised by the National Industrial Transportation League, the National Custom House and Freight Forwarders Association, and others. Through their fine work and the committee's and subcommittee's leadership, today we have before us what should be a noncontroversial bill.

I also want to thank the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Michigan [Mr. DAVIS] of the Committee on Merchant Marine and Fisheries and the late Chairman Walter Jones, as well as the gentleman from Michigan [Mr. DINGELL] and the gentleman from New York [Mr. LENT] of the Committee on Energy and Commerce, for their cooperation on this bill.

Mr. Speaker, H.R. 3598 is a legislative effort to encourage compliance with U.S. highway gross vehicle weight limitations, thus making our highways safer for all who travel on them and lessen the wear and tear on our roads and bridges.

It places the burden of responsibility of verifying the weights of intermodal containers, and providing the documentation regarding the gross weight, on the party who first tenders the cargo shipped intermodally—that could be the shipper, a motor carrier who loads a consolidated shipment, or anyone else who plays that role.

This legislation does not relieve motor carriers of their obligation to comply with State weight laws and regulations, nor does it require shippers to monitor the equipment or vehicle loading of the motor carrier.

I want to stress that the aim of this legislation is to ensure that intermodal shipments are handled properly, not to place an additional burden on intermodal shipments. This legislation provides the Department of Transportation with sufficient latitude to develop workable regulations.

We believe that the Transportation Department should consult with State weight enforcement officials in the implementation of this act, especially in developing procedures to determine where violations result from a false or erroneous weight certification.

Two other areas deserve careful examination by the Department. Perishable agricultural commodities are exempt from certain enforcement mechanisms of the bill.

The Department should evaluate whether other kinds of perishable items should have similar treatment, while taking care that commodities that haven't typically caused highway weight violations are adequately covered by the regulations.

The Department also should give careful consideration to the appropriate treatment of the contents of containers with mixed ownership in cases of impoundment or application of liens.

Mr. Speaker, although we are facing the 11th hour, hopefully, we will be able to get this most important piece of legislation not only through the House of Representatives, but through the Congress.

If we are able to accomplish that goal, Mr. Speaker, then we, rightfully, can boast that we played a critical role in improving safety on the Nation's highways and ease their wear and tear.

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

Mr. MINETA. Mr. Speaker, I yield 1 minute to our very fine colleague, the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. Speaker, I would ask the gentleman from California [Mr. MINETA], in the city of Louisville, the county of Jefferson, there are proposals for the storage, the handling, and possibly the eventual burning of hazardous wastes, including material that could be carcinogenic.

I would ask my friend from California, does this bill before the House have anything to do with identification and perhaps publicizing the nature of the cargo to local authorities, perhaps fire departments, emergency medical units?

Mr. MINETA. Mr. Speaker, if the gentleman will yield, this legislation does not.

Mr. MAZZOLI. Mr. Speaker, I would ask the chairman, is there legislation at all?

Mr. MINETA. Mr. Speaker, the Congress has in the past passed legislation dealing with the transportation of hazardous materials. That is under the jurisdiction of the Department of Transportation. Within the Department of Transportation there is an agency or administration called Research and Special Programs Administration, and it is with RSPA that they administer the Transportation of Hazardous Materials Act.

Mr. MAZZOLI. Mr. Speaker, I would ask the chairman, just very briefly, would it typically then be the responsibility of the carrier to somehow make notice as it enters a State or locality of what it is carrying or what the tank or carrier is?

Mr. MINETA. Mr. Speaker, the requirements are laid out in the act, as well as a community right to know provision.

Mr. MAZZOLI. Mr. Speaker, I appreciate that and thank the chairman. The gentleman from California [Mr. MINETA] and I have been friends a long time. I am very proud of the leadership of the gentleman from California on all manner of surface transportation and appreciate him responding to my questions.

Mr. ROE. Mr. Speaker, I wish to express my support for the amendment in the nature of a substitute to H.R. 3598, the Intermodal Safe Container Transportation Act of 1992, which is needed to make the intermodal transportation system of the 1990's and the 21st century operate more efficiently.

I offer my compliments to our subcommittee chairman, NORMAN Y. MINETA of California, and the ranking Republican member, BUD SHUSTER of Pennsylvania, for their work on this bill. I also want to commend the original author of this legislation, the gentlewoman from Maryland, Congresswoman HELEN DELICH BENTLEY, for taking the initiative to address the growing problem of overweight containers and trailers in intermodal transportation.

This legislation represents a consensus among the major participants in the intermodal transportation chain—shippers, truckers, ports, steamship companies, agricultural interests, customs brokers, freight forwarders, warehousemen, and terminal operators. In response to their suggestions, the Committee on Public Works and Transportation has made minor and technical changes to the Congresswoman's legislation while maintaining the original framework of her bill.

The transportation of overweight containers and trailers in violation of highway weight laws is a widespread and growing problem. Overweight containers are a safety threat on the Nation's highway and they cause serious damage to our road system.

We have focused on this problem of intermodal transportation because it is so important to the Nation's future competitiveness in the global economy. The committee regards intermodal transportation as crucial and the goal of the bill is to make our entire transportation system work more effectively.

For the last 4 years, truckers engaged in intermodal transportation have expressed an urgent need for stronger Federal and State laws to stem the growth in overweight container and trailer traffic. Truckers are on the receiving end as containers are transported and they are well aware that the use of these overweight containers and trailers accelerate damage to our Nation's highways and increase the risks to the traveling public.

To discourage the use of overweight containers and trailers, H.R. 3598 requires the shippers or persons obtaining intermodal transportation for a container or trailer of more than 10,000 pounds to provide the carrier with advance written notification and certification of its projected and actual gross cargo weight and a reasonable description of its contents. Failure to provide the written certification, or providing a false certification, is a violation of the law.

The bill makes the shipper responsible for providing accurate advance information on the container or trailer's weight, but carriers transporting the cargo are in no way relieved from the responsibility to comply with State highway weight laws. The bill makes the other participants in the intermodal transportation network responsible for passing on to subsequent carriers the written certification of the container or trailer's actual gross cargo weight and the description of its contents.

"This legislation makes it unlawful to coerce an intermodal transportation provider to transport a loaded container or trailer without first providing a written certification of its weight and contents or to transport a container which exceeds State weight laws on its own or when loaded on a tractor-trailer. It is also unlawful for a carrier to transport loaded container without the required weight and content certification.

"To strengthen enforcement, the bill authorizes States to enact legislation to assess penalties and to impound overweight containers and trailers. Penalties are assessed against the owner or beneficial owner of the trailer or container contents.

Carriers who are fined for transporting overweight containers or trailers are granted a lien against the cargo proceeds until they are reimbursed by the cargo owner. Perishable agricultural products are exempted from the lien and impoundment requirements because delays in delivery could result in a total loss to the owner.

The bill also authorizes a 2-year study to assess existing data and data collection needs to provide us with better information on the transportation of overweight intermodal containers and trailers. The study will include an examination of the legal and practical impediments to collecting the data and a comparison of overweight intermodal movements with other overweight domestic highway freight movements. It will also provide legislative and other recommendations for improving data collection on overweight containers and trailer traffic.

The Intermodal Safe Container Transportation Act of 1992 represents an important step in recognizing that intermodal transportation is significant for the economic and competitive future of our Nation. By enacting this legislation, the use of overweight containers will be discouraged, port access highways will be better reserved and the safety of the traveling public enhanced.

I urge support of H.R. 3598, the Intermodal Safe Container Transportation Act of 1992.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of this important intermodal transportation bill. I want to thank Chairman ROE, Chairman MINETA, and Mr. SHUSTER for bringing this legislation to the floor today. I particularly want to thank Mrs. BENTLEY for her tenacity in pursuing a remedy to the overweight container problem. She introduced H.R. 3598 last fall, and when the issue could not be addressed in the surface transportation legislation, continued her efforts to see that it received the attention it deserved.

I also wish to thank Chairman STUDDS and Mr. DAVIS of the Merchant Marine and Fisheries Committee, as well as Chairman DINGELL and Mr. LENT of the Energy and Commerce Committee for their cooperation on this bill.

The smooth integration of different modes of transportation is a theme we promote in the Public Works and Transportation Committee. H.R. 3598 is an important step toward that goal. The transportation of containers that violate highway weight laws causes excess wear on our highways and threatens safety as well. This bill will require the different modes to share information so that trucking companies are not put in a position where they are pressured to haul overweight containers.

Specifically, shippers must provide a certification of a container's actual weight when tendering it to the first carrier in the intermodal transportation chain. This certification must be passed along as carriers transfer the cargo from mode to mode. At any point of truck transportation, the trucking company can determine whether the container is within the limits of highway weight laws and provide proper equipment for transporting the load.

It seems a simple thing—to know how much the container weighs. But truckers do not have this information now. After waiting for hours in line at a port, even if they suspect a container is too heavy for their equipment, they have nothing in writing to serve as a basis for rejecting the load.

A unique group of carrier and shipper representatives deserves recognition for its persistence and cooperative spirit in striving for this legislation. Truckers, steamships, railroads, ports, and shippers pulled together to resolve this problem to everyone's satisfaction. They were very helpful to the committee and I want to thank them today for their support of this legislation.

Again, this is a bill which will reduce highway wear, mitigate a threat to safety, and has the strong backing of the industries which must abide by it. I urge my colleagues to support H.R. 3598.

Mr. STUDDS. Mr. Speaker, H.R. 3598 is an important and sound piece of legislation that will substantially improve our transportation infrastructure. The substitute proposed by the Committee on Public Works and Transportation and the Committee on Energy and Commerce would remedy the damage caused to our highways by the carriage of overweight containers. These overweight shipping con-

tainers pose a serious safety hazard to the motoring public and accelerate the deterioration of our Nation's highways.

This bill affects all aspects of the intermodal chain of transportation, from delivery to receipt. The Shipping Acts of 1916 and 1984 and the Intercoastal Shipping Act of 1933 regulate oceanborne common carriage in our international, domestic, and intercoastal trades. House rules give the Committee on Merchant Marine and Fisheries jurisdiction over the regulation of common carriers by water; consequently, my panel has a keen interest in legislation affecting vessels in the intermodal transportation system.

The proposed amendment in the nature of a substitute would require shippers to certify containers of over 10,000 pounds. The shippers would be required to tender the certificate to the initial carrier; in turn, each subsequent carrier would be required to forward the certificate. Failure to forward the required certificate would subject ocean common carriers to penalty. The amendment in the nature of a substitute uses the Shipping Act, 1984 definition for the term "ocean common carrier." Additionally, the proposed substitute would require the Secretary of Transportation to conduct a study assessing data and data collection needs with respect to the movements in intermodal transportation of loaded containers. The results of that study are to be transmitted to my committee.

I appreciate this opportunity to comment on the bill's application to ocean shipping.

Mr. SHUSTER. Mr. Speaker, I rise in support of the Intermodal Safe Container Transportation Act.

This goal of this bill is to reduce a problem that has plagued shipments that travel by more than one transportation mode. The highway leg of container shipments that also move by rail or ship—where there are no weight caps—frequently places a burden on motor carriers, who must abide by highway weight laws.

Almost every container load travels over the road at least once during shipment, and with the proper information, motor carriers can haul containers safely and minimize road wear.

This bill will require shippers to notify carriers of actual container weights so that motor carriers can provide the proper chassis and other equipment to haul the freight without violating highway weight limits.

Shippers must also provide a description of the contents of the container. This description should be specific enough to identify the cargo in case special loading practices should be used, but it does not require an itemized inventory of the contents.

It should be stressed that our intent is to overcome an obstacle to efficient intermodal transportation, not to hamper intermodal shipments. The Department of Transportation will have considerable flexibility in shaping regulations in keeping with this objective.

This bill sets a new precedent in cooperation among the modes. Representatives of shippers, motor carriers, railroads, steamship companies, and port authorities have carefully evaluated the best way to reduce the overweight container problem. They strongly support the measures contained in H.R. 3598, and I urge my colleagues to lend it their support as well.

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

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

The SPEAKER pro tempore (Mr. RAY). The question is one the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 3598, as amended.

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

A motion to reconsider was laid on the table.

ASIAN/PACIFIC-AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5572) to designate May of each year as "Asian/Pacific-American Heritage Month."

The Clerk read as follows:

H.R. 5572

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

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) on May 7, 1843, the 1st Japanese immigrants came to the United States;

(2) on May 10, 1869, Golden Spike Day, the 1st transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

(3) in 1979, at Congress' direction, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

(4) in 1990, 1991 and 1992, Congress designated and the President proclaimed the month of May as Asian/Pacific American Heritage Month;

(5) nearly 8,000,000 people in the United States can trace their roots to Asia and the islands of the Pacific; and

(6) Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States.

SEC. 2. ANNUAL COMMEMORATION.

(a) DESIGNATION.—May of each year is designated as "Asian/Pacific American Heritage Month".

(b) FEDERAL PROCLAMATION.—The President is authorized and requested to issue annually a proclamation calling on the people of the United States to observe the month designated in subsection (a) with appropriate programs, ceremonies and activities.

(c) STATE PROCLAMATIONS.—The chief executive officer of each State is requested to issue annually a proclamation calling on the people of the State to observe the month designated in subsection (a) with appropriate programs, ceremonies and activities.

(d) DEFINITION.—For purposes of subsection (c), the term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

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

Mr. Speaker, I am pleased to bring before the House legislation to designate May of each year as "Asian/Pacific-American Heritage Month."

H.R. 5572 is the product of many years of work by the distinguished dean of the New York delegation, FRANK HORTON. Congressman HORTON is retiring at the end of this Congress, after 30 years of service in this body.

So, first, I want to use this opportunity to extend my best wishes to FRANK and his family, and to recognize his enormous contributions to this institution and to the American people.

FRANK, we are grateful for your leadership and guidance over these many years. You have consistently placed principle and fairness over partisan concerns. You have been a conciliator in the true sense of the word. Your skills as a legislator will be missed.

Mr. Speaker, H.R. 5572 would designate an annual public observance in recognition of the fastest growing segment of our population, Asian-Americans.

Since 1978, when Congress first considered legislation to recognize the contributions of Asian-Americans, the number of Americans of Asian and Pacific Islander heritage has more than doubled, to nearly 8 million.

This population is also enormously diverse, with many ethnic backgrounds of differing language and culture. Some Asian groups have been in the United States for several generations; others are more recent immigrants.

The longstanding policy of the Committee on Post Office and Civil Service governing commemorative legislation prohibits recurring annual commemoratives. Over the years, the committee has diligently enforced that provision of the policy.

However, in a few instances, and after careful review beyond our usual standard for commemoratives, the committee has approved exceptions to the policy.

Those exceptions were granted in cases where the committee determined that the subject matter was of extraordinary national significance and where circumstances clearly supported a waiver from the stated policy.

Applying that strict standard, the committee found a clear basis for approving an exception to the policy for H.R. 5572.

The subject matter of the bill is of extraordinary national significance in light of the substantial demographic change sweeping the country. The United States truly continues to be a nation of immigrants, and the diversity of the population continues to contribute to the strength and progress of the Nation.

The committee also considered the existence of similar annual periods of public observance in recognition of other numerically large racial minority groups.

In 1968, Congress enacted legislation designating "National Hispanic Heritage Week." That act was later amended to extend the recognition to a month, from September 15 to October 15 of each year.

In addition, the President annually designates February as "Black History Month."

Accordingly, Mr. Speaker, I urge my colleagues to support this effort by the gentleman from New York.

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

Mr. HORTON. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I am honored to be the primary sponsor of H.R. 5572. As the gentleman from Ohio [Mr. SAWYER] explained, this bill would designate the month of May of each year as Asian/Pacific American Heritage Month.

In addition to the annual designation of the month, my legislation would request that the President and the Governor of each State annually issue a proclamation calling on the people of the United States to observe the month designated with appropriate programs, ceremonies and activities.

I want to thank the chairman, and the ranking minority member of the Post Office and Civil Service Committee, Mr. CLAY and Mr. GILMAN, for their strong support for my legislation to designate May of each year as Asian/Pacific American Heritage Month. I also want to express my appreciation to the chairman of the Subcommittee on Census and Population, Representative TOM SAWYER of Ohio, and also the ranking minority member of the subcommittee, Representative TOM RIDGE of Pennsylvania, for their assistance in bringing this measure to the floor in an expedited fashion.

On June 30, 1977, I had the unique honor and pleasure of introducing House Joint Resolution 540 and later House Joint Resolution 1007 which for the first time in this Nation's history, asked the Congress and the people of the United States to set aside a period in May as Asian/Pacific American Heritage Week. I should add that I feel a great deal of satisfaction in the dramatic growth of organizations dedicated to attracting attention to the problems and issues confronting Asian-Americans. Virtually all of these organizations have been formed as a result of the original legislation in 1977.

Asian-Americans are now the fastest growing minority group in America. Nearly 8 million Americans can trace their roots to Asia and the islands of the Pacific.

I am joined in this action by my distinguished colleague from California, Mr. NORMAN MINETA, who was also the original sponsor with me in 1977. Mr. MINETA has been one of the strongest supporters in my effort to achieve recognition for Asian/Pacific Americans. Joining with us in support of this measure are Mr. MATSUI of California, Mr. FALEOMAVAEGA of American Samoa, Ms. MOLINARI of New York, Mrs. MINK of Hawaii, Mr. BLAZ of Guam, and Mr. ABERCROMBIE of Hawaii.

More than 15 years ago a woman came to my office and told my administrative assistant, Ruby Moy, and me a very compelling and persuasive story. Today, I would like to share the origin of this landmark legislation.

The celebration of Asian-Pacific American Heritage Month has a very deep and personal meaning for Jeanie Jew and her family. Their story began sometime in the 1800's when a young man, M.Y. Lee left Canton, China to find a better life in America. Mr. Lee was one of the first Chinese pioneers to help build the transcontinental railroad. He later became a prominent California businesman. When the Chinese were having difficulties in Oregon, Mr. Lee traveled to Oregon and was killed during that period of unrest. It was a time of anti-Chinese and anti-Asian sentiment. The revelations about Mr. Lee and the story of Asian Americans led this one woman to believe that not only should Asians understand their own heritage, but that all Americans must know about the contributions and histories of the Asian-Pacific American experience in the United States. Jeanie Jew, the creator of the idea for a heritage month is the granddaughter of M.Y. Lee, the early pioneer.

The original resolution designated the week beginning May 4 as Asian-Pacific American Heritage Week because that week included two significant occasions in the proud history of Asian Americans. May 10, 1809, or Golden Spike Day was the day on which the transcontinental railroad was completed, largely by Chinese-American pioneers. May 7, 1843, marks the date of the first arrival of the Japanese in the United States. Both dates will fittingly be included in Asian-Pacific American Heritage Month.

I want to commend the two women who made this event possible, Ruby Moy and Jeanie Jew. Mrs. Jew turned a personal tragedy in her family history into a positive force.

Asian-Pacific American Heritage Month will now be observed by all Americans. I also want to thank Ruby Moy, my administrative assistant, for her efforts to pass this legislation. She holds the highest professional position to a Member of Congress, and is a second generation Asian-American.

In 1977, Mrs. Jew and Ms. Moy cofunded the congressional Asian-Pacific staff caucus, an organization which collectively worked for the establishment of the first heritage proclamation and supports yearly efforts to perpetuate its recognition. The caucus, a group of professional staff members of Asian descent, periodically discusses and reviews legislation and issues of concern to Asian-Pacific Americans.

I take a great deal of pride in my involvement with the Asian-American community. Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States.

I hope my colleagues will join me in supporting this resolution and in recognizing the history and contributions of Asian-Pacific Americans, particularly during Asian-Pacific American Heritage Month. Immediately following my statement, I am including a letter I recently received from Mrs. Jeanie Jew for insertion in the RECORD.

SPRINGFIELD, VA, *October 4, 1992.*

Hon. FRANK HORTON,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HORTON: I was deeply saddened to learn of your announcement to retire from the U.S. House of Representatives. Your departure is not only a loss for New York State and the Congress, but especially for a community of nearly 8 million people across the United States—the Asian/Pacific American. When the gavel signifies the end of the 102nd Congress, our voices will be silent for a time—out of respect—because a great person, the distinguished gentleman from the 29th Congressional District of New York, is leaving the Chamber. You have been our Champion.

For more than a decade, as the chief sponsor with your good friend and colleague, Congressman Norman Y. Mineta of California, you have introduced every bill and resolution establishing Asian/Pacific American Heritage Week and Month. Since its first observance, the celebration in May has become the single most significant event for Asian and Pacific Islanders and all Americans to learn more about our concerns, contributions, achievements and history in the U.S. Your legislative efforts on behalf of Asian Americans will be the benchmark for others to follow. The passage of H.R. 5572 is not only a tribute to the many people and communities directly involved, but particularly to you and the U.S. Congress for effective leadership—and the formal recognition of the Asian/Pacific American role in America's past, present and future.

My special thanks to your office, professional staff members, and especially to Ruby G. Moy, your Chief of Staff and Administrative Assistant, for her outstanding efforts and commitment to this landmark legislation.

Robert joins me in expressing our heartfelt appreciation and in wishing you and Nancy the very best.

Sincerely,

JEANIE F. JEW.

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Mr. SAWYER. Mr. Speaker, I yield 2 minutes to the gentleman from Mis-

souri [Mr. CLAY], chairman of the full Committee on Post Office and Civil Service, without whose leadership this timely consideration would not be possible.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of this bill, which is sponsored by my good friend and colleague, the gentleman from New York [Mr. HORTON].

Mr. Speaker, it is a fitting tribute to the gentleman from New York that we pass this measure in recognition of his great efforts in behalf of the Asian-Pacific American community.

I would like to take this opportunity to pay special tribute to my friend and respected colleague, the gentleman from New York [Mr. HORTON].

Several months ago, FRANK stood in the well of this House and announced that he would not seek reelection, that he would retire at the conclusion of this year after some 30 years in this House.

I, like many of our colleagues, was stunned and saddened by the announcement. The citizens of New York State will lose a great servant. The Chamber will lose a great legislator. The Federal and postal workers will lose a great champion and, of course, the Nation will lose a great statesman.

I will lose not only a comrade on the legislative battlefield but, most of all, I will lose a longtime companion and ally.

During this Congress, Mr. Speaker, we have become almost complacent over the decisions of colleagues to leave this body. I will miss many of them as time goes by. I miss those who have left before us and those who are about to go. I know one man that I will miss. I'll miss the pat of his large hand on my back, followed by the bellow of that Cajun rolling voice and the citation of some obscure baseball stats on heroes past and present. Too many times the American public watches us on TV as we battle in the legislative rhetoric like characters in a show. What they sometimes forget is that we are real live humans with hearts, souls and feelings, just like them.

FRANK, I'll miss you, but always know that you'll never be forgotten as a great legislator and statesman. I wish you and Nancy all the joy and happiness that God can spare.

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

I want to thank the gentleman from Missouri for his very fine remarks. I have enjoyed working with him and this committee particularly. I have the greatest regard for his leadership and his dedication. He is a very fine Member of Congress, and the people in his district certainly respect him. They have sent him back many, many times.

But more importantly, he is the voice of the Congress in representing the Federal employees. And I think one of the most important pieces of legislation that I have ever sponsored has been the effort that he and I have been engaged in to try to repeal the Hatch Act so that the fellow Americans who work for the Federal Government can be American citizens just like the rest of us. Because today they are not.

And the Clay-Horton bill, to repeal the Hatch Act, is still pending. I do not think it will be acted on in this Congress, but I am going to leave it up to his leadership to see that it gets enacted in the near future.

They are the only class of people in America that do not have the responsibilities that the rest of Americans have. They cannot participate in the political process like everyone else can. And until that Hatch Act, which is over 50 years of age, is repealed, those people are going to continue to be second-class citizens.

I would certainly hope that in the next Congress that that can be attended to. I have enjoyed my work in the House. It is a great institution. I am proud of it. I am proud of the opportunity that I have had to serve here and particularly to serve on the Committee on the Post Office and Civil Service.

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

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

Mr. CLAY. Mr. Speaker, I certainly appreciate the kind remarks. I can assure the gentleman that if I am reelected in November, one of the first pieces of legislation that will go on the President's desk, hopefully a President who is committed to freeing the Federal employees from the present bondage that they serve under, not being able to participate fully in the political process, will sign the bill.

Mr. HORTON. Win one for the Gipper. That is me.

Mr. SAWYER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], a leader whose commitment on behalf of the measure before us is unsurpassed on our side of the aisle.

□ 2050

Mr. MINETA. Mr. Speaker, I thank my very distinguished friend, the gentleman from Ohio, for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 5572, legislation to permanently designate the month of May as Asian-Pacific American Heritage Month.

Along with my distinguished friend and colleague from New York, Congressman FRANK HORTON, I am very proud to be a cosponsor of this important legislation. I wish to thank FRANK for all of his efforts and interest in issues involving the Asian-Pacific American community.

H.R. 5572 will build on the work FRANK began in 1979, when the Congress first recognized Asian-Pacific American Heritage Week.

In 1988, this was expanded to a month-long observance, and the legislation before us today will make the designation of May as Asian-Pacific American Heritage Month a permanent one.

The observance of Heritage Month each year has become an important celebration for all Americans of Asian and Pacific Islands ancestry. Around the country, community organizations take advantage of the opportunity it presents to educate our fellow Americans about our communities, our contributions, and our history in America.

I am very proud that today the House is recognizing the importance of this annual celebration by bringing H.R. 5572 to the floor, and I urge my colleagues to join me in voting to approve the bill.

As I said earlier, Mr. Speaker, I am proud to be an original cosponsor of H.R. 5572.

But the fact that this legislation is before us today is truly a tribute to the gentleman from New York [Mr. HORTON].

This is a year in which many of our colleagues have announced their retirements, Mr. Speaker. But I can think of no departure from this House that saddens me more than FRANK HORTON's.

As an Asian-Pacific American, I can say truthfully that our communities have never had a greater friend in the Congress than FRANK HORTON. Throughout his career in the House, his has been a voice for justice and equality—for us and for all Americans.

It has been a great honor for me to work with FRANK, his administrative assistant, Ruby Moy, Jeanie Jew. They have been true friends, and I know my colleagues join me in wishing FRANK well in his retirement. He will surely be missed in this institution, he will be missed by this gentleman from California and Mr. HORTON will be especially missed by the Asian-Pacific American community.

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

Mr. Speaker, I want to take this occasion to thank personally the gentleman from California, NORM MINETA, not only for his comments here tonight and for the comments that he has made, but for his support for this legislation.

I also want to take this occasion to thank him and congratulate him on his leadership of H.R. 442, which was to correct a terrible injustice that was done during World War II.

As I have said several times on this floor during the course of debate on that particular legislation, I happened to be serving with the U.S. Army in Italy when the 442d, which was composed of Asian-Pacific Americans descent of Japanese, landed in Italy. I was there and I greeted them. I

watched the course of action and watched them in action, and they were one of the most heroic organizations in the U.S. Army. Many of them died, many of them received medals, and that community was one of the most highly decorated units in the U.S. Army during World War II. It was very appropriate that that bill be designated 442.

I want to take this occasion personally to thank the gentleman from California [Mr. MINETA] and his efforts there. That, combined with what we are doing here, and what has resulted as a result of this legislation, I think has brought the Asian-Pacific community together. Today they are making even more contributions than they have ever made, and now they are getting the recognition that they should have.

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

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

I do so only to associate myself with the remarks of the gentleman from New York [Mr. HORTON] with regard to our mutual friend, the gentleman from California [Mr. MINETA]. His leadership on a whole range of Asian and Pacific Islander issues has been exemplary, but I want to take a moment to offer personal thanks for his guidance and assistance in the course of the last several years as we have sought to bring about the full enumeration of that community in our country in all of its diversity, recognizing that, as is the case with so many Americans, they are not of one blood by any means, but rather, come to this country bound together with one belief that all of us together comprise a single nation.

On behalf of that leadership and help I offer personal thanks.

Mr. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 5572, a bill which would designate May of each year as "Asian-Pacific American Heritage Month." As an original cosponsor of this legislation, I believe it is important that this legislation becomes law so all Americans can recognize the achievements of Asian-Pacific Americans, and can understand and appreciate the role of Asian-Americans and Pacific-Americans in the our Nation's history as well as in America's future.

Asian-Pacific Americans owe a great deal to the first generation that struggled to make a life for themselves and their families here in the United States. As a relatively recent group of newcomers to this country, we have the blessing of being closer in touch with our roots. Not only can we celebrate our customs and traditions, we can count the generations of our families going back centuries, and also remember the stories of our families' struggles and accomplishments.

Asian-Pacific Americans have a proud, rich, and diverse history. Our antecedents were pioneers who traveled far to improve the lives of themselves and their families, and helped our Nation achieve its greatness. Our pioneer ancestors made innumerable and immeasurable sacrifices to provide an opportunity for their descendants to succeed in schooling and careers.

We should take great pride as a nation in the history of Asian-Pacific Americans. But we must also realize that the mentality that led that generation to survive in America is keeping second, third, and fourth generation Asian-Americans from reaching their full potential. Our parents, grandparents, and great-grandparents had a survivalist mentality: they wanted to succeed, but they did not want to rock the boat. They did not want to draw attention to themselves or cause problems by attempting to reform society. And perhaps they were not in a position at that time to do so.

But times have changed, and the Asian-Pacific American community can make a difference. Each Asian-Pacific American has a responsibility to provide leadership for the community. I exhort Asian-Pacific Americans across this great land to look beyond yourselves and your immediate family, and I urge you to see what you can contribute to this country. Asian-Pacific Americans must overcome our ancestors' survivalist mentality and be aggressive in taking on challenges. Clearly, we are up against many obstacles: language barriers, stereotypes, and anti-Asian bigotry. But Asian-Pacific Americans must overcome their apathy in their community and in politics if we are to be fully united with the mainstream of America.

I applaud the accomplishments of Asian-Pacific Americans in many diverse fields. Asian-Pacific Americans display professionalism, courage, and leadership in such diverse fields as education, athletics, science, engineering, the arts, medicine, the law, and the small business. Asian-Pacific Americans demonstrate daily to the world that we can be leaders in any field. We must continue to strive for excellence: to make ourselves, and our community, be the best. Let there be no doubt that this in turn will help make our country strong. Asian-Pacific Americans have an indomitable spirit to work and build, our future promises to be as rich and accomplished as our past.

Mr. GILMAN. I rise today in strong support of H.R. 5572 and I would like to commend my good friend and colleague from New York, FRANK HORTON, for introducing this legislation. I would also like to take this opportunity to thank the chairman of the House Post Office and Civil Service Committee, my good friend BILL CLAY, for his expedient handling of this measure. H.R. 5572 would designate the month of May each year as "Asian-Pacific American Heritage Month."

Mr. Speaker, the chairman and the ranking member of the subcommittee on Census and Population, TOM RIDGE, should be complimented for recommending that an exception to committee policy be granted in this Bill's case and for supporting this legislation in full committee.

Asian-Pacific Americans are the fastest growing segment of our country's population. A newly released profile by the Census Bureau estimates the Asian-Pacific American population to be approximately 7 million, or about 3 percent of our Nation's total population. The survey further showed that most Asian-Pacific Americans are concentrated in the western region of the United States with 94 percent living in our metropolitan areas. My own congressional district in New York has seen a large growth in its Asian-Pacific American population. Asian-Pacific Americans have contributed significantly to our country's culture, society, and economy, and have played an important role in the history of our country.

Mr. Speaker, as an original cosponsor of H.R. 5572, I am pleased to join with and again commend the chief sponsor of this legislation, FRANK HORTON, who has championed many worthy causes for the Asian-Pacific American Community.

Accordingly, Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5572, and to congratulate the gentleman from New York, FRANK HORTON, on his upcoming retirement. FRANK HORTON has served with distinction in this body for the past 30 years. He should be commended for his arduous work on behalf of the American Postal worker and other Federal employees, the Federal Government, and indeed all Americans. Mr. Speaker, FRANK HORTON's presence and counsel in this body will be sorely missed.

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

The SPEAKER pro tempore (Mr. RAY). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 5572.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

JOHN J. WILLIAMS POST OFFICE BUILDING

Mr. MCCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2834) to designate the U.S. Post Office Building located at 100 Main Street, Millsboro, DE, as the "John J. Williams Post Office Building."

The Clerk read as follows:

S. 2834

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

SECTION 1. DESIGNATION OF UNITED STATES POST OFFICE, BUILDING LOCATED AT 100 MAIN STREET, MILLSBORO, DELAWARE.

The U.S. Post Office Building located at 100 Main Street, Millsboro, Delaware is designated as the "John J. Williams Post Office Building". Any reference to such building in

any law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "John J. Williams Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

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

Mr. Speaker, I rise in support of S. 2834 to designate the U.S. Post Office Building located at 100 Main Street, Millsboro, DE, as the "John J. Williams Post Office Building."

John J. Williams honorably served in the U.S. Senate for 24 years from 1946 until 1970. He was an expert in budget and tax issues and was able to master these issues with only a high school education. He also was widely respected for his honesty and integrity—some referred to him as the watchdog of the Nation and the conscience of the Senate. After his death in 1988, Senators from both parties went to the Senate floor to remember him. It is truly fitting to name this Post Office in Millsboro, DE, after Senator John Williams.

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

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to thank the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY] and the chairman of the Subcommittee on Postal Operations and Services, the gentleman from Indiana [Mr. MCCLOSKEY], for their assistance in bringing this measure to the floor prior to the adjournment of the 102d Congress.

Mr. Speaker, I particularly want to thank the gentleman from Indiana [Mr. MCCLOSKEY] for his leadership. He served as the chairman of the Subcommittee on Postal Operations and Services of the Committee on Post Office and Civil Service, and I have had the privilege of serving on that subcommittee for the time that I have been on the Committee on Post Office and Civil Service. I have served under his leadership. I just want to commend him for his leadership. He took over from our dear departed colleague, Mickey Leland, who was killed, as we all know, in a terrible airplane accident in Ethiopia when he was over on a mercy mission. The gentleman from Indiana has performed the functions of that subcommittee I think in great fashion.

□ 2100

That is a very important subcommittee of the Post Office and Civil Service Committee, and especially looking at all of the postal operations. And I have enjoyed my time serving on that, and particularly under his leadership. And I particularly thank him for bringing this bill today.

This bill, as the gentleman from Indiana stated, would name the postal facility located at 100 Main Street in Millsboro, DE, as the John J. Williams Post Office Building. S. 2834 was introduced by Senator BILL ROTH of Delaware who serves as the ranking minority member of the Senate Government Affairs Committee in the Senate, of course.

John Williams was born on a farm in Sussex County, DE, in 1904 and attended public schools before moving to Millsboro in 1922. John was engaged in the grain business prior to his running for public office.

He served as a Senator for 24 years from the State of Delaware. He was elected to the U.S. Senate in 1946, and during those 24 years John Williams earned a national reputation for honesty and integrity and such nicknames as "the conscience of the Senate," and, "watchdog of the Nation." Members of both parties gathered when he died in 1988 to recall his many accomplishments, and I hope this measure will help to remind us of the great work of this fine American from Delaware.

I served in the Congress during the time he was in the Senate, and I personally can speak for his integrity, and his honesty, and the manner in which he was regarded by the people in Delaware and in the Senate.

Mr. Speaker, again, I urge my colleagues to support the passage of this legislation.

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

Mr. MCCLOSKEY. Mr. Speaker, I yield myself such time as I may consume to make a few additional comments.

I would like to associate myself with all of the true and good things that were said earlier tonight about our departing colleague, Mr. HORTON. It is truly a matter of great sadness and loss that I realize that regardless of the dynamics of my particular election campaign that we will not have FRANK with us next year. I can truly say that in the time I have been here he has been among the several Members that I respect the most. As BILL CLAY has said, he has massive courage, he has been a statesman, a friend, a standup fighter for the concerns of Federal employees, and I think Americans everywhere, and from the bottom of my heart I say he is obviously a bipartisan statesman. And except for the luck of whatever, he could have been Speaker of the House in either party. And I truly hope that he goes on to even better things and greater service.

I would also be remiss if I did not note that this is one of the last times while he is here on the House floor that I will have a chance to say thank you for all of the services and friendship of another great Member of the Post Office and Civil Service Committee who is also leaving us, CHARLES HAYES, the chairman of the Subcommittee on Postal Personnel and Modernization. CHARLES needs no introduction anywhere, particularly in this Chamber. But his compassion has been massive, his goodwill is legendary, and his courage and integrity and concern for people will be remembered for a long time to come. It is a most tragic and grievous loss for this Chamber. I hope somehow the dynamics of public life will bring CHARLES HAYES back into the realm of public service. But there is no better hearted Member.

Mr. MAZZOLI. Mr. Speaker, will my friend yield?

Mr. MCCLOSKEY. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank my friend from across the river in Indiana for yielding, and salute him for his excellent work on the bill. And I join for just a moment in paying tribute to our friend, FRANK HORTON.

I have never had the pleasure of serving with FRANK on a committee, but I can say as one who has walked back and forth many a year with FRANK to the floor, visited with him in the subways, and in the halls of this place, and here on the floor, I can say that not only his legislative acumen, but his decency as a person shines, and I just want to thank him for being a friend, and wish him and his wife much health and happiness in the years ahead. And I hope the gentleman will come back and visit with us.

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

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

Mr. HORTON. Mr. Speaker, I released my time, but I would like to thank the gentleman from Kentucky for his very kind remarks. I have enjoyed serving with him. He is a very distinguished member of the Judiciary Committee, and highly regarded in the House. I do appreciate the very kind remarks that he has made.

I would like to also join in commending the gentleman from Illinois [Mr. HAYES]. He is a close personal friend of mine. As a matter of fact, he and I were out in St. Louis, MO, for the Letter Carriers Convention. I spoke just before him. And I announced that as part of my background that I was born in Cuero, TX. And after I had finished my speech, somebody got up and recommended to the convention that they make Mr. HAYES and me honorary members, which I understand was the first time that that has ever been moved. But it was done, they accepted us, and I am honored to be an honorary member of the National Association of Letter Carriers, and especially along with my good friend from Illinois, Mr. HAYES.

I am also especially glad of that because my wife's father is a retired letter carrier, so that has another significance to it.

I thank the gentleman for yielding, and again, congratulations to you, CHARLIE HAYES, for the great contribution you have made. I am going to miss you too.

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

Mr. MCCLOSKEY. I yield to the gentleman from Illinois.

Mr. HAYES of Illinois. Mr. Speaker, I just want to take a moment to thank the gentleman, and the subcommittee chairman, and Mr. HORTON for the kind words they said about me. But not being one of the advocates of special orders and for conservation of time, I want to say thanks, and leave it at that. And I will still be active after I get back to Chicago.

Mr. MAZZOLI. Mr. Speaker, will the gentleman from Indiana yield again while my friend from Illinois is still on the floor?

Mr. MCCLOSKEY. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I wanted to actually extend congratulations to my friend [Mr. HAYES] who will be leaving us, for a job well done.

But I do have a question for you, CHARLIE. Are you going to have a designated shouter or a designated hollerer?

Mr. HAYES of Illinois. If the gentleman will yield, I have made a couple of recordings on "regular order," and I am told that they will be played on occasion. And I thank the gentleman very much.

Mr. MAZZOLI. For those who have observed the proceedings, and may not have seen but have heard a sonorous basso profundo that emanates from the back of the Chamber once in a while when the clock shows 000, and somebody wants to get business going and shouts, "Regular order, regular order," it was CHARLIE HAYES. And I will remember you forever because of that, CHARLIE.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Missouri, the distinguished chairman of our full committee, BILL CLAY and the gentleman from Indiana, FRANK MCCLOSKEY, the chairman of our Subcommittee on Postal Operations and Services, FRANK MCCLOSKEY, for bringing this measure before the House in such a timely fashion so that we might have the opportunity to act on it before we adjourn the 102d Congress.

John Williams was elected to the U.S. Senate in 1946 and served the State of Delaware in that body for 24 years. During that time he earned a national reputation for honesty and integrity and such designations as the "conscience of the Senate" and the "watchdog of the Nation".

When he died in 1988 Members of both parties gathered to recall his many good works and I would like to think this measure will assist in reminding us all of this fine American in the years to come.

I thank the chairman for the opportunity to urge all of my colleagues to join in passing S. 2834 and honoring former Senator Williams' memory in this manner.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. MCCLOSKEY] that the House suspend the rules and pass the Senate bill, S. 2834.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCLOSKEY. 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 matter, on S. 2834, the Senate bill just passed.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4250, AMTRAK AUTHORIZATION AND DEVELOPMENT ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 4250) to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see Proceedings of the House of Saturday, October 3, 1992, at page 31236.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. 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 the conference report presently under consideration.

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

There was no objection.

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

Mr. Speaker, today the House considers the conference report on H.R. 4250, a bill to reauthorize Amtrak. I would like to commend the excellent work of the ranking member of the full committee [Mr. LENT] and the ranking member of the subcommittee [Mr. RITTER] in helping develop H.R. 4250. I would also like to commend the good work of our colleagues in the other body in bringing this bill to a successful resolution. All their efforts on this bill will ensure Amtrak's ability to continue as a vital cog in the Nation's transportation system.

Amtrak today is a far cry from the rag-tag railroad scraped together by Congress during the Nixon administration. Since 1981, Amtrak has improved its revenue-to-cost ratio from 0.48 to 0.79 and its passenger miles traveled by 27 percent. At 79-percent cost-coverage, Amtrak is the most efficient passenger rail system in the world. To spur this improvement, Congress has provided investment at critical times. In return, the public has received rail service as an important link in the national transportation system.

H.R. 4250 seeks to help Amtrak to continue improving itself. The bill rests on sound business principles: You must have money to make money. Amtrak can continue improving, and even reach operational self-sufficiency, but only with significant capital investment. To wit, a report released by my committee February 19, 1992 by the U.S. Department of Transportation found that Amtrak could increase revenues substantially by purchasing new equipment, adding capacity, and marketing routes more aggressively.

H.R. 4250 authorizes capital grants that will be used to continue the acquisition of new rolling stock for Amtrak service nationwide, and to develop high-speed operations in the Northeast. In addition, the bill authorizes operating assistance in fiscal years 1993 and 1994 for Amtrak to maintain its existing route structure.

The bill provides incentives for both Amtrak and States to initiate new passenger rail service where economically justified. It sets aside up to 15 percent of the capital authorizations for corridor improvement, and roughly 8 percent of the operating authorization for new and existing 403(b) service. In taking these steps, H.R. 4250 envisions constructive partnerships for the provision of rail service that will return tangible benefits to communities in every region of the country.

I want to conclude today by making a few remarks about rail in general. Passenger rail in this country is undergoing a renaissance. Congestion in highways and airports has policymakers around the country looking for ways to provide new capacity. Transit funding for commuter rail is on the increase. Cities seeking to comply with the Clean Air Act are turning to rail as a clean mode. People are coming back to the rails like never before. This dynamic is reflected in the growing level of support for Amtrak in Congress; in

fact, this conference agreement encompasses concepts supported by members who until recently opposed the very existence of Amtrak.

This conference report makes the culmination of a thoughtful, bipartisan, constructive authorizing process. I urge my colleagues' strong support for the agreement. It will be good for our transportation system, good for economic development throughout the country, good for the environment, and good for the transportation consumer.

□ 2110

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

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

Mr. Speaker, I want to commend Mr. DINGELL, our committee chairman; Mr. LENT, our ranking Republican member; and Mr. SWIFT, our subcommittee chairman for their tireless efforts to produce this very important bipartisan legislation and in helping to reach a sound agreement with the other body.

After 21 years of Amtrak service, the Nation is beginning to appreciate much more profoundly how much we need a balanced national transportation policy of trains, planes, and automobiles. This is especially true in an era when we are concerned with dependence on foreign energy sources and with the effect of our transport activities on the environment.

As we also contend with ever-increasing congestion at our airports and on our highways, we need to focus new attention in our national policies on rail travel, the most energy-efficient and environmentally benign form of passenger transport.

The improvements we help fund for Amtrak are but a small fraction of the cost for new multibillion-dollar airports and highways. A new airport in Boston, for example, could cost well over $10 billion; but 20 percent of existing traffic in Boston is going to or from New York, which can be served by improved rail service at a tiny fraction of the cost of a new airport.

After 21 years of service, Amtrak has proven its worth and is well on its way to achieving its declared goal of operational self-sufficiency by the end of this decade. Amtrak has already improved its revenue-to-cost ratio from only 48 percent in 1981 to 79 percent in 1991.

To achieve self-sustaining status, however, Amtrak must have adequate capital for vital matters such as rolling stock and right-of-way improvements. But unfortunately, Amtrak is suffering the effects of virtual capital starvation in the 1980's, with locomotives and equipment being pressed beyond normal service lifetimes. The capital shortage has also prevented Amtrak from expanding service in areas where demand clearly justifies doing so.

The legislation approved in today's conference report provides a basic charter for Amtrak's further growth and improvement in the 1990's. It directs Amtrak's efforts into important new initiatives such as the incremental improvement of potential high-speed rail corridors in all regions of the country, not just the Northeast corridor. The bill, for the first time in Amtrak's history, allocates capital and operating funds as discrete categories in the authorization. The bill also identifies State-Federal joint funding of expanded passenger service as an important part of Amtrak's future growth.

I strongly support this bipartisan legislation as reflected in the conference report, and I urge the prompt approval of the report.

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

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to a member of the committee, the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding this time to me.

Mr. Speaker, this legislation also includes provisions that will improve railroad grade crossing safety and save lives. Improving safety of railroad grade crossings has been a top priority of the Federal Government, State governments, and the railroads for many years. This legislation will increase grade crossing safety by requiring all locomotives to be equipped with devices that significantly increase the visibility of the locomotives to vehicular traffic. Under this legislation, railroads would be encouraged to begin immediate installation of equipment such as ditch lights that make the trains more visible to other traffic. At the same time, the Federal Railway Administration would study the types of devices available to determine which devices are most effective. The FRA would then issue regulations specifying the type of additional lighting and devices that railroads must use on their locomotives. All locomotives would then be required to install the most effective lights and devices as their locomotives are overhauled.

My distinguished colleagues, the gentlewoman from Kansas, Senator KASSEBAUM, and the gentleman from Kansas, Congressman DAN GLICKMAN, provided much of the driving force behind these lifesaving provisions, and I commend them for their leadership.

I am pleased to have served on the conference, and I am pleased the conferees were able to craft a proposal that will result in immediate increased safety at grade crossings and would assure that the most effective lighting equipment is standard on all railroad locomotives. Again, I commend the gentleman from Washington, Chairman SWIFT, and the ranking minority member, the gentleman from Pennsylvania, Mr. RITTER, for their leadership in the conference. I think this is outstanding legislation and deserving of everyone's support, and I urge immediate approval thereof.

Mr. RITTER. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from New York [Mr. LENT].

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

Mr. Speaker, I want to commend our committee chairman, Mr. DINGELL; our Transportation Subcommittee chairman, Mr. SWIFT; and our subcommittee's ranking member, Mr. RITTER, all of whom have been wonderful colleagues and friends over two years, for their fine work on the original legislation and on this sound and constructive conference agreement with the other body.

This will be the last time, Mr. Speaker, that I will have an opportunity to point out as a Member of this body the vital role that Amtrak plays in a balanced national transportation network. Amtrak began operating just a few months after I was first elected to Congress. At that time, it seemed to many people that Amtrak was likely to be a fleeting endeavor, because it was taking over an operation that the freight railroads could not sustain.

Over the intervening years, the success of Amtrak in the Northeast corridor and on its cross-country routes has been a showcase for the potential of passenger rail service in the United States.

Now, many other regions beyond the Northeast are coming to recognize the vital role of passenger rail service, especially as the compliance demands of the Clean Air Act loom large.

This environmentally sound and energy-efficient form of transportation simply must be a part of any balanced transportation policy. The legislation approved in the conference report establishes a charter for Amtrak's continuing climb toward its declared goal of operational self-sufficiency.

Through the able leadership of Graham Claytor, Amtrak has already greatly reduced its reliance on Federal support. Its revenue-to-cost ratio was only 48 percent in 1981, but had risen to 79 percent in 1991. This legislation will help Amtrak to move forward in many important areas—notably the continuing incremental improvements toward true high-speed rail service in the Northeast and elsewhere.

In this regard, we have referred in the conference report to the importance of efforts to move forward with the procurement and testing of suitable lightweight locomotives for high-speed passenger corridors. One such corridor—the empire corridor between Albany and New York City—offers an ideal site for operational testing of such locomotives in passenger service. Approximately $170 million in State funds have been invested over the years in upgrading this corridor to 100-mile-per-hour-plus standards. It also offers the potential for a direct connection

and eventual through service to the huge passenger rail market on Long Island. With all of these attributes. I hope it will be seriously considered when test corridors are selected for new lightweight Amtrak locomotives.

State-Federal cooperation also figures prominently in this bill, particularly in helping expand Amtrak service to new routes.

Finally, Mr. Speaker, the conference report accepts in revised form a Senate amendment to the Federal Railroad Safety Act, concerning improvements to locomotives to make them more visible and conspicuous as they approach grade crossings. Through diligent bipartisan work with the Senate, and with vital technical assistance from the Federal Railroad Administration, we have fashioned what I believe to be a sound and balanced approach to the question of additional lighting and so-called conspicuity measures on the Nation's locomotive fleets. I want to note in particular that the provision represents a sound combination of prompt action to install interim lighting measures and gain operational experience, with a longer-term effort by the Federal Railroad Administration to use actual operating data and experience in its rulemaking to select final locomotive conspicuity standards. We have striven to preserve maximum flexibility for FRA in fashioning the final standards, both to reflect the results of research and operational experience with interim measures and to tailor the final regulations to the practical needs of the railroad industry.

I want to note in this regard that the adoption of interim measures by individual railroads remains a fundamentally voluntary program. The principal purpose of assuring that several different forms of lighting are in service on an interim basis is to give FRA a broad sample of operational data and experience on the relative effectiveness of these measures.

Of course, one also needs some locomotives not equipped with such measures, in order to have a benchmark for judging contemporaneous accident experience. Therefore, we would not expect the complete conversion of entire fleets to one of the interim measures prior to FRA's issuance of final standards. At the same time, it is only logical that railroads who voluntarily install one of these interim measures on a limited number of locomotives should not be penalized—under negligence law or otherwise—for helping to create a sound base of operational data. Only after FRA itself has evaluated the data and conducted the rulemaking proceeding can the railroads be held to a single standard. Until then, no one—railroad or otherwise—knows or can reasonably be expected to know, which of the interim measures, if any, provides a demonstrable improvement in grade-crossing safety.

I strongly support this sound legislation, and I urge the prompt approval of the conference report.

□ 2120

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I want to commend the gentleman from New York for being able to pronounce the word "conspicuity." I am told that we have searched the dictionaries and cannot find one that contains it, so we are not only writing a piece of good law, but we are adding to the English language.

In a more serious vein, Mr. Speaker, this is not the last time the gentleman is going to appear on the floor. It may be the last time that I will have an opportunity on the floor to note that he is planning to retire.

I think that in a particularly contentious time in our country's history and in a contentious time of a Presidential election, we tend to think more of our partisan differences than of the similarities we have. A legislative body cannot work on contest alone. The people's work requires both sides to be able to find ways of satisfying the legitimate concerns and values and principles they hold, while at the same time finding means by which they can make the agreements necessary to move legislation along.

It takes two to do that, and I have certainly found with many of my Republican friends, in fact I think you will find that in this institution we do more of that in legislation across the board than we do the great clashes of philosophy that do occur, appropriately occur, on the floor; but sometimes I am afraid the American people in seeing those great clashes overlook the vast majority of the time in which we work things out.

The gentleman from New York [Mr. LENT] has been an extraordinarily good colleague in this regard. If he cannot agree, he will fight, and when he does, he fights fair. If he can agree, he puts full effort into the agreement, bringing together a solution that will give good policy for the American public.

Mr. Speaker, I, for one, am going to miss him greatly when he leaves.

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

Mr. SWIFT. I am happy to yield to the gentleman from Pennsylvania [Mr. RITTER], the ranking member of the subcommittee.

Mr. RITTER. Mr. Speaker, the gentleman has said it quite eloquently.

The gentleman from New York, Mr. NORM LENT, is my mentor on the committee. He has been the leader of our minority. He is not only a fine member of that committee, but personally he stands, I think, for the best things that you want an American citizen to be.

We even excuse him for coming up with this word conspicuity tonight on the floor; but then again, you can learn something every day from NORM LENT. He is that kind of a guy.

We do deal with some of the toughest, some of the most complex politically charged issues on the Energy and Commerce Committee, and we battle hard. We have to win, and if we cannot win, we aim to get the best deal we can.

I think that personifies NORM LENT. He is an excellent negotiator. He is a conciliator, He is tough as nails when he makes up his mind.

We are all going to miss him. We are going to miss him a lot on the Energy and Commerce Committee, and we are going to miss him a lot in this House.

I think the American people are going to miss the gentleman from New York [Mr. LENT], not just his constituents, but the kind of principle, the kind of intelligence, the kind of ability to make the best deal possible so that things happen, so that legislation moves, so that we have progress.

□ 2130

Mr. Speaker, the American people are going to miss the gentleman from New York [Mr. LENT].

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I thank the gentleman from Washington [Mr. SWIFT] for yielding to me, and let me just be very brief in saying also to the gentleman from New York [Mr. LENT], our good friend, that, NORM, I want you to know that I am going to miss you. I think that your contribution on the Energy and Commerce Committee has been incredible over the last few years, and you know, in the time that I've had a chance to work with you, I've discovered you to be, not only a very bright, hard-working, honest member of the committee, but, more important in the days of enormous complexity in dealing with the problems that we have to face, I've found you to be someone who is very practical and deeply committed to trying to make this very complex institution work and respond to the needs of your constituents and to respond to the needs of this great country of ours. NORM, I hate to see you leave. I'm a Democrat, you're a Republican, but I hate to see you leave. You're going to be missed on the committee, and you're going to be missed in this body, and Linda and I just wish you all of God's best in the days ahead in whatever you pursue, and I know that you have a lot of friends around here, too.

Mr. SWIFT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I want to join in on all the words of praise that have been said here tonight about the gentleman from New York [Mr. LENT]. These were from three members

of the Committee on Energy and Commerce. The gentleman served as the ranking member, although he did not sit in that position, on the Committee on Merchant Marine and Fisheries, of which I am a member, and there, too, he was a very, very important person, and a person who was very dedicated to the merchant marine and the maritime industry, and he gave his best all the time. We all will miss him very much, and we join in wishing him Godspeed.

I say to the gentleman, Thank you for being such a super guy, NORMAN.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from Kentucky [Mr. MAZZOLI], to whom I am about to yield, for his patience. He wishes to speak to the attributes of the legislation, and we have been speaking to the attributes of the gentleman from New York [Mr. LENT]. He may even have a comment on that.

Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, our chairman, the gentleman from Washington [Mr. SWIFT], is prescient because actually I did have a comment to make about my friend, the gentleman from New York [Mr. LENT]. The gentleman and I actually came to Congress together, and so, when Mr. LENT a few minutes ago said he was here when Amtrak began, I was also here when Amtrak began because he and I began our service together. I say to the gentleman, NORM, I extend my best wishes to you and join in every one of the accolades you have received from your colleagues tonight for having done an excellent job here as a legislator, and we wish you much health and happiness ahead.

Mr. Speaker, in addition, I thank the chairman, the gentleman from Washington [Mr. SWIFT], and his ranking member, the gentleman from Pennsylvania [Mr. RITTER], the full committee chairman, the gentleman from Michigan [Mr. DINGELL], and of course the gentleman from New York [Mr. LENT], the full committee ranking member, for their work on Amtrak.

I would just ask one brief question, and certainly I am strongly a supporter of this bill, but am I correct that retained in the conference report are separate accounts, separate money, that would deal perhaps with communities like mine in Louisville in Jefferson County, KY, that seek new rail service?

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

Mr. MAZZOLI. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I am very pleased to say that we have in fact retained that. It was something that I thought was terribly important. If Amtrak becomes perceived as merely a regional railroad, it cannot get the broad support that it needs to provide nationwide service. It also cannot achieve operational efficiency if it does not provide nationwide service.

So, it is terribly important that rural areas like the gentleman's and like mine can also anticipate, as the system expands, that they, too, are going to benefit from Amtrak service.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Washington [Mr. SWIFT] very much.

If I understand correctly, then something like $7.5 million is in fiscal year 1993, and I believe it is $9.5 million in fiscal year 1994.

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

Mr. MAZZOLI. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, it is not only something like that, it is precisely that figure.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Washington [Mr. SWIFT] and I thank his staff, with one minor correction. Mine is not a rural area even though Kentucky is a rural State. Mine happens to be the one area that is very much urban, and, therefore, we are extremely interested in what is being done both because of intercity as well as intracity.

I certainly rise in very strong support, Mr. Speaker, of the gentleman's bill. I would say without the gentleman's support over these more recent years chances are we might not have an Amtrak because I know there have been several years in a row in which there have been recommendations from administrations that this program just be ended. Thankfully the gentleman from Washington [Mr. SWIFT] and members of his committee on the other side of the aisle were stalwart in making sure that we did have money for Amtrak, and so now, as the gentleman said in his remarks, we have an Amtrak actually flourishing, and burgeoning and becoming a major part of our balanced national transportation system because of its energy-efficiency and because of its environmental soundness.

I speak as one, Mr. Speaker, who, as a newly minted lawyer joined the law department of the Louisville & Nashville Railroad Co., which is no longer in existence. The Louisville & Nashville Railroad Co. is no longer in existence. It is part of the greater system called CSX. But in Louisville there are still a great many of us who think both nostalgically and, I think, quite practically about railroads. We know that railroads can in this Nation of ours connect cities and move people rapidly again in an environmentally safe, energy-efficient manner, and in the intracity section the so-called light rail can move people back and forth within our community, give people access to jobs.

Mr. Speaker, in 1990 in Louisville we created a railroad study task force which is trying to prepare Louisville for moving into this new system in which we could be part of the Amtrak system. The members of the Louisville Railroad Study Task Force are Louisville Alderman Tom Owens, Mr. Charles Castner, Mr. Owen Hardy, and Mr. Les Shivley.

I might say also, Mr. Speaker, that as recently as last night, rather coincidentally when the gentleman from Kentucky was actually in the Chair, H.R. 4250 came up, the bill that came out of the subcommittee of the gentleman from Massachusetts [Mr. FRANK] dealing with the railroad compact, the interstate compact in which six States, Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida, now have Federal permission to engage in activities together that might yield some sort of a transportation system by rail from Chicago through to Jacksonville, FL.

So, Mr. Speaker, I salute the gentleman from Washington [Mr. SWIFT] again for his very strong support of Amtrak and his very strong support for rail, and I rise in support of his bill and hope that it receives the unanimous support of the House.

Mr. SWIFT. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I simply would like to join in extending hearty congratulations to the gentleman from New York [Mr. LENT], my friend, who is retiring.

Mr. Speaker, I have never served on a committee with him, but, by virtue of serving on the Committee on Rules, I almost feel that I have because he has had a pattern of bringing, so many great, and sometimes not so great, pieces of legislation before our Committee on Rules, and I will miss his very cheery, shining performances before our committee, and I wish him well as he leaves this House.

Mr. RITTER. Mr. Speaker, I would just take this last opportunity to say adieu to our good buddy from Long Island, NY, Mr. LENT.

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

Mr. SWIFT. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. (Mr. RAY). The gentleman from Washington [Mr. SWIFT] has 1½ minutes remaining.

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

Mr. Speaker, I am glad that I have no more time than that because I do not want to prolong this. But there is one other thing that should be noted, and that is that Graham Glaytor, the head of Amtrak, is also going to retire this year. He is proof that at the age of 80 that vision does not belong exclusively to the young. He has guided Amtrak to a nationwide vision that is going to make it economically more viable, is going to make it play a bigger role in solving the transportation problems of this country more than anybody ever expected.

□ 2140

I think that most of us on the committee who have worked with him, those of us who have seen what he has done in the administration to make Amtrak what it is today, want to thank him for his wonderful service to Amtrak, to this Government, and to this country.

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

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

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding. I was not aware of that fact. Indeed, Graham Glaytor has been Mr. Amtrak, and he has provided the leadership to bring Amtrak back. He has done a superb job in working with people from both sides of the aisle in understanding the railroad business. He has always been available to provide information and give both sides of the story a real honest evaluation of the problems and the opportunities.

Mr. Speaker, we are going to miss him. He is also a stalwart American.

Mr. SWIFT. Mr. Speaker, reclaiming my time, this is not official, but we are not premature either.

Mr. RITTER. Mr. Speaker, I ask unanimous consent to reclaim the time yielded back.

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

There was no objection.

Mr. RITTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I just would like to add my personal plaudit to Graham Claytor, whether he is or is not going to retire, and I hope he is not. Certainly after 10 years he has done a truly outstanding job in improving the performance and the record of Amtrak, and I think this Nation owes him a great deal.

Mr. Speaker, I feel a little embarrassed retiring at 61 when Graham stayed until he was 80. I did not know he was that old. He seems like a much younger man. But he really has been an outstanding public servant.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the conference report accompanying H.R. 4250, the Amtrak Authorization and Development Act.

I first wish to commend the author of the House bill, the gentleman from Washington, who so ably chairs our Subcommittee on Transportation and Hazardous Materials, for his strong leadership in bringing this measure to fruition. I also wish to commend the ranking Republican of the subcommittee, the gentleman from Pennsylvania, for his strong support and significant contributions to this important legislation. Finally, I wish to convey my deep respect and warm affection for my good friend and distinguished colleague, the gentleman from New York, who serves as the ranking Republican of our committee, and to recognize him for his great abilities, his good judgment, his good humor, and his untiring efforts in the many, many legislative accomplishments we have shared through the years. I count as one of these accomplishments the bipartisan legislation we have enacted time after time during the past decade to keep Amtrak running. This accomplishment has been of particular importance in light of the administration's unyielding determination to cut all Federal assistance to Amtrak. Without the leadership of Representative LENT and many others in this body, Amtrak would have become a thing of the past and would not have made the progress it has been able to attain.

I also wish to commend the conferees from the other body, my good friend Senator HOLLINGS, chairman of the Committee on Commerce, Science, and Transportation, Senator EXON, chairman of the Subcommittee, and Surface Transportation, and Senator DANFORTH, the ranking Republican on the Committee on Commerce, Science, and Transportation, for their hard work and willingness to compromise on various matters contained in the conference report. Our committees have worked well together in the past on a variety of matters and I particularly appreciate their efforts with respect to this important legislation.

There are a few signs that the administration's position toward Amtrak may have shifted somewhat during the past months. While the President's most recent budget is woefully inadequate to provide Amtrak with needed capital, it at least recognizes that some funding for Amtrak is justified. Similarly, Secretary of Transportation Card appears, at a minimum, to be willing to reexamine the administration's historic policies regarding Amtrak and, hopefully, is prepared to recommend dramatic changes in these policies to enable Amtrak to be what it should and can be. As well, the Office of Management and Budget has in no manner suggested that a veto by the President—as occurred 2 years ago—will be recommended. While these relatively modest indications do not rise to the level of support for Amtrak that the vast majority of Members of Congress have demonstrated repeatedly—reflecting, in my judgment, the views of most Americans—they have been duly noted. As always, I stand ready and willing to work with the administration to ensure in the future that Amtrak will be a first-class citizen that serves the American public, its workers, and numerous national policies.

Last fall, the Congress enacted the Intermodal Surface Transportation Efficiency Act [ISTEA]. In signing the legislation, President Bush joined a nearly unanimous chorus of voices from the Congress to praise the attributes of what many considered to be a landmark accomplishment. In signing the measure, the President embraced the legislation, saying that it "will build roads, fix bridges, improve mass transit and create new jobs." In fact, at the same time, President Bush underscored that the legislation will "support more than 600,000 jobs in this fiscal year." The bill provides more than $150 billion for highways and mass transit over the next 6 years, creating a new 155,000-mile National Highway System that will be eligible to receive the bulk of the Federal funds authorized therein. Indeed, there were many in the Congress who would have supported even higher levels of funding for the programs and projects addressed in the legislation. In fact, during the House debate on the 1993 transportation appropriations bill (H.R. 5518) 2 months ago, an amendment was offered and approved that would shift significant expenditures from foreign operations to certain transportation accounts. While I supported the amendment, I noted with great disappointment that not one penny of the additional funds would be used to supplement Amtrak appropriations. Proponents of the provision, echoing the love-in accompanying passage of the ISTEA, claimed that the amendment would create "roughly 150,000 jobs" and would fulfill the promise Congress made to the American people in ISTEA that we will address the Nation's highway and other transportation needs.

I actively supported enactment of ISTEA. I therefore find it to be inconsistent, illogical, and incomprehensible that any other supporter of the legislation would object in any manner to provisions of the conference report before us today, particularly given the relatively meager aspects of the financial implications of the legislation. The authorization levels in this bill are but a drop in the bucket compared to the billions of dollars that Members of Congress and the President supported in ISTEA. We consistently support the expenditure of billions of Federal dollars for highways, airports, and mass transit. But every time that we bring an Amtrak bill to the floor, it is all too predictable that there is substantial opposition to its modest funding levels. In doing so, we ensure only that Amtrak can at best limp along as a second-class operation. We ensure that the traveling public, Amtrak's employees, and public policies—including furtherance of environmental laws and policies and support for an integrated and healthy national transportation system—are disserved. Our support for Amtrak, when compared to historic and continued investment levels for passenger rail in other developed countries, is nearly laughable. Those who vote against Amtrak funding turn around and scratch their heads and wonder why the French, German, British, and Japanese rail systems are able to outperform Amtrak without understanding the financial commitment made to passenger rail service in these and other countries. There are those who hail the thousands of jobs that will be created in improving the highway and transit system as the result of huge Federal financial assistance, yet they ignore the needs of the 24,000 men and women who work for Amtrak when they vote against minimal Federal funding for the railroad.

I continue to believe that a national passenger rail system is critical to the well-being of the Nation. Our committee report accompanying the House bill outlines the environmental, energy, transportation, and other national policies that a healthy Amtrak operation furthers—including mitigation of congested highways and airways, decreased air pollution, better integration of all transportation modes, enhanced safety for the traveling public, and increased usage of an underutilized infrastructure—as well as describing the basic economic dilemma Amtrak faces. A severe lack of capital—epitomized by the fact that Amtrak inherited a fleet of already-dilapidated pas-

senger cars from privately owned railroads more than two decades ago when Congress perceived the need to establish a national passenger rail company—not only inhibits further productivity and efficiency gains but jeopardizes Amtrak's current performance by increasing operating expenses and related maintenance costs and decreasing the quality of service, thus resulting in a large current capital deficit of $500 million. The lack of capital also threatens the safe operation of Amtrak trains. Despite the severe funding cuts in Federal assistance Amtrak has experienced during the past decade, it has shown a remarkable ability to improve its revenue-to-cost ratio, from only 48 percent in 1981 to about 80 percent in the last few years. However, this steady improvement indicator has leveled out since 1990 and further improvements will not be achievable without capital investment in new equipment, plant modernization, and track upgrading.

The conference report accompanying H.R. 4250 targets Amtrak's current needs while looking ahead to future systemwide improvements and innovations. The conference agreement provides a much-needed shot in the arm in the area of capital assistance that will allow Amtrak to purchase new equipment and improve its track and plant. The legislation also authorizes needed funds for the Northeast corridor, including an emphasis on the need for the elimination of grade crossings, and directs Amtrak to plan and implement major improvements between New York and Boston. The conference report reflects the view that Amtrak's investment in the Northeast corridor must be preserved and enhanced. Studies and marketing analyses indicate the unequivocal benefits that will be achieved if further improvements are made to the Northeast corridor, including Amtrak's ability to improve its revenues as evidenced by Amtrak's historic performance between Washington, DC and New York. The conference report also directs Amtrak to expend funds to develop new routes throughout the Nation, including projects between densely populated areas, as well as long distance rail passenger corridor development.

I also take this opportunity to emphasize Amtrak's critical role in establishing high speed rail corridors throughout the country. Today, Amtrak owns and operates the Nation's only high speed rail operation between Washington and New York. The success of this premiere operation has been demonstrated amply, with Amtrak enjoying the position today as the largest single carrier of passengers on the corridor, including both surface transportation and air modes. The need for similar operations throughout the country was recognized in certain provisions of the ISTEA legislation, developed by our committee, where the Secretary of Transportation has been directed to select five high-speed rail corridors that will be eligible for Federal funds to eliminate hazards of grade crossings. I firmly believe that this approach makes abundant sense by building on the existing rail infrastructure and utilizing existing technologies and equipment, while allowing for future innovations and improvements. It is my understanding that the designation of these corridors will be announced by Secretary Card within the next few days. This modest first step for high-speed rail development is long overdue and needs to be taken as soon as possible. The bill we are considering today goes hand in hand with the development of high-speed rail activities and will serve to benefit passengers and communities throughout the country.

In closing, I wish to commend the efforts of the President of Amtrak, Mr. Graham Claytor. When Mr. Claytor assumed the reins of Amtrak over a decade ago, after an already distinguished career in public service and the rail industry, Amtrak was in dire straits. In spite of declining Federal funding and intense opposition to Amtrak by the administration, Graham Claytor has made significant and lasting improvements to our national passenger railroad system. His dedication and persistence have been without parallel.

I also wish to commend the Administrator of the Federal Railroad Administration, Gil Carmichael, for his leadership in the area of passenger rail service. Mr. Carmichael, who assumed the reins of the FRA in 1989, consistently has displayed his dedication to enhancing and restoring rail passenger operations throughout the country. Mr. Carmichael's approach in such matters is both realistic and visionary. He and I, along with our respective staffs, have developed an excellent working relationship on many matters of mutual concern. I particularly wish to congratulate Administrator Carmichael for the manner in which he has supported improvements to Amtrak's operations. Without his leadership, the legislation would have been much more difficult. Mr. Carmichael's staff, including his chief of staff, Betty Munro, and Special Assistant Mark Yachmetz, have provided excellent technical advice and assistance to both committees of jurisdiction and their time and efforts have greatly assisted us in this important matter.

Mr. Speaker, I strongly urge all Members to support this conference report and yield back the balance of my time.

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

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

The SPEAKER pro tempore (Mr. RAY). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the conference report on the bill, H.R. 4250.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

LOUISIANA LAND CONVEYANCE; CAVE CREEK CANYON PROTECTION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3100) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes, as amended.

The Clerk read as follows:

S. 3100

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

SEC. 101. TRANSFER OF LANDS.

(a) DIRECTIVE.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereafter in this title "the Secretary") is directed to convey by quitclaim deed, without monetary consideration, all right, title, and interest of the United States in certain lands in Cameron Parish, Louisiana, as described in section 102, to the West Cameron Port Commission for use as a public port facility or for other public purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands described in section 102.

(c) REVERSION.—If after the conveyance required by subsection (a) the lands described in section 102 cease to be used by the West Cameron Port Authority for a public port facility or for other public purposes, all right, title, and interest conveyed pursuant to subsection (a) shall revert to the United States, together with all improvements on such lands.

(d) ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, or interest held by the United States on the date of enactment of this Act in or to the following encumbrances on the property identified as subparcel H on the map referred to in section 102—

(A) a revocable permit (number 08-430 P 59) granted to the United States Army, to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower located in the area identified as subparcel G on such map.

(2) The Secretary of the Interior, after consultation with the Commandant of the Coast Guard, may include in the instrument of conveyance to the Port Commission any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including but not limited to restrictions on the height of structures and requirements to shield seaward-facing lights.

SEC. 102. LAND DESCRIPTION.

The lands to be conveyed pursuant to this title comprise approximately 162 acres of Federal lands located within the irregular section 32, township 15 south, range 10 west, Louisiana Meridian, as generally depicted on the map entitled "Cameron Parish Land Conveyance" dated September, 1992.

TITLE II—BODIE BOWL, CALIFORNIA

SECTION 201. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1992".

SEC. 202. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historical Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: min-

ing in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghost-town character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghost-town character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as a priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 203. DEFINITIONS.

For purposes of this Act:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 204(a).

(2) The term "mining" means any activity involving mineral prospecting, exploration, extraction, milling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 204. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this Act Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known a the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practical after the date of enactment of this Act, the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this Act. The Secretary shall make a determination with respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this Act.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After March 8, 1992, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After March 8, 1992, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before March 8, 1992; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 205 MINERAL ACTIVITIES.

(a) IN GENERAL.—Mineral exploration, mining, beneficiation, and processing activities on unpatented mining claims within the Bodie Bowl shall be subject to such regulations prescribed by the Secretary, in consultation with the Governor of the State of California, as the Secretary deems necessary to ensure that such mineral activities are conducted—

(1) in accordance with the rules and regulations promulgated under Public Law 94-429 (16 U.S.C. 1901 et seq.) as they relate to plan of operations, reclamation requirements, and bonding; and

(2) in a manner that does not cause any adverse effect on the historic, cultural, recreational and natural resource values of the Bodie Bowl area.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this Act, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (a).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate the regulations referred to in this section within 90 days after the date of enactment of this Act. For the purposes of this Act, the Bureau of Land Management shall promulgate and administer the rules and regulations referred to in section 205(a).

SEC. 206 STUDY.

Beginning as soon as possible after the date of enactment of this Act, the Secretary of the Interior, through the Director of the National Park Service, shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

TITLE III—CAVE CREEK CANYON, ARIZONA

SECTION 301. SHORT TITLE.

This title may be cited as the 'Cave Creek Canyon Protection Act of 1992'.

SEC. 302. WITHDRAWAL OF LANDS WITHIN CAVE CREEK CANYON DRAINAGE.

(a) WITHDRAWAL.—(1) Subject to valid existing rights, after the date of enactment of these title lands within the Cave Creek Canyon Drainage are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws and the mineral material disposal laws.

(2) As used in this subsection, the term 'valid existing rights' in reference to the general mining laws means that a mining claim located on lands within the Cave Creek Canyon Drainage was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

(b) LIMITATION ON PATENT ISSUANCE.—(1) After the date of enactment of this title no patent shall be issued by the United States for any mining claim located under the general mining laws within the Cave Creek Can-

yon Drainage unless the Secretary of the Interior determines that, for the claim concerned—

(A) a patent application was filed with the Secretary on or before the date of enactment of this title; and

(B) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims were fully complied with by that date.

If the Secretary makes the determinations referred to in subparagraphs (A) and (B) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITES.—After the date of enactment of this Act no patent shall be issued by the United States for any mill site located under the general mining laws within the Cave Creek Canyon Drainage unless the Secretary of the Interior determines that, for the mill site concerned—

(A) a patent application was filed with the Secretary on or before the date of enactment of this Act; and

(B) all requirements applicable to such patent application were fully complied with by that date.

If the Secretary makes the determinations referred to in subparagraphs (A) and (B) for any mill site, the holder of the mill site shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(c) VALIDITY REVIEW.—The Secretary of the Interior shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Cave Creek Canyon Drainage. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application or a plan of operations have not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(d) DEFINITION.—For the purposes of this Act, the term 'Cave Creek Canyon Drainage' means lands and interest in lands owned by the United States within the area depicted on the map of record entitled 'Cave Creek Mineral Withdrawal', dated November 1, 1991. The map shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. DREIER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 3100.

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

There was no objection.

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

Mr. Speaker, S. 3100, as passed by the Senate, provided for conveyance of the surface estate in about 162 acres of land in Cameron Parish, LA, to the West Cameron Port Authority to be used as part of a public port facility.

The land in question is part of the public domain acquired by the United States in 1803 through the Louisiana Purchase. In the past, the Coast Guard was using land in the area, but most of that use ended a decade ago, and the Coast Guard has a continuing need for only about 3 acres.

For some time, the Coast Guard has been in the process of transferring responsibility for these lands back to the Bureau of Land Management, or BLM, but that process has been slow at best.

Meanwhile, the port authority has approached BLM, seeking to obtain use of the lands for construction of a water-industry docking facility, public roads, warehouses, and other facilities associated with a public port.

These proposed uses are not readily accommodated under existing provisions of law for making public lands available to local governments for public purposes. The purpose of S. 3100 is to facilitate transfer of the affected lands to the port authority. Under the bill, the United States will retain all minerals in the lands, and if the lands are not used for public purposes, title will revert to the United States.

The bill before the House also includes, as title II, provisions for the protection of the Bodie Bowl, an historic area in California, and, as title III, similar provisions for the protection of the Cave Creek Canyon area of the Coronado National Forest, in Arizona. These titles are identical to H.R. 4370, introduced by Mr. LEHMAN of California, and H.R. 2790, by Mr. KOLBE of Arizona. These bills were reported by the Interior Committee and have already been passed by the House.

The background of the provisions of title II, relating to the Bodie Bowl, are explained in the Interior Committee's report on H.R. 4370, House Report 102-642, part 1 and 2. The provisions of title III, relating to the Cave Creek Canyon area, are explained in the report on H.R. 2790, House Report 102-334.

The Senate has not acted on either of these House-passed bills, Mr. Speaker, so we are acting to include them as part of the Senate-passed S. 3100, to facilitate final action in these last days of this session.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. MILLER. Mr. Speaker, I support S. 3100 to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA. Title II is identical to H.R. 4370, the Bodie Protection Act, which passed the House earlier this year.

Congressman RICHARD LEHMAN and I introduced the Bodie Protection Act, in response to legislation adopted by the California State Legislature in September 1990. The State-passed resolution asked the Congress to withdraw the Federal lands adjacent to the Bodie State Historic Park from the mineral leasing laws, in order to protect Bodie's natural, historic, and aesthetic values.

Located at an elevation of 8,400 feet, Bodie State Park represents the best preserved Western ghost town. Many of the buildings, along with the furniture, books, and other belongings left by miners from the 19th-century, remain at the park today. More than 200,000 visitors come to see the ghost town at Bodie each year.

Yet, ironically Bodie is threatened by mining, the activity that made Bodie famous. Galactic Resources, a Canadian company, began exploration activities in 1988 in an area outside and east of the Bodie State Historic Park. In response to the renewed mining interest at Bodie, the Interior Department designated Bodie a priority 1 national historic landmark. According to the Interior Department's 1991 report, "mining would alter and irreparably harm the integrity of the Bodie district."

Under the Bodie Protection Act, valid existing rights are protected. However, new mining claims are prohibited within the Bodie Bowl in order to protect the ghost town's natural and historic resources.

Major environmental and historic preservation organizations including the Wilderness Society, Natural Resources Defense Council, and the National Trust for Historic Preservation support this legislation. In addition, the Los Angeles Times, Sacramento Bee, and Sacramento Union have editorialized in favor of protecting Bodie. There also is significant support in the local community near Bodie.

I appreciate Congressman LEHMAN's concern for Bodie, and also commend subcommittee Chairman NICK RAHALL and BRUCE VENTO for their efforts in moving this bill.

I encourage my colleagues to support S. 3100.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 3100, as amended.

The question was taken.

Mr. DREIER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

BROWN VERSUS BOARD OF EDUCATION NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2890) to provide for the establishment of the Brown versus Board of Education National Historic Site in the State of Kansas, and for other purposes, as amended.

The Clerk read as follows:

S. 2890

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

TITLE I—BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE

SEC. 101. DEFINITIONS.

As used in this title—

(1) the term "Secretary" means the Secretary of the Interior.

(2) The term "historic site" means the Brown v. Board of Education National Historic Site as established in section 103.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) The Supreme Court, in 1954, ruled that the earlier 1896 Supreme Court decision in Plessy v. Ferguson that permitted segregation of races in elementary schools violated the fourteenth amendment to the United States Constitution, which guarantees all citizens equal protection under the law.

(2) In the 1954 proceedings, Oliver Brown and twelve other plaintiffs successfully challenged an 1879 Kansas law that had been patterned after the law in question in Plessy v. Ferguson after the Topeka, Kansas, Board of Education refused to enroll Mr. Brown's daughter, Linda.

(3) Sumner Elementary, the all-white school that refused to enroll Linda Brown, and Monroe Elementary, the segregated school she was forced to attend, have subsequently been designated National Historic Landmarks in recognition of their national significance.

(4) Sumner Elementary, an active school, is administered by the Topeka Board of Education; Monroe Elementary, closed in 1975 due to declining enrollment, is privately owned and stands vacant.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the places that contributed materially to the landmark United States Supreme Court decision that brought an end to segregation in public education; and

(2) to interpret the integral role of the Brown v. Board of Education case in the civil rights movement.

(3) to assist in the preservation and interpretation of related resources within the city of Topeka that further the understanding of the civil rights movement.

SEC. 103. ESTABLISHMENT OF THE CIVIL RIGHTS IN EDUCATION: BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is hereby established as a unit of the National Park System the Brown v. Board of Education National Historic Site in the State of Kansas.

(b) DESCRIPTION.—The historic site shall consist of the Monroe Elementary School site in the city of Topeka, Shawnee County, Kansas, as generally depicted on a map entitled "Brown v. Board of Education National Historic Site," numbered Appendix A and dated June 1992. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 104. PROPERTY ACQUISITION.

The Secretary is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in section 103(b). Any property owned by the States of Kansas or any political subdivision thereof may be acquired only by donation. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site: *Provided, however,* That the Secretary may not acquire such personal property without the consent of the owner.

SEC. 105. ADMINISTRATION OF HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935 (49 Stat. 666).

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with private as well as public agencies, organizations, and institutions in furtherance of the purposes of this title.

(c) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after funds are made available, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the historic site.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,250,000 to carry out the purposes of this title including land acquisition and initial development.

TITLE II—DRY TORTUGAS NATIONAL PARK

SEC. 201. ESTABLISHMENT OF DRY TORTUGAS NATIONAL PARK.

(a) IN GENERAL.—In order to preserve and protect for the education, inspiration, and enjoyment of present and future generations nationally significant natural, historic, scenic, marine, and scientific values in South Florida, there is hereby established the Dry Tortugas National Park (hereinafter in this title referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the lands, waters, and interests therein generally depicted on the map entitled "Boundary Map, Fort Jefferson National Monument", numbered 364-90,001, and dated April 1980 (which is the map referenced by section 201 of Public Law 96-287). The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) ABOLITION OF MONUMENT.—The Fort Jefferson National Monument is hereby abolished.

SEC. 202. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4).

(b) MANAGEMENT PURPOSES.—The park shall be managed for the following purposes, among others:

(1) To protect and interpret a pristine subtropical marine ecosystem, including an intact coral reef community.

(2) To protect populations of fish and wildlife, including (but not limited to) loggerhead and green sea turtles, sooty terns, frigate birds, and numerous migratory bird species.

(3) To protect the pristine natural environment of the Dry Tortugas group of islands.

(4) To protect, stabilize, restore, and interpret Fort Jefferson, an outstanding example of nineteenth century masonry fortification.

(5) To preserve and protect submerged cultural resources.

(6) In a manner consistent with paragraphs (1) through (5), to provide opportunities for scientific research.

SEC. 203. LAND ACQUISITION AND TRANSFER OF PROPERTY.

(a) IN GENERAL.—Within the boundaries of the park the Secretary may acquire lands and interests in land by donation or exchange. For the purposes of acquiring property by exchange with the State of Florida, the Secretary may, notwithstanding any other provision of law, exchange those Federal lands which were deleted from the park by the boundary modifications enacted by section 201 of the Act of June 28, 1980 (Public Law 96-287), and which are directly adjacent to lands owned by the State of Florida outside of the park, for lands owned by the State of Florida within the park boundary.

(b) UNITED STATES COAST GUARD LANDS.—When all or any substantial portion of lands under the administration of the United States Coast Guard located within the park boundaries, including Loggerhead Key, have been determined by the United States Coast Guard to be excess to its needs, such lands shall be transferred directly to the jurisdiction of the Secretary for the purposes of this title. The United States Coast Guard may reserve the right in such transfer to maintain and utilize the existing lighthouse on Loggerhead Key in a manner consistent with the purposes of the United States Coast Guard and the purposes of this title.

(c) ADMINISTRATIVE SITE.—The Secretary is authorized to lease or to acquire, by purchase, donation, or exchange, and to operate incidental administrative and support facilities in Key West, Florida, for park administration and to further the purposes of this title.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title. Any funds available for the purposes of the monument shall be available for the purposes of the park, and authorizations of funds for the monument shall be available for the park.

TITLE III—NATIONAL PARK SYSTEM ADVISORY COMMITTEES

SEC. 301. NATIONAL PARK SYSTEM ADVISORY COMMITTEES.

(a) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776) are hereby waived with respect to any advisory commission or advisory committee established by law in connection with any national park system unit during the period such advisory commission or advisory committee is authorized by law.

(b) MEMBERS.—In the case of any advisory commission or advisory committee established in connection with any national park system unit, any member of such Commission or Committee may serve after the expiration of his or her term until a successor is appointed.

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SEC. 302. MISSISSIPPI NATIONAL RIVER AND RECREATION AREA.

Section 703(i) of the Act of November 18, 1988 entitled "An Act to provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes" (Public Law 100-696; 102 Stat. 4602; 16 U.S.C. 460zz-2) is amended by striking "3 years after enactment of this Act" and inserting "3 years after appointment of the full membership of the Commission".

SEC. 303. EXTENSION OF GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMITTEE.

Section 5(g) of the Act approved October 27, 1972 (16 U.S.C. 460bb-4(g)), is amended by striking out "twenty years" and inserting in lieu thereof "thirty years".

TITLE IV—NEW RIVER WILD AND SCENIC STUDY

SEC. 401. DESIGNATION OF NEW RIVER AS A STUDY RIVER.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof:

"( ) NEW RIVER, WEST VIRGINIA AND VIRGINIA.—The segment defined by public lands commencing at the U.S. Route 460 bridge over the New River in Virginia to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake in West Virginia; by the Secretary of the Interior. Nothing in this Act shall affect or impair the management of the Bluestone project or the authority of any department, agency or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. The study of the river segment identified in this paragraph shall be completed and reported on within one year after the date of enactment of this paragraph.".

TITLE V—BOSTON HARBOR ISLANDS STUDY

SEC. 501. BOSTON HARBOR ISLANDS STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall, within 1 year after the date of the enactment of this title, conduct a study of the Boston Harbor Islands to assess the opportunities for the National Park Service to contribute to State, regional, and local efforts to promote the conservation of the Boston Harbor Islands and their use and enjoyment by the public. In conducting the study, the Secretary shall—

(1) consult closely with and explore means for expanded cooperation with the Massachusetts Department of Environmental Management, the Metropolitan District Commission, and the City of Boston;

(2) evaluate the suitability of establishing the Boston Harbor Islands as a unit of the National Park System;

(3) assess the opportunities for expanded tourism, public education, and visibility by managing the Boston Harbor Islands in conjunction with units of the National Park System in the vicinity, including the Adams National Historic Site in Quincy, Massachusetts; and

(4) evaluate the possibility for developing ferry service and other transportation links among those units to enhance their public use and enjoyment.

(b) REPORT.—The Secretary of the Interior shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under subsection (a), by not later than 1 year after the date of the enactment of this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [MR. VENTO] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [MR. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 2890.

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

There was no objection.

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

Mr. Speaker, S. 2890 would provide for the establishment of the Brown versus Board of Education National Historic Site in Topeka KS. The bill would also incorporate several noncontroversial park measures, three of the four which previously passed the House without dissent.

Title I of the bill is similar to legislation introduced in the House by Representative JIM SLATTERY along with Representatives GLICKMAN and MEYERS. I commend Representative SLATTERY for his work on this bill, which has reported out of the Interior Committee earlier this week. S. 2890 was sponsored by Senators DOLE and KASSEBAUM and passed the Senate on October 2d.

In September 1950, Linda Brown was denied admission to the Sumner Elementary School 3 blocks from her home and forced to walk 6 blocks to a bus that took her 17 more blocks to the all-black Monroe Elementary School. Linda's father led 12 of his neighbors to challenge an 1879 Kansas law that allowed segregation in elementary schools. The case went to the Supreme Court which overturned the separate-but-equal doctrine which had been adopted by the Court in its 1896 Plessy versus Ferguson ruling. The Brown versus Board of Education ruling forged a permanent change in this country's educational system and had a major impact on the civil rights movement in the United States.

S. 2890 would establish a national historic site consisting of the Monroe School. This historic resource symbolizes both the harsh reality of discrimination and the promise of equality embodied in the 14th amendment of the Constitution. The National Park Service is in strong support of the proposal and the bill has bipartisan support in the House and Senate.

Title II of this bill contains the text of H.R. 5061 as passed by the House on August 10, 1992, establishing the Day Tortugas National Park in the State of Florida by redesignating the existing Fort Jefferson National Monument.

Title III of this bill contains the Text of H.R. 4085 as passed by the House on July 27, 1992, which places certain conditions on the operation of Federal advisory committees for National Park System Units.

Title IV is identical to H.R. 5021, the bill introduced by our colleague from West Virginia, Mr. RAHALL, that passed the House on August 11. It would require a study of about 19.5 miles of the New River, in Virginia and West Virginia, for possible designation as a component of the National Wild and Scenic Rivers System.

Title V would authorize a study by the National Park Service of the Boston Harbor Islands in the State of Massachusetts. The study would assess opportunities for the National Park Service to contribute to State, regional, and local efforts to promote the conservation of the Boston Harbor Islands and their use and enjoyment by the public.

Mr. Speaker, these are all noncontroversial measures that have broad based support. Action by the House today will expedite their enactment into law. I urge the House to support S. 2890, as amended.

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

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not serve as a member of the Committee on Interior and Insular Affairs, but I am here on behalf of the distinguished ranking member, the ranking Republican member, the gentleman from Alaska [Mr. YOUNG].

He is very concerned about this. I should say, as my friend, the gentleman from Kansas [Mr. SLATTERY] knows, I am a former resident of the Wheat State and am very strongly supportive of anything that could recognize that very historic case on Kansas versus The Board of Education.

The problem that seems to have developed here is that while my good friend, the gentleman from Minnesota [Mr. VENTO], chairman of the subcommittee, just mentioned this Boston Harbor issue, I understand that the Committee on the Interior and Insular Affairs, when it proposes a study like this that comes before the committee, that the committee has a pattern of going through the hearing process and determining whether or not this is a worthwhile thing to support.

It is my understanding that the subcommittee and the committee have not gone through that process, and so the distinguished ranking Republican of the full committee, the gentleman from Alaska [Mr. YOUNG] has asked me for that reason to stand in opposition to that.

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

Mr. VENTO. Mr. Speaker, I yield myself 1 minute.

I want to keep in mind that anything that comes in here that has not been before the committee should undergo that type of scrutiny. I certainly take the admonishment of the gentleman from Alaska [Mr. YOUNG] very seriously with regard to his concerns that might be brought before me.

Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. SLATTERY], sponsor of the House-passed measure.

Mr. SLATTERY. Mr. Speaker, I am pleased today to speak in support of a bill which has come to us from the Senate, S. 2890, but which I introduced earlier this year, H.R. 5484, the Brown versus Board of Education National Historic Site Act. This bill would authorize the National Park Service [NPS] to establish a national historic site commemorating civil rights in education, and in particular, highlighting the significance of the 1954 landmark U.S. Supreme Court case, Brown versus Board of Education.

This legislation would establish a national historic site in Topeka, KS, where, in 1954, Rev. Oliver Brown and 12 other plaintiffs successfully challenged an 1879 Kansas law that allowed segregation in elementary schools. In the landmark Brown versus Board of Education case, the Supreme Court ruled that "separate educational facilities are inherently unequal," forging permanent change in the American educational system.

In September 1950, Reverend Brown's daughter, Linda, was denied admission to Sumner Elementary School in Topeka. Although the all-white Sumner School was just 3 blocks from the Brown family home, Linda was forced to walk 6 blocks to catch a bus that took her an additional 17 blocks to the Monroe Elementary School, an all-black school. Instead of walking three blocks to school everyday, Linda Brown was forced to travel almost 3 miles.

Reverend Brown and 12 others challenged the separate-but-equal clause adopted by the Supreme Court in its 1896 Plessy versus Ferguson ruling, a case which involved public transportation facilities.

Led by Chief Justice Earl Warren, the Supreme Court overturned the Plessy decision, determining that separate was not equal and was a violation of the 14th amendment to the U.S. Constitution which guarantees all citizens "equal protection under the law."

Sumner Elementary, which is currently administered by the Topeka Board of Education, was designated a national historic landmark in 1987. The designation was revised in 1991 to include Monroe Elementary School, which was closed in 1975 and remains vacant at this time.

The Monroe Elementary School is a two-story, red-brick building constructed in 1926 situated on a 2-acre lot in a residential section of Topeka. Most of the original wooden doors, floors, and paneling of the school are intact, making it essentially the same today as it was in 1954.

In addition to establishing Monroe Elementary School as part of the Brown versus Board of Education National Historic Site, the bill would interpret the role of the Brown versus Board of Education case in the civil rights movement as well as assist in preserving related resources in Topeka that could lead to a greater understanding of that effort.

I commend my colleagues, Representative DAN GLICKMAN and Representative JAN MEYERS, for joining me as original cosponsors of this bill and wish to acknowledge the Brown Foundation and Cheryl Brown Henderson, sister of Linda Brown, for their work on this project. During the hearing on this bill, Cheryl Brown Henderson presented eloquent testimony in support of the Brown versus Board of Education Historic Site Act. I would like to submit a copy of her testimony so that it may be printed in the RECORD.

I would like to highlight the fact that this legislation represents a true bipartisan and bicameral effort. S. 2890 was introduced by Senators BOB DOLE and NANCY KASSEBAUM. It is supported by the National Park Service and the Interior Department. The administration has endorsed this bill.

I would like to thank Interior Subcommittee Chairman VENTO for his support and especially recognize Representative LEWIS of Georgia, who is a member of the House Interior Committee and a leader in the Congressional Black Caucus, for his support of this bill. He is a respected Member of Congress and is known in his own right as a civil rights leader in this country. I appreciate their support.

Monroe School stands as a physical reminder of one of the most important court cases in our Nation's history. It should be preserved and developed as a monument to progress in the area of civil rights and as a constant reminder of how much remains to be done. I urge favorable action on this bill.

Mr. Speaker, I include for the RECORD the following statement:

STATEMENT OF CHERYL BROWN HENDERSON, PRESIDENT OF THE BROWN FOUNDATION FOR EDUCATIONAL EQUITY, EXCELLENCE AND RESEARCH, SEPTEMBER 25, 1992

On behalf of the Brown Foundation and our coalition of community based organizations in Topeka, Kansas, thank you for the opportunity to present testimony to support the enactment of H.R. 5484.

I am Cheryl Brown Henderson, President of the Brown Foundation for Educational Equity, Excellence and Research. The Brown Foundation was established in 1987 as a living tribute to the plaintiffs and attorneys in the landmark United States Supreme Court decision of May 17, 1954; Brown vs. the Board of Education of Topeka, Kansas. Our organization provides scholarships to future teachers, programs on multicultural awareness and supports educational research. In addition we have the unique distinction of being the sole non-federal agency that provides researchers, educators, museums, etc. with primary source material about the Brown decision. The Foundation currently engages in the interpretation of the Brown decision at the national, state and local levels.

Today I am representing both the Brown Foundation and a coalition of community based organizations in Topeka, Kansas, that have come together in support of the establishment of this national historic site. It is indeed reassuring to have my community behind this effort. We believe that the American people must never be allowed to forget the struggle and sacrifice behind the rights guaranteed by the founding documents of this country.

In the summer of 1951 a young man age 32, was asked by a boyhood friend, a young attorney and a veteran of World War II, if he would participate in a plan conceived by a local civil rights organization to test the constitutionality of the system of racial segregation as it related to public schools in their community. That young man the father of three had one child entering third grade. He had experienced firsthand what it was like to live a stones throw from an elementary school and have to send his child off in another direction because they were African American and his neighborhood school was for whites only. That fall he joined 12 other families in filing a class action suit against the local school board. One year later their case had made its way all the way to the United States Supreme Court and there combined with cases from Delaware, the District of Columbia, South Carolina and Virginia.

Little did that young man know that once the cases were combined they would all become known by the first listed plaintiff, in this case his name Oliver L. Brown. Little did his boyhood friend know that he, Attorney Charles Scott and his partners in the family law firm, would become forever etched in the annals of history. And little did either of them know that the young attorney for the civil rights organization, the National Association for the Advancement of Colored People (NAACP), Thurgood Marshall, would eventually sit on that same Supreme Court he had challenged on their behalf.

Just three short years after that first young man had agreed to his friend's request he had become inextricably linked with one of the most important human rights milestones in United States history. In just 7 short years from 1954 to 1961 he did at the age of 42, taking his quiet fire for doing the right thing and never knowing that no discussion about desegregation or equity or justice goes without mentioning the Brown decision. In ten short years from 1951 to 1961 he left an enduring legacy to the American people.

Today I sit here, one of the three daughters of Oliver Brown. I want it clearly understood that what those young men stood for was not idealism but rather the best tradition of what this country represents to the World. In the study on Brown vs the Board of Education, conducted by the National Park Service, we are reminded that the achievement of Civil Rights for African Americans did not require a change in the Constitution as much as the fulfillment of the original intention of the framers of the 13th, 14th and 15th Amendments to the Constitution.

The National Park Service carefully screens proposals for new park units to as-

sure that the most outstanding resources are added to the National Park System. Toward that end the Park Service is charged with protecting and preserving for the education and enjoyment of the American people those resources associated with events that have had an unparalleled impact on the pattern of United States history. These resources must represent some great ideal of the American people. In the case of Brown vs The Board of Education, the ideal is that of equal protection under the law as afforded by the Fourteenth Amendment of the United States Constitution.

The Sumner Elementary School and Monroe Elementary School symbolize both the harsh reality of discrimination permitted under the doctrine of separate but equal mandated by the Plessy decision in 1896 and the promise of equality embodied in the Fourteenth Amendment of the Constitution that was realized after the Brown decision in 1954.

Today, these schools stand as monuments to generations of Americans who refused to accept the denial of their basic civil rights as guaranteed by the United States Constitution.

The attorneys and plaintiffs in Brown shared the belief that it is the responsibility of each new generation of Americans to interpret the Constitution to see that our basic civil rights are safeguarded and preserved. Just as it is the responsibility of the National Park Service to propose and the Congress of these United States to insure that units added to the National Park System serve to reflect the entire story of this nation's history.

Kansas has played a pivotal role in the civil rights history of these United States. During the era known as bleeding Kansas the defeat of pro slavery factions determined how the rest of the territories entered the union. In 1954 as the Brown decision came out of the United States Supreme Court, Dwight D. Eisenhower of Kansas was President of our country. In 1957 in answer to a refusal to comply with the tenets of the Brown decision President Eisenhower sent troops to Little Rock, Arkansas. Finally, the words that started the chain of events in the Brown decision were written in the United States District Court opinion by Judge Walter Huxman former Governor of Kansas.

The framework for the legislation we are considering today began in 1984 with a Constitutional Theme Study initiated by Former Chief Justice of the United States Supreme Court Warren Burger, to be completed in 1987 as part of the commemoration of the bicentennial of the Constitution. As a result Sumner Elementary School was designated as a National Historic Landmark in 1987 and the Monroe Elementary School building received the same designation in 1991.

This site associated with Brown vs The Board of Education has been studied and found to meet and in many ways exceed all requirements for inclusion in the National Park System.

As a resident of Topeka, as a citizen of Kansas, as a citizen of the United States and as a representative of the Brown Foundation I am proud of the Kansas Congressional Delegation. What Kansas elected officials have demonstrated is a commitment to insuring a more representative National Park System in which Americans of all racial and ethnic backgrounds can take pride. Currently less than five percent of the National Historic Landmarks and National Historic Sites relate directly to the role of African American citizens in shaping the history of these United States. Each of us must be interested in presenting an accurate profile of our Nation's history and the diversity of its people.

I am pleased today to strongly endorse the findings of the National Park Service that Monroe Elementary School is Nationally Significant and qualifies for inclusion in the National Park System. I am pleased to support and urge the passage of the "Civil Rights in Education: Brown vs Board of Education National Historic Site Act of 1992."

Events of 1992 have made it painfully clear that each and every generation must be taught and in some cases reminded of the words of Justice John Marshall Harlan—"Our Constitution is colorblind and neither knows nor tolerates classes among our citizens. In respect to civil rights, all citizens are equal before the law."

In the words of Richard Kluger author of the epic story of Brown vs The Board of Education, the establishment of this new unit of the National Park System would be—"Simple Justice."

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

Mr. Speaker, I would be remiss if I did not amplify the statement of the gentleman from Kansas [Mr. SLATTERY] about really the eloquent testimony of Cheryl Brown Henderson at the committee hearing. We had a brief hearing on this matter and, clearly, I think most Members in this body remember the tremendous struggle, after the 1954 Supreme Court decision and the changes that it visited upon the educational system in this country.

I must say that the comments of our colleague, the gentleman from Georgia, JOHN LEWIS, who is a member of the Subcommittee on National Parks and Public Lands and, of course, the majority whip in this body gave an electrifying statement at that hearing. I think it really demonstrated the diversity of not just this Congress but the progress that we have made as a nation in terms of dealing and addressing the problems of equal education under the law.

Mr. Speaker, although there were problems that persisted, clearly, from that point forward we have moved in a positive way. And I certainly hope that the establishment of this park, this historic unit, this cultural resource that is in Topeka, KS, will be a reminder, again, of the progress that we have made but yet the challenges that lie ahead with regard to separate but equal education and the problems of education that are being experienced by minorities and by others in this country today in 1992.

□ 2200

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

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of my good friend, the gentleman from Kansas [Mr. SLATTERY], and I totally agree with the sponsor of supporting this concept. Clearly tremendous strides were made following that landmark 1954 decision, and I believe that this legislation goes a long way toward recognizing it.

The concern that minority members have has to do with four other bills which are attached to this legislation, and that is the reason, on behalf of Mr. Young, of the gentleman from Montana [Mr. MARLENEE], and of my colleague from California [Mr. LAGOMARSINO], I rise in opposition to this. I am specifically referring to the four bills which have been included: the Dry Tortugas bill, H.R. 5061; the advisory committee of three park areas, H.R. 4085; the New River Wild and Scenic Rivers Study; and, as I mentioned earlier, the study of the Boston Harbor islands. It is for that reason that I am going to urge, on behalf of the minority members of this committee, a no vote on this suspension.

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

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

Mr. Speaker, I hope that the gentleman from California and my colleagues that he represents will very carefully consider their actions in terms of selecting this as a vehicle of their statement of concern. I think that I understand the gentleman's intention and his concern, but I hope that it would not be misunderstood in the lateness of the session and the importance of this particular matter that is before us, which obviously is of a bipartisan nature.

If there was such a great problem with the measures, three of the four bills that were here, they would not have passed without dissent on a voice vote. The New River bill passed by a vote of 350-some to 100 against it; clearly, the Boston Harbor issue, which the gentleman indicated is simply a study; and I note that I have presented this evening about an hour ago a request from some minority Members on a series of issues that they would like considered before we conclude work, and he will endeavor to do so.

I would note that of that, four or five of those measures have not been the subject of a subcommittee hearing. Notwithstanding that, looking at the nature of the proposals, we will endeavor to try to work with our colleagues on the committee.

Unfortunately, the gentleman from California, who is bearing the responsibility of delivering this concern, is one of the principal participants. If the principal participants were here and would talk to Members and communicate, I think it would help.

I would hope the gentleman, while I hope he is bound to ask and request a vote, that he would not set a tenor that need not be set with regard to this, because I think the resolution of issues that he is most concerned about could probably be and will be, I hope, satis-

factorily resolved without necessarily visiting upon him the responsibility to oppose something that I think has a great deal of sensitivity, and obviously has broad support from the gentleman from California [Mr. DREIER], and from other Members.

So I would hope that he would keep the option open as to his particular vote, and that he might recommend that to others tomorrow.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding. I appreciate his thoughtful recommendation. He is right, I am not a member of the committee or subcommittee, and I am very supportive of the concept, and recognize the historic site of Kansas versus Board of Education.

The reason that the minority leadership on the gentleman's committee and subcommittee has asked me to rise and request a recorded vote on this issue has to do with the fact that these four additional bills were attached to this measure, and while I greatly respect my friend and his desire to bring about a full, indepth analysis of what it is that is about to happen, if this suspension were to pass, it seems to me that the request that the gentleman has made should have taken place before we take action here in this House.

Mr. VENTO. I thank the gentleman, but I do not ask the permission of my colleagues to bring up measures or to set before them issues. Obviously, we have the rules, we are going to go in the regular order, and I would suggest to the gentleman that he consider the merits of his vote or whatever recommendations he makes on that basis. We are fully prepared to live with the consequences.

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

Mr. VENTO. I am happy to yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, first of all, I want to say to my good friend who formerly resided in Kansas, and will hopefully some day return to Kansas——

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield, some of my California constituents may hope that, too.

Mr. SLATTERY. Mr. Speaker, if the gentleman will continue to yield, I would say to my friend that I am pleased and delighted to learn that he enthusiastically supports the portion of this legislation that has to do with the Brown versus Board of Education historic site. I would respectfully urge and request the gentleman to think over tonight about his opposition to the balance of this legislation in light of the fact that two of these measures have in fact passed this body without objection unanimously, and another one passed this body overwhelmingly. So it is not like we are trying to tack on some sort of controversial measure and use this as a vehicle to ram it through in the last few minutes. That is not what is going on here.

I just want to make that point clear. I thank my friend for his enthusiastic support of the portion of this bill that I have authored, and I would urge, with all due respect to him, to consider over the evening whether his opposition to the procedure being used to move these other two of three matters that have overwhelming support in this body would justify his vote against the entire measure.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

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

Mr. DREIER of California. Mr. Speaker, I simply close by saying that as we charge toward adjournment, there are many things on my mind, but I can assure my friend that over the next several hours this evening I will put a great deal of thought into considering whether or not I am able to support this legislation tomorrow.

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

Mr. VENTO. I am happy to yield to my colleague from Kansas.

Mr. SLATTERY. Mr. Speaker, I am sure the gentleman will do just that. I take the gentleman at his word. I hope tomorrow when we vote I will see a green light up there from the gentleman from California.

Mr. STUDDS. Mr. Speaker, I rise in strong support of this bill, which includes two provisions of great interest in my district.

First, the bill directs the Secretary of the Interior to conduct a study of the Boston Harbor Islands in Massachusetts. These islands are a unique resource whose natural beauty provides an opportunity for solitude and reflection in the very heart of the Boston metropolitan area. The islands are richly endowed with the history of Boston Harbor—since the English settlers began using them in the 1600's for farming, they have been used for trading posts, hospitals, reformatories, poorhouses, and prisons.

Their most important historic role, however, has been in our Nation's military defense; they provided strategic posts during the Revolutionary War and were used for coastal defense during the War of 1812 and the Civil War.

The bill directs the Park Service to assess opportunities to prompt the conservation, use, and enjoyment of the islands through expanded opportunities for tourism and public education. It also directs the Service to evaluate the suitability of establishing the islands as a national park, and of providing ferry service between the islands and the Adams National Historic Site in the city of Quincy.

Second, the bill includes provisions that will allow the unimpeded operation of advisory commissions connected to National Park Service units—including the Cape Cod National Seashore.

Mr. Speaker, I introduced legislation early this year to remedy a problem that had arisen with the Cape Cod Seashore Advisory Commission. In recent years, the Department of the Interior has taken so long to process routine paperwork approving the Commission's charter and appointing new members that the Commission has literally been unable to function for months at a time.

My bill was simple; merely waiving the Federal Advisory Committee Act requirement that the charter be filed and approved every 2 years and permitting any member of the Commission to continue serving after the expiration of his or her term until a successor is appointed.

I am pleased to say that the head of the National Park Service, Mr. James Ridenour, testified in favor of this measure, stating that it would streamline the Commission renewal process and foster continuity and efficiency in Commission activities.

My bill was extended by the Subcommittee on National Parks and Public Lands to cover all advisory committees in the National Park Service system.

In closing, I would like to thank the chairman of the Interior Committee, Mr. MILLER, and the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, for their support for these two provisions.

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

Mr. VENTO. Mr. Speaker, I have great confidence in the cognitive exercise of the work of my colleague from California over the next hours, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 2890, as amended.

The question was taken.

Mr. DREIER of California. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that the following list of suspensions is available in the Cloakroom:

H.R. 3088, DNA Records;
H.R. 6126, Rural Electrification Act;
S. 1704, Housing for Employees of National Parks;
H.R. 1216, Indiana Dunes;
S. 1664, Keweenaw National Historical Park; and
H.R. 4016, Base Closure Conference.

TRIBUTE TO THE HONORABLE CHARLES BENNETT

(Mr. HUTTO asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUTTO. Mr. Speaker, Congressman CHARLES BENNETT of my State of Florida is one of the greatest statesmen ever to serve in this body. CHARLIE has served in the House of Representatives with distinction for 44 years and it is with a great deal of sadness that we see him leave this body at the end of the 102d Congress. But let me hasten to add that CHARLIE deserves to rest from all of his valiant labors over the years on behalf of our great Nation and the people of Florida.

CHARLIE has served in Congress longer than anyone in Florida's history and I would strongly believe that his record will stand for all time. This outstanding American patriot has served the United States of America as a decorated veteran of World War II even before coming to Congress.

CHARLIE loves the Sunshine State of Florida as much as anyone oculd and he has written five books on the history of Florida. I would like now to strongly suggest to CHARLIE that he write another book—an autobiography of CHARLIE BENNETT. This would provide interesting reading as one could follow the life of one of America's greatest statesmen.

Mr. Speaker, I would at this point like to enter into the record the resolution for the Honorable CHARLES E. BENNETT that was passed unanimously by the House Armed Services Committee on October 2, 1992.

RESOLUTION FOR THE HONORABLE CHARLES E. BENNETT, REPRESENTATIVE IN CONGRESS FROM THE THIRD DISTRICT OF FLORIDA

Whereas you, Congressman Bennett, were elected to the 81st Congress on November 2, 1948, and have been reelected to each succeeding Congress;

Whereas, among the 11,238 men and women who have served in the U.S. Congress since 1789, you rank 15th in continuous service, and among 10,039 men and women who have served in the U.S. House of Representatives since 1789, you rank 9th in continuous service;

Whereas, your longevity incorporates an unsurpassed example of diligence as you have not missed a legislative record vote since June 1951, a period of more than 41 years, during all of which time you have worn leg braces due to a disability resulting from your wartime service;

Whereas, you served, beginning in September 1968, as chairman of the Special Subcommittee on Seapower, that later became known as Legislative Subcommittee No. 3, and since 1973 has been known as the Seapower Subcommittee, and you have been the only chairman the subcommittee ever had;

Whereas, for more than two decades you have been the most influential Member of Congress on naval shipbuilding and naval policy;

Whereas, you also served as chairman of the Special Subcommittee on Real Estate for the 89th through 91st Congress, as chairman of the Special Subcommittee on Air Defense of the Southeast United States in the 91st Congress and the Special Subcommittee on Discharges and Dismissals in the 89th Congress;

Whereas, you introduced the first bill to provide a Code of Ethics for the U.S. House of Representatives and chaired a special House committee that recommended setting up a permanent committee on ethics, and later served as chairman of the Committee on Standards of Official Conduct;

Whereas, you have fought for a higher standard of ethics during all your years in the House and have set an example of uncompromising honesty and integrity;

Whereas, you brought to your service on the committee a singular knowledge of the needs of service personnel, having served as an infantry officer behind enemy lines in the Philippines, leading Philippine Scouts, an assignment for which you volunteered, and which eventually led to your evacuation with a permanent disability;

Whereas, your military honors included the Silver Star, the Bronze Star, the Combat Infantry Badge, the Philippine Legion of Honor and Gold Cross for gallantry in action, and the French Chevalier de la Legion d'Honneur, and election to the Infantry Hall of Fame at Fort Benning, Georgia;

Whereas, you declined to take the military disability retired pay to which you are entitled but directed that it be donated to historical preservation, principally in the State of Florida;

Whereas you are the author of five books, on the history of Florida;

Whereas, with your service in the Florida House of Representatives and your military service, together with your service in the U.S. House of Representatives, you have served your country for more than 50 years; and

Whereas, your wise counsel, your friendship, and your example of fighting for the principles in which you believe, have been of immeasurable benefit to your colleagues and the committee; therefore, be it

Resolved, That we, the Members of the Committee on Armed Services, offer our commendation to you for a career of public service unique in the annals of our country; and be further

Resolved, That the committee thanks you for your leadership and your friendship. We wish you and your family well.

MAZAK COUNTERFEITS BUY AMERICA

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

Mrs. BENTLEY. Mr. Speaker, according to a presentation on TV's "60 Minutes" tonight, a whistleblower, Fred Petticone, and his lawyer, deserve our thanks for not giving up in their fight with Mazak Machine Tools when the company was accused of violating American law.

They allege that Mazak, a Japanese company based in Kentucky, knowingly and by design, cheated on Defense contracts, by recrating machines to make them appear they were made in America though they were manufactured in Japan. Three of Mazak's employees questioned the practice of recrating machines, but were told to be quiet if they valued their jobs.

The 60 minutes story said Fred Petticone took his story to a lawyer and together they fought their way through the Federal Government which did nothing for 4 years. Commerce, Treasury, DOD, and the Department of Justice remained mum on this important issue. Mr. Speaker, when the United States loses machine tool production, we lose our manufacturing base and ability to be competitive in international trade.

I hope more whistleblowers will come forward anytime a company cheats to violate the Buy American Act. This time a private lawyer and her client won one for all of us.

□ 2210

OPPOSE THE BROOKS BILL

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

Mr. JAMES. Mr. Speaker, if H.R. 5096 comes to the floor in the closing days of this Congress, I ask my colleagues to oppose it.

I oppose H.R. 5096 because it violates the Constitution. When I was sworn in as a Member of Congress, I vowed to uphold the Constitution. I cannot in good conscience, vote for a bill which offends the Constitution.

I want to make it clear that I think Congress is responsible to produce legislation that will guide telecommunications policy. Such legislation, however, should encompass the entire telecommunications industry. There is no reason for Congress to embrace a bill that shapes the future of telecommunications, but applies only to seven companies bearing the name "Bell."

This bill violates the Constitution in two respects. First, it violates the principle of separation of powers. Second, it is a bill of attainder. As noted in Nixon versus Administrator of General Services, the bill of attainder clause is a significant element of the separation of powers doctrine. Nixon cites *United States* v. *Brown*, 381 U.S. 437, 445 for the critical proposition that the Legislative Branch is not so well suited as politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying appropriate punishment upon, specific persons.

As we can see by the enormous lobbying resources that have already been expended this year for H.R. 5096, the politics of this issue are extremely powerful. I do not believe that Members who are confronted on the one hand with their district newspaper and thousands of telephone company employees-constituents on the other hand will find it easy to deliberate these issues objectively.

First, H.R. 5096 offends the fundamental principle of separation of powers. Our Constitution requires that Congress make the laws, not adjudicate or execute them. By attempting to codify the modified final judgment [MFJ],

the Judiciary Committee has crossed that line and attempts to fill the court's shoes.

The judge in the case involving AT&T and the Bell companies has already made decisions about the Bell's entry into various lines of business. This bill overturns those decisions and usurps the court's authority. It is not our function to intervene in a case the court has adjudicated since the 1984 breakup of AT&T.

Of course, there is nothing wrong with passing a law of general application that would apply to everyone or to a reasonable class.

However, this bill's only purpose is to change the rights of the specific parties in a specific legal action. Put another way, H.R. 5096 does nothing but change a final court ruling—and violate the separation of powers.

Proponents of H.R. 5096 have erroneously cited *Pennsylvania* v. *Wheeling & Belmont Bridge Co.*, 59 U.S. 421 (1855), for the proposition that Congress has the power to alter provisions of an outstanding decree. A closer reading of the case demonstrates that Congress can alter a decree involving public rights, but not private rights.

The case dealt with whether or not Congress could change a court ruling regarding a public bridge, which obviously deals with public rights. The case reads:

> But it is urged, that the act of congress cannot have the effect and operation to annul the judgment of the court already rendered, or the rights determined thereby in favor of the plaintiff. This as a general proposition, is certainly not to be denied, especially as it respects adjudication upon the private rights of parties. When they have passed into judgment the right becomes absolute, and it is the duty of the court to enforce it.
>
> The case before us, however, is distinguishable from this class of cases, so far as it respects that portion of the decree directing the abatement of the bridge. Its interference with the free navigation of the river constituted an obstruction of a public right secured by acts of congress.

This case clearly reinforces the principle that Congress may not annul a court's judgment, especially an adjudication of private rights. No one has suggested that the case between AT&T and the RBOC's is anything but an adjudication of private rights. So, while the case was cited for the exception to the rule for cases involving public rights, it is properly understood as a case that buttresses the time honored principle of separation of powers, as it applies to cases involving private rights.

Second, H.R. 5096 is a bill of attainder, forbidden by the Constitution. Article I of the Constitution, which established Congress's legislative authority, mandates that "no Bill of Attainder * * * shall be passed." A "bill of attainder" describes any law that legislatively inflicts punishment on named groups or on identifiable entity. Accordingly, legislation that singles out companies by name is an impermissible bill of attainder.

H.R. 5096, by naming the seven Bell companies, clearly violates the Constitution's prohibition of bills of attainder. The bill essentially exempts other similarly situated large local exchange carriers in a way that discriminates against only the Bell operating companies. As a result, while other similarly situated companies may enter into manufacturing, information services, and long distance, the seven Bell companies may not.

Proponents of H.R. 5096 have erroneously cited a case—Nixon v. Administrator of General Services—to argue that this bill is not a bill of attainder. A close reading of the case demonstrates that the court supported arguments against a bill of attainder, as shown in *United States* v. *Brown*, 381 U.S. 437. In Brown, the court held that a law making it a crime for a Communist Party member to serve as an officer of a labor union violated the bill of attainder prohibition. The type of law prohibited in Brown is the same kind of law as H.R. 5096. The law in Brown interfered with a select group's employment rights and opportunities. H.R. 5096 similarly interferes with a select group of corporations' rights to enter into certain businesses.

Brown is distinguished from Nixon, because the plaintiff in Nixon argued overbroadly that the Constitution is violated whenever a law imposes an undesirable impact on a class that is too narrowly defined. Nixon states that if a law is simply burdensome, that is not enough to make it a bill of attainder. Nixon was clearly a unique situation. It is absurd to cite this case to argue that a bill of attainder doesn't exist, because the court found the facts of the Nixon case to be at most subjectively burdensome. The court goes on at length in Nixon explaining the peculiarity of these facts.

Nixon can certainly not be cited to argue that specific companies do not have the right to enter into different businesses and it is clear that there is nothing subjective about the consequences of H.R. 5096. It is crystal clear that the direct, objective, and obvious consequences will be that the RBOC's will potentially lose millions of dollars, if H.R. 5096 is passed. No one has the audacity to even suggest otherwise. If H.R. 5096 were found to be constitutional, there would be absolutely nothing left of the Constitution to stop legislation from being passed to correct any court judgment in the land regardless of the private nature of the relief sought.

So, while Nixon is cited by proponents of H.R. 5096, it is in fact a narrow exception to the bill of attainder prohibition. Brown gives the rule, which applies to H.R. 5096 and Nixon states an exception. Proponents of H.R. 5096 have tried to make the exception swallow the rule, when in fact the exception makes the rule stronger, and in effect, reaffirms the rule.

When the Judiciary subcommittee held hearings about the need for comprehensive legislation to curb monopoly abuses, I publicly expressed my concern about legislation that named specific corporate entities. I suggested that this was a violation of the Constitution, and recommended language which would apply to all telecommunication companies that could abuse their monopoly powers.

This bill violates the core principle of separation of powers, and is a bill of attainder. I am left with no other alternative than to vote against a bill I believe to be unconstitutional. Instead, I hope that Congress will address this critical public policy issue with legislation that applies fairly to everyone, not just companies bearing the Bell name.

□ 2220

SPECIAL RECOGNITION TO GREAT ALLIES OF THE UNITED STATES: THE PEOPLE OF THE NETHERLANDS

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 this session nears an end, I would like to take just a few minutes to commend one of our strongest allies and one that is not often recognized.

I would like to pay tribute to a small country that was a big friend to the United States during the Persian Gulf war—The Netherlands.

During the gulf war The Netherlands provided the U.S. military with the use of their ports in Rotterdam and Amsterdam to ship hundreds of thousands of tanks, armored personnel carriers, attack helicopters, Patriot missiles, and ammunition to the gulf.

In fact, this mission became the largest sealift in U.S. military history, larger than even the invasion of Normandy during World War II.

Dutch military personnel and stevedores worked day and night alongside American soldiers to accomplish this mission, despite arctic cold weather, high winds, rain, and snow.

The Dutch provided around the clock armed security at the port of Rotterdam against constant terrorist threats, as well as food, shelter, and medical care to our soldiers as if they were their own sons and daughters.

On Christmas Eve 1990, when it looked like a bleak Christmas for U.S. soldiers at the port of Rotterdam, the Dutch military surprised our GI's with an American-style ham and turkey Christmas dinner, Christmas carols and words of thanks to the American peo-

ple for standing up to dictators such as Saddam Hussein.

The Dutch military general in charge of this event refused to accept a thank you because as he said:

> The American people will never owe the Dutch people a thank you because it was America who sent her soldiers to drive the Nazi's out of Holland after five years of brutal occupation.
>
> An occupation which saw many Dutch men, women and even children taken to the sand dunes along the North Sea and killed for being resistors or taken to Nazi concentration camps and executed.
>
> America will always deserve our thanks for saving our country.

A member of my staff, Jim Easton who served in The Netherlands and Saudi Arabia during the Gulf war, has told me what an emotional experience it was for him to walk the same path where the Nazi's forced innocent Dutch men, women, and young children to walk to their death by firing squads in the sand dunes of the North Sea, near The Hague.

Jim tells me every American would have a greater sense of patriotism by visiting this site, memorialized by three simple wooden crosses and a replica of our Liberty Bell.

Mr. Speaker, we do owe the Dutch people a thank you.

The Dutch not only supported America at ports in Holland but also voluntarily sent fighting ships, minehunting vessels, air defense squadrons, medical teams, as well as other units to Saudi Arabia and the gulf region in support of our effort to remove Saddam Hussein from Kuwait.

As if this was not enough for a small country to give, the Dutch also provided $65 million in financial aid along with $6 million to assist refugees from Iraq and Kuwait.

Every year on May 4 at 8 p.m., a bell rings in Holland which calls for a moment of silence by the Dutch people in memory of their fellow citizens who were executed there by the Nazi's.

The next day, May 5, the Dutch annually celebrate the liberation of their country by American soldiers.

In a world where many countries take our money with one hand and slap us with the other, it is nice to know that the Dutch stand as a shining example that friendship is based on helping each other when the cause is right, such as standing up to dictators who invade small countries whether it is The Netherlands or Kuwait.

I say thank you to the Dutch people for your friendship and the risks your military shared with our soldiers to achieve an overwhelming victory in the gulf war.

I simply wanted to do a brief special order to give special recognition to great allies of the United States, the people of The Netherlands.

FRANK ANNUNZIO; MR. ITALIAN-AMERICAN

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

Mr. LAFALCE. Mr. Speaker, I wish to pay a special tribute to FRANK ANNUNZIO for his leadership on behalf of the Italian-American community of this Nation. No group in this Nation owes a more enduring debt to FRANK ANNUNZIO than Italian-Americans. His 28-year career in the Congress has made a significant impact in improving the visibility and stature of Italian-Americans.

FRANK ANNUNZIO was a principal founder of the National Italian-American Foundation which today is the national advocacy voice for the more than 20 million Italian-Americans in this Nation. FRANK, throughout the 17 years of the Foundation, has provided it with constant and committed leadership in the development of its scholarship and intern program and has been vitally involved in giving the Foundation a public policy focus. In recognition of his work, FRANK ANNUNZIO was awarded the prestigious NIAF La Guardia Public Service Award in 1983.

FRANK ANNUNZIO was also the founder and has been the strong leader of the Joint Civic Committee for Italian-Americans in his home city of Chicago. The joint committee has been in the vanguard of organizations working to enhance the image of Italian-Americans in the media and their efforts have made a significant difference over the years in this important area.

FRANK ANNUNZIO has also provided critical leadership on behalf of the ongoing Christopher Columbus Quincentenary. In addition to his critical role in the passage of the 1984 resolution designating 1992 as the Columbus Quincentenary Year, he is also responsible for the most substantive legislation passed during this important year. I refer to the bill aptly named the Frank Annunzio Act establishing a Christopher Columbus Fellowship Foundation on behalf of individuals who would work toward making innovative discoveries for the benefit of mankind.

Under this bill, the Treasury will be authorized to mint gold, silver and copper nickel coins in commemoration of the 500th anniversary of the arrival of Columbus in America. This legislation clearly represents what will be the enduring legacy of the Quincentenary and our goal to move to the future by, as FRANK ANNUNZIO himself said "stimulating the intellectual curiosity of its citizens."

FRANK ANNUNZIO has been a champion of many causes in his distinguished careers and many groups from consumers to senior citizens have benefited from his time in the Congress. Yet without question, FRANK ANNUNZIO provided a special brand of leadership for the Italian-American community and for Italy. It should not be forgotten that FRANK ANNUNZIO was in the forefront in the enactment of legislation to provide desperately needed United States economic assistance to Italy in both 1976 and 1980 when Italy was forced to cope with two major earthquakes.

As an Italian-American Member of Congress, I am honored to salute our friend and leader FRANK ANNUNZIO. Over the years, he has provided both inspiration and direction to the Italian-American congressional delegation. I realize that retirement will not change FRANK ANNUNZIO'S advocacy for Italian-Americans as we cannot afford to have his voice quieted. Chairman Frank D. Stella of the National Italian-American Foundation in a May 1991 letter to FRANK ANNUNZIO summed it up best when he said:

> Regrettably * * * I mean regrettably * * * I hate to see you leave the Congress as no one will ever come close to what you have achieved for the benefit of our citizens in this country * * * notwithstanding our own Italian-American community. No one * * * and I mean no one will even come close to your outstanding and dedicated record.

I sum it up by saying that if any person in the United States deserves a certain title, FRANK ANNUNZIO deserves it: "Mr. Italian-American."

INTRODUCTION OF THE INFRASTRUCTURE IMPROVEMENT AND JOB OPPORTUNITIES ACT

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

Mr. HAYES of Illinois. Mr. Speaker, I rise today to plead and challenge those Members who are returning next year to this body. As many of you know, I will not be returning to Congress in the next session and I leave with a little sadness and some fear. I am saddened because much work remains to be done before we can return this Nation to a innovative and productive country. However, I am fearful that this will not happen because of the direction that this Congress has taken. I realize that there are limits to what we can do in this body, but helping those most in need should be at the top of our priorities.

I constantly hear my colleagues talk about reducing the deficit, but I rarely if ever hear them seriously debate the need to provide employment, real employment for real people who are unemployed. Today our country is undergoing a serious unemployment crisis which clearly constitutes an economic emergency. Just two days ago the unemployment figures were released and it stands at 7.5 percent or about 9.5 million people, and the figure for my constituents is at an even more distressing rate of 14.9 percent. For urban

centers the rate is almost double. And with these figures we are rushing to end this session while millions of Americans are wondering where they will get their next meal. So I challenge my colleagues to seriously address the issue of joblessness in this country before we truly see depression era devastation.

I lived through the great Depression of the 1930's, and I remember the high unemployment, the high crime rate. I saw the fear and sadness in my parents eyes, not knowing where we would get our next meal. There was also a feeling of hopelessness and despair, feelings very similar to those people are feeling today. But the real unfortunate reality about this recession is the fact that it may only be the beginning of a long, sad, trend of permanent job losses because of the economic policies of the Reagan-Bush era. While our President has been instituting backwards economic policies, many Americans have lost their jobs permanently to cheap labor abroad, and have ultimately been abandoned and left out in the cold. Now we hear that our own tax dollars are being used to encourage companies to leave the U.S. for cheap labor countries. What can we do? The vehicles await our action, but I am afraid it is too late for the 102d Congress. But my friends, some of you will be returning and can accept this challenge or you can continue to neglect this vital issue.

During the Depression, an array of public works programs were implemented. Some of those programs were the Federal Civil Works Administration projects [CWA] initiated by an Executive order in 1933. This program employed nearly 2 million workers and within 1 year that figure increased to 4.3 million people. There were the Public Works Administration projects that employed even more people to both heavy construction and labor-intensive projects. Additionally, we must not forget the [CCC] Civilian Conservation Corps for the youth. I was a CCC worker and if it were not for that program my family would have had an even harder time feeding all of my eleven sisters and brothers. The 1930's were very desperate times, and it called for a progressive initiative of both Congress and the Administration at that time. Right now, I say that these times are also crying out for some progressive action out of today's Congress.

I introduced a bill in this Congress, the Infrastructure Improvement and Job Opportunities Act. This bill would create employment opportunities at local job projects that renovate the infrastructure of this Nation's roads, bridges, public housing, public schools, and historic sites. Our Nation's infrastructure is decaying and needs improvement. This bill would not only accomplish cleaning up our Nation's cities, it too, provides real training that will later translate into real and permanent jobs.

I know that many of my colleagues all endlessly complain about the cost of a jobs bill and I understand the fiscal restraints which we face. However, I heard no such complaints about the cost of the Persian Gulf war or the cost to bail out the Savings and Loans. We can and must find the necessary financing. The crisis is great and those returning Members have a chance to make a difference. A jobs program is the answer to restore the sense of self worth, pride, and financial security in the attitudes of American citizens, and that is what is expected of this Congress. That is why we were sent here.

My second challenge to you is one that I have been preaching about for years, and that is the idea of privatizing our public schools system under the auspices of parental choice. I have serious concerns about these efforts. Whether we are calling this proposal vouchers, tax credits or choice, I adamantly oppose the concept. You all will likely face this challenge during the reauthorization of the elementary, secondary programs in the next Congress.

I fully believe that parental choice will further disenfranchise poor and minority youth, particularly in inner city and urban areas such as the city of Chicago. In my opinion, the concept of choice will not work in our public education system because it basically defies the longstanding tradition of equitability—providing a public education to all children of this Nation. I believe that the use of choice will certainly allow some children to benefit. However, in a system such as the city of Chicago Public Schools, choice would likely deny the majority of the students, particularly those in need of special assistance, a quality education.

I am certainly receptive to educational reforms that improve our systems, because the real focus of any reform should be the improvement in quality. However, I do not believe that by simply allowing parents to choose where their children attend school will really improve all of public education. We need serious reform and we need to understand that true reform will cost dollars.

Our economy will soon demand a well-educated work force. It will be essential to competing on the world market, and I want this country to be prepared. However, at the same time I want to ensure that every child has access to and receives a quality education. Market place concepts such as parental choice do not belong in the public school arena. Attempting to create competitive public schools through parental choice is not the answer. Instead of trying quick fixes we should give more time and energy toward a more daunting and important challenge: restoring a sense of pride in our schools.

Education and employment are intrinsically tied. We must make certain that our children are educated and we must create job opportunities to maintain a productive and healthy economy.

As we go to our respective districts let us not forget about the homeless, the jobless, and the voiceless. The 103d Congress has a tough time ahead, they must deal with our crumbling health care system and our continued problem of the homeless and unemployment because they are all crucial issues that are intertwined. We must ensure that our children and grandchildren are left with a productive Nation because if we do not we leave a sad and horrible legacy. I have certainly enjoyed my years in the Congress and on that note I thank you, Mr. Speaker.

□ 2230

TRIBUTE TO HONORABLE BEVERLY BYRON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I rise this evening to pay tribute to one of our great Maryland colleagues, who will not be returning with us in the 103d Congress, Congresswoman BEVERLY BYRON.

Mr. Speaker, to the many associates of Congresswoman BEVERLY BYRON, dean of our Maryland delegation, it is, I am sure, always a pleasure to commend her for her dedication to her district and to her State, to her country. But today that pleasure is tinged with sadness because the gentlewoman, BEVERLY, will not be with us in the 103d Congress.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentlewoman for yielding.

Mr. Speaker, I made, as a freshman, one of the biggest mistakes of my life when I took on Mrs. BYRON one day and asked her, told her that she should yield to someone who knew something about flying.

I immediately got engaged and treed by Mrs. BYRON, soon to find out that she has not only flown in more aircraft than I have but knows more about military personnel, and was my chairman on the subcommittee. If Mrs. BYRON would change her party, I would endorse her, I think that much of her.

She is one of the most fair people from the other side of the aisle I have ever met. On her Committee on Armed Services, she truly tries to help our American servicemen and women. Mr. Speaker, of a lot of the people who are leaving, I am really sorry to see her go. I would like to pay her the utmost tribute that I could this evening.

Mrs. BENTLEY. My colleague, the gentleman from the great State of Maryland, ranking behind Congress-

woman BYRON in our delegation, I yield to him, STENY HOYER.

Mr. HOYER. I thank the gentlewoman for yielding.

Mr. Speaker, we have a very close delegation in Maryland. We have three members of the Republican Party and five Democrats. But when it comes to advocating interests of our State, there are no Democrats and no Republicans; we are eight persons who feel very strongly that we work together to represent our State.

I am particularly pleased to be involved in this special order with my friend, HELEN BENTLEY, with whom I sometimes disagree on issues but who I believe is one of the strongest advocates for the interests of our State that we have, and she is my good friend.

BEVERLY BYRON: BEVERLY BYRON leaves this Congress and the Maryland delegation has a lesser delegation for it. As has been said, she chairs the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services, which reviews 42 percent of the military budget. She was and is the first woman ever to chair a subcommittee of the Committee on Armed Services.

As the gentleman from California [Mr. CUNNINGHAM] has pointed out, she has taken her duties very, very seriously, and she has come by her military knowledge very legitimately.

Her father, as I am sure many know, was one of the top aides for Gen. Dwight David Eisenhower as he commanded the Allied Forces in Europe.

So she was ensconced in military issues as a child. And as she grew and matured, she learned and she brought that expertise to her service on the Military and Personnel Compensation Subcommittee.

Mr. Speaker, I am particularly sad to rise, as Mrs. BENTLEY has indicated, that sadness was very much a part of this special order. I first met BEVERLY BYRON in 1962, some 30 years ago. Her husband, Goodloe, was then the president of the Young Democrats of Maryland. I wrote him a letter, and I said, "Dear Mr. Byron: I would like to get involved in the Young Democrats. How do I do that? I signed "S. Hamilton Hoyer." I was much younger then, and trying to put on airs, obviously.

I got a letter back from Goodloe, BEVERLY's husband, very graciously saying there was to be a Young Democrats convention at the Washingtonian Hotel. Mrs. BENTLEY knows where that is. It is in the district now of the gentlewoman from Maryland. [Mrs. MORELLA] who is on the floor at this time, our colleague.

So I went to that convention, and I met Goodloe Byron, whom I did not know, who was then a candidate for the House of Delegates in Maryland, and his wife, BEVERLY.

One of the things you quickly came to know was that this was a couple not only deeply in love but with a great partnership, a great interest in public service and in politics.

BEVERLY was, in my opinion, the better of the two politicians. Goodloe was the candidate at that point in time, and Goodloe was successful and was elected to the House of Delegates.

Four years later, having just graduated from Georgetown Law School, I ran for the State senate from Prince Georges County, and Goodloe Byron ran for the State senate from Frederick County. We were both elected. As a matter of fact, we sat across the aisle from one another, Goodloe and I. BEVERLY would, of course, be in Annapolis most of the session because, as I say, very much Goodloe's partner.

Goodloe Byron, although not, in my opinion, the politician that BEVERLY was and is, was certainly the public servant to match any of us in this House. He was a State senator who cared deeply about his district, his beloved Frederick County, and exemplified the most assiduous constituent service that I have ever seen. His constituents loved him. Were he alive today, he would be in Congress today, he was that popular.

He died in October 1978, while jogging. His family had had a history of heart conditions, and Goodloe tried to stay in good shape and was a jogger.

He died jogging.

That was the same year that I lost a race running with Blair Lee for lieutenant governor. Some called me up and said, "Even though you don't live in the district, what about the possibility of us considering you for that vacancy?" I said, "That would be incorrect, it would be silly. BEVERLY BYRON is the person you ought to pick. BEVERLY BYRON is a person who is not only an excellent politician, but more than that, a person who knows western Maryland, cares about its people, has lived its life, knows its troubles, knows its hopes, knows its future, and can serve it best."

As we all know, she was chosen by the Democratic central committee to replace her husband, who had been nominated, of course, for reelection. She ran and was overwhelmingly elected and was sworn in in January 1979.

She is our dean. It is ironic that there are some who talk about term limits. For those of us in Maryland, we realize that in January 1993 there will be no one in the Maryland delegation, no one, who was here in January 1980. We have had 100 percent turnover in that short period of time.

□ 2240

We lament on both sides of the aisle, obviously, the loss of our dean, BEVERLY BYRON.

Elected in 1978, in 1979 she called me up, knowing full well that I had been stung by my loss and asked me down for lunch.

She said, "You know, you ought to think about running for the House someday." Neither she nor I had any idea that that would be a possibility, because we had one of the most popular Members of Congress serving at that time, Gladys Noon Spellman, but some 2 years later, Gladys Spellman had a cardiac arrest and I ran in a special election and the people of Prince Georges County sent me here to represent them.

I got to know BEVERLY even better, because I worked with her day to day, week to week and month to month. Every day that I worked with her, as I am sure the gentlewoman from Maryland [Mrs. BENTLEY] and the gentlewoman from Maryland [Mrs. MORELLA] and all her colleagues will relate, and as the gentleman from California [Mr. CUNNINGHAM] has said, she grew in respect in our eyes. She grew in affection in our hearts.

She is and has been a person who cares about people, who is honest in her dealings with others, and is tenacious in her advocacy of that in which she believes.

BEVERLY BYRON represents the best of her community.

In her capacity as a member of the Armed Services Committee, BEVERLY BYRON traveled a lot throughout the world. Unfortunately, she was criticized for that in this past campaign.

But that was her responsibility as chair of the Personnel Subcommittee. To know how the young people that we send abroad are treated, to know whether or not they have the ability to defend themselves, to know whether the equipment we purchased for them works, because ultimately their equipment will be responsible for their safety and their effectiveness, so yes, she traveled.

Mr. CUNNINGHAM. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from California.

Mr. CUNNINGHAM. She knew every piece of equipment, how it worked, what to do with it. In many cases she used it herself.

Mr. HOYER. Mr. Speaker, if the gentlewoman will continue to yield, Congresswoman BYRON asked me to go down to Norfolk about 5 or 6 years ago and fly out to the *Kennedy* on a prop driven plane and to land on the *Kennedy* and to spend the afternoon and the evening and the next day observing practice landings, night landings in particular.

You know, some people think this is a soft life, particularly for the admirals that are on these aircraft carriers. I had the opportunity of observing these landings until about 2 a.m. in the morning, and I was getting tired. Mrs. BYRON was going strong and talking about all the different maneuvers that were being made and the planes that were being flown. I left her and went

down below. We had pretty good sleeping quarters, because we were sleeping in the admiral's quarters. So I thought this is going to be really nice; so I laid my head down on the bed and was there for about 20 seconds, when boom, 20 seconds later, boom, those planes hit that deck, and I popped up all the time. I quickly learned why BEVERLY BYRON had decided to stay up all morning and watch these landings.

But the gentleman from California is correct. She knew, she knew because that was her responsibility to know. She knew because she knew the relationship between that knowledge and the safety of the young men and women that we ask to defend America's interests and to join with our allies in defending freedom's cause throughout the world. That is why she knew. That is why she traveled.

I had the opportunity of going to the Persian Gulf with BEVERLY BYRON in February 1991, just after our successful effort. As we went around Saudia Arabia and visited with the troops, particularly the enlisted personnel, from the lowest private to the top sergeant, they would relate so well to her and they knew who she was, because the quality of life that they cared about, they knew she was watching over here at home.

And yes, she would talk to the big brass, the generals, and General Schwarzkopf himself, but she could deal easily one on one, no problem at all, but it was with the enlisted personnel that you could tell she really had rapport, because she cared so much about them.

She traveled. She tested. She questioned. She was informed. She was knowledgeable, and at the same time an effective advocate on behalf of her region.

Armed Services was her major focus, but she was also on the Interior Committee.

I said Goodloe Byron died while jogging along the C&O Canal. Goodloe loved western Maryland and BEVERLY did as well. It is a beautiful area of our State. She loved it and she cared for it as a member of the Interior Committee.

Not only did she take care of her people, but she took care of the lands in which they lived and the water which made for such quality of life and recreational opportunities.

Frederick, Carroll, Allegany, Howard Counties and a portion of Montgomery County, that was her district, and she loved it all.

You know, Howard County had the unique distinction for a period of time, probably the only county in America ever represented by three women: Marjorie Holt, BARBARA MIKULSKI, and BEVERLY BYRON. I doubt that there is any county in history that has ever been able to say that we have three Congresswomen representing us in the Congress of the United States, and they were all effective Members of the Congress of the United States. Marjorie Holt has retired. BARBARA MIKULSKI, of course, the first Democrat woman elected to the U.S. Senate without a relative having preceded her.

BEVERLY BYRON now leaves us. I want to thank the gentlewoman from Maryland [Mrs. BENTLEY] for taking this special order.

BEVERLY BYRON is a tough lady, no doubt about that. The gentleman from California [Mr. CUNNINGHAM] found that out.

But she was also a considerate lady. I say was, I ought to say is and I will say is. She is a very savvy Member of this House, but caring, smart, hard-working, effective, able, and the leader of the Maryland delegation.

There are seven of us in the Maryland delegation. I was president of the Maryland Senate; BEN CARDIN was Speaker of the House of Delegates; CONNIE MORELLA was a member of the House of Delegates; Mrs. BENTLEY was the head of the Federal Maritime Commission, the first woman to hold that position, a very high Government official.

We have an able delegation. We think we are a pretty good group of people, but there is not one of the seven who did not know that our leader was BEV BYRON, who coordinated our efforts on behalf of our State and on behalf of the issues about which our people cared.

We will deeply miss BEVERLY BYRON. More importantly, however, than our personal loss is the loss of our State, of her district, of this Congress and of America.

BEVERLY BYRON served her country well.

Mrs. BENTLEY. Very well.

Mr. HOYER. But BEVERLY BYRON is a young woman, make no mistake.

Recently there was a vacancy in the Secretary of the Navy. I called Dick Cheney and Mrs. BENTLEY called Dick Cheney, our colleague who served with us and is now Secretary of Defense, and we said, "You have got some problems in the Navy. We think we have somebody who can help you solve them. Her name is BEVERLY BYRON. She is the sixth ranking member on the Defense Committee. She knows the Navy. She knows the personnel, and she could serve you well."

Now, Sean O'Keefe in my opinion is a very able fellow, and certainly we had no loss when he was selected; but let us, as we say goodbye, as we observe the fact that Mrs. BYRON will not be with us as a colleague in the Congress of the United States, let us not forget that the knowledge of which we speak tonight, the capability and talent of which we speak tonight, is still available to the country.

□ 2250

Mr. Speaker, I will be glad to tell that to President Clinton. I would even be glad to tell it to President Bush. BEVERLY BYRON has a lot of time left to serve our Nation. We wish her good luck. But, in saying goodbye, let us tell her that we expect her back in harness very, very soon.

Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. BENTLEY] for giving me this opportunity to rise in tribute to a beloved friend and colleague, our dean, the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BENTLEY. Mr. Speaker, I thank the distinguished gentleman from Maryland [Mr. HOYER], our very close colleague.

Today, as a matter of fact, and I know the gentleman was there earlier, we dedicated the new veterans hospital in Baltimore, and this was the result of that close cooperation between the Maryland delegation which the gentleman talked about that we all worked so hard on, and BEVERLY was one of those who also worked very hard on it. It was typical of the many things that have happened, and I just want to say that I did not realize that the gentleman had that close association with Goodloe Byron before in the House of Delegates. That was very interesting to me as well.

So tonight, for those who have spoken, I might point out that the gentleman from California [Mr. CUNNINGHAM] was one of those young people when he was in service that the gentleman from Maryland [Mr. HOYER] was talking about when she was traveling as chairman of that subcommittee, and I know that one of those pilots, who appreciated all that she did, he was one of the war aces of the Vietnam war. I think everybody should know that.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to expound once again on what the gentleman from Maryland [Mr. HOYER] has said that shows us the courage and the dedication of the young lady that we are discussing. Even after her primary, when she knew that she was not coming back to this House next year, she ventured on those trips still caring about individuals. She visited my district, NAS Miramar, and talked first to naval officers, and she did not limit herself to naval officers because the next group that came in, and I was proud to introduce her at NAS Miramar, she talked to the enlisted troops as well just to find what their feelings were, what they were missing, what they were caring about.

I would also like to associate myself with the remarks of the gentleman from Maryland [Mr. HOYER] concerning that it would not bother me a bit if the young lady was Secretary of the Navy.

Mrs. BENTLEY. Mr. Speaker, the gentlewoman from Maryland [Mrs. MORELLA], who is another part of our delegation, has requested time to speak.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. BENTLEY] for requesting this special order. I certainly associate myself with the comments of my good friend, the gentleman from Maryland [Mr. HOYER], and what he has said, and what the gentlewoman from Maryland [Mrs. BENTLEY] has said about the close-knit Maryland delegation.

Mr. Speaker, we are here to serve Maryland. We may be of different political parties, but we are unified, and we will indeed miss our dean, and we waited around for this special order because it is a tribute for a very special woman, and it is important that we let those who view this and, Mr. Speaker, we let the public know how much she is going to be missed, and how much she has contributed and how much we want her to continue.

Much has already been stated about our colleague, the gentlewoman from Maryland [Mrs. BYRON], the fact that she met her husband when she was in high school, and, as the gentleman from Maryland [Mr. HOYER] mentioned, when he decided to run for the House of Delegates, she said, "Well, if you're going to be in the House of Delegates and run for office, I better become involved," and she did, and she ran his campaigns and did learn all about the intricacies of politics in the State of Maryland.

She is a part of a legacy, part of the Byron dynasty, in terms of her representation in Congress, being the fourth Byron, her father-in-law, her mother-in-law, her husband and then BEVERLY herself. Each was unique, each contributed differently, but each had in common a great understanding of that wonderful part of Maryland and the entire State of Maryland that she represented.

Goodloe was a great outdoors person. BEVERLY was a good outdoors person also. Mention was made that Goodloe died when he was jogging; kind of ironic for the man who loved the C&O Canal, and BEVERLY carried on that tradition, and here in Congress, not only in the Interior Committee has she been involved with legislation to continue that C&O Canal, but also with the National Advisory Commission on which I had the pleasure of serving before I was elected to Congress. It is a beautiful canal, 184 miles of park, canal park, and BEVERLY has been involved with overseeing some of the hikes that they have had, the Douglas hikes on that particular canal.

Actually mention has also been made that in terms of the Armed Forces, because of her background and her interests, she knew so much and, as a woman, I am proud that she was a first as a woman in chairing the committee—the fact that she chaired, the first woman to chair—the Subcommittee on Military Personnel and Compensation, and it has been mentioned that that is like more than 40 percent of the Pentagon budget.

I am very proud of what BEVERLY has done in the area of the environment, and she and I had in common the fact that we both represent Montgomery County. She had such a diverse area that she represented because it was not only that slice of Montgomery County, but she had all of western Maryland, the lakes, the mountains, the rural areas, the mill towns, and then she had Montgomery County which was somewhat different, but she could handle it all, and indeed she did. The geography was great, and her interests and her voting record reflect the understanding of the district that she did represent.

Many times people thought that something BEVERLY wanted to do could not be done, and yet it was done. It was done because of her perseverance and because of her commitment. I will give an example of the fact that she reviewed the national freeway project that is now Interstate 68 which goes from Hancock on the east in Washington County, and it runs approximately 50 miles through Cumberland. It is the opening up of western Maryland, primarily four lanes, and it replaces primarily a two-lane road. It was dedicated, and it was opened, in the fall of 1991. This freeway eases traffic, saves lives, and people said it could not be done. A statement was made that it would never be done in any of the lifetimes of any of us, and yet it has opened and has been dedicated, and it is being used.

BEVERLY was also on the board of directors of the American Hiking Society, and she had introduced several bills which become law which basically helped to establish a national system of hiking and biking trails, including the rails to trails legislation which gave hikers and bikers the first crack at the right of way.

Also BEVERLY is responsible for several bills which were approved over the last decade that improved the working and living conditions for our American service men and women. Mention was made that she was seriously considered for Secretary of the Navy in the recent past, and who knows? Perhaps in the future this will come about.

We will miss BEVERLY. She did help to bring us together as a delegation, a woman very dedicated to her work and a very honest, upstanding woman.

I say to her, "BEVERLY, we will miss you. We know that in some way you will be back to continue to serve our great country and our State of Maryland, and, as Emerson said to Thoreau once, we greet you at the beginning of a new adventure, and we will miss you."

Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. BENTLEY] for this special order.

Mrs. BENTLEY. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] who is from Montgomery County for her words, and I might point out that earlier the gentleman from Maryland [Mr. HOYER] noted that Howard County was represented once by three women from Maryland, and, if my colleagues notice, Mrs. MORELLA, myself and Congresswoman BYRON, again we have three Congresswomen from Maryland. Maryland has been the kindest, or shall I say the smartest, in electing women to the Congress, and we are very, very proud of our State.

□ 2300

Mr. DORNAN of California. Mr. Speaker, I thank the gentlewoman for yielding. So many wonderful things have been said here, I just wanted to add I think one sterling part of this great lady's career. When she got on the Committee on Armed Services she did not just study hard, which she certainly did, and visit all the bases and learn what our young men and women were doing. She actually flew just about every combat aircraft that was out there, including combat helicopters.

I remember when she flew the SR–71. She was, I believe, the first woman to ever do that, maybe the only, which means that BEVERLY BYRON as an outstanding Congresswoman flew three times the speed of sound. That is about the only thing she did beyond this top gun naval aviator here, and at 82,000 feet.

Mr. CUNNINGHAM, have you ever been over 80,000 feet in a jet?

Mr. CUNNINGHAM. I am not crazy.

Mr. DORNAN of California. He is not crazy, he said. BEVERLY BYRON was not crazy, because she went through 4 years of transition training at Deal Air Force Base in California. There are only three Members in this House, and I am one of the lucky ones, that got to fly the SR–71. The other is BOB STUMP on the Committee on Armed Services. He flew the Blackbird.

If you want to see someone who treated BEVERLY BYRON with the utmost respect after his SR–71 ride, you ask BOB STUMP. She did this to understand and to analyze our training, the efficiency of the people in the field, and also it is a great morale booster.

I had the opportunity when I served under BEVERLY on the Personnel Subcommittee of going out in the field with her. I remember a series of hearings about women in combat down at Fort Bragg. We observed how the enlisted ladies did not want to go into combat, but a lot of officer ladies were gung ho and did. BEVERLY made herself as knowledgeable on this issue as any, and I am not going to say which side she came down on, because I came down on the other side.

I want to make a point why I feel very sad why a lot of women in politics around this country failed to rally to her side. She served here as a loyal pro

lifer. A lot of us who are close friends separate on this issue. But it is sad that the campaign that was run against her focused on this issue as much as any other. And to tell an excellent Congresswoman, an expert on defense, that somehow or other she was not a proper woman because she was pro life in her stand on this key issue was really I think one of the most tragic defeats in this country this year.

There are very few Members of either gender or any part of the country that are as respected and beloved on both sides of the aisle as BEVERLY BYRON.

I might add, I do not recall if you said it, her son was a B–52 Strategic Air Command pilot. He had transitioned to tankers and flew many, many combat missions out of, I believe Spain, into the Desert Storm desert combat areas, back and forth, supporting all sorts of operations.

That is just a great family. You talked about the generation before. I expect we might see an Air Force B–52 tanker pilot serving in this House someday keeping the name Byron on the rolls of this distinguished Congress.

Mrs. BENTLEY. I thank the gentleman from California [Mr. DORNAN] for those very interesting words about our great friend, BEVERLY BYRON.

Now I want to continue with my discussion and presentation on her.

In the finest sense of the word, BEVERLY BYRON has been a diligent legislator—having served the Nation for 14 years, not only with a staunch integrity, but with a rare cognizance that we also serve history—that what we have been called here to do should never be driven by expediency, but should be considered against a greater measure—the future health and strength of the Nation.

That awareness most likely developed at a very early age when her father, Capt. Harry Butcher, served as the naval aide to General Eisenhower in those critical days of the invasion of Europe. Her marriage into the Byron family of Frederick—a true political dynasty—introduced her to a tradition of political service in a history-bound section of our State. Both her father-in-law and mother-in-law served in the Congress—and her late husband, Goodloe, was elected in 1970. In the family tradition—upon his untimely death, in 1978—Beverly was elected to serve Maryland's Sixth Congressional District.

During the Civil War, many of the names in the Sixth District were written into the history of this Nation with a bloody sword—Frederick, Sharpsburg, the Monocacy, Antietam Creek, South Mountain. An area where the heritage of loyalty and service to country was immortalized by Whittier in his poem "Barbara Frietchie". * * * Remember? "Shoot if you must this old gray head, But spare your country's flag, she said." Had Frederick not stood fast for the Union against Lee's troops, the history of this Nation would most likely have been very different. It is possible, some historians speculate, that there would have been no Gettysburg, that the South would have won.

It should come as no surprise traversing that countryside to see the signs for the National Freedom Highway, Interstate 68, a neglected Federal highway project, resurrected, single handedly, by Congresswoman BYRON to open up the western part of our State with a super highway system. Again, it reminds us of how seminal this region was to the history of this country—parts of the highway trace the old frontier trail over the Appalachians. The town of Boonesboro is in her District also.

BEVERLY BYRON also has been a prime mover in the restoration—the rewatering—of the C&O Canal which traverses much of the Potomac River frontage in the Sixth District.

Needing jobs in western Maryland, she requested a Federal prison be located there. Federal authorities report that because of the preparation and spadework done by the Congresswoman that never has a prison been constructed so quickly, with so little controversy.

Her contributions to the welfare of our Armed Services personnel—as chairman of the Subcommittee on Military Personnel and Compensation—have been recognized in a resolution passed by the Armed Services Committee which I would like to share with you, Mr. Speaker, and our colleagues.

It states:

A RESOLUTION FOR THE HONORABLE BEVERLY B. BYRON, REPRESENTATIVE IN CONGRESS FROM THE 6TH DISTRICT OF MARYLAND

Whereas you, Congressman Byron, were elected to the 96th Congress on November 7, 1978, and have been reelected to each succeeding Congress;

Whereas you, as a mother of three, succeeded your late husband, Goodloe Byron, as Representative from the 6th District of Maryland;

Whereas, your bonds to the military are close to your heart, with a father who served as an aide to General Dwight D. Eisenhower in World War II, a late husband who served as an Army Judge Advocate, and a son who served as an Air Force captain in the Persian Gulf;

Whereas, you have served as chairman of the Subcommittee on Military Personnel and Compensation since 1987;

Whereas, you campaigned to protect the welfare of sailors serving in the Persian Gulf during the reflagging of the oil tankers; to increase the ability of medical care to all beneficiaries; to guarantee affective quality assurance and credentialing progress within the military medical system; to provide opportunities for women in the military; to expose sexual harassment of women in the military and make the services accountable; to create within the military a child-care system that is the pride of the nation; to orchestrate the welfare of the men and women who served the nation in the Persian Gulf, to include pay and benefits while assigned in theater and quality health care after they return home; and

Whereas, above all, you worked to maintain an effective military, populated with quality people to defend our nation in the years ahead; therefore, be it

Resolved, That in recognition of your outstanding service, we, the members of the Committee on Armed Services, offer our commendation and appreciation for a task extremely well done and successfully completed; and be it further

Resolved, That the committee thanks you for your leadership and your friendship. We wish you and your family well.

BEVERLY BYRON's closest colleagues—those who have worked with her and know her best—thus have addressed her contributions to the country.

□ 2310

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to thank the gentlewoman for yielding to me, who is herself a legend in Maryland representation.

Let me just say, she just struck a note when she talked about BEVERLY BYRON because I can remember one night, when we went to see the marines in Beirut who were holed up in that very small piece of real estate in Lebanon, taking mortar rounds and artillery rounds and small arms fire. And the Committee on Armed Services, a number of Members got on a little plane, one that I remember had no windows, and flew all night to get out there and be with those marines.

I will never forget BEVERLY BYRON coming along on the trip and in that little tight plane where we were all wedged in together. I remember the great, late Bill Nichols dragging his false leg that he had acquired in World War II and Sam Stratton who would do anything for national defense, and BILL DICKINSON, who is retiring this year, all of them shoved together in a very small airplane. And BEVERLY BYRON doing situps on the floor of this cargo plane, and we headed for Lebanon.

When we got there and went up to be with the marines, we were there while they were being shelled, with them behind the barricades and the sandbags, and it was there that I saw a dedication in BEVERLY BYRON as well as those other senior colleagues that was incredible.

And with all the criticism that is leveled at Members of Congress and they are portrayed in the national media as being wined and dined on first-class plane flights around the world, I will never forget that contrast of all of those senior Members, including BEVERLY, without an extra square inch of space, going over there on a very uncomfortable flight, many, many hours, living with the Marines, taking a little

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small arms fire and artillery fire. And LARRY HOPKINS was on that trip too.

And it was on the top of their building. So that we could, because we cared about our people and cared about our personnel. And maybe BEVERLY, more than anybody, cared about people. That was her special part of the Armed Services Committee.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California, the distinguished gentleman from California who serves on the Committee on Armed Services, along with the gentlewoman from Maryland, Congresswoman BYRON.

At this point, before I conclude my own remarks, I would like to read some comments from the gentleman from South Carolina, Congressman FLOYD SPENCE, who also is on the Committee on Armed Services, and I will just read part of them.

Mr. SPENCE pointed out that she has served our constituents in Maryland,

In an exemplary fashion. She has also represented another constituency—the distinguished and courageous men and women of our Armed Forces. As chairman of the Military Personnel and Compensation Subcommittee, she has worked diligently and tirelessly to promote the needs of our military personnel. This has become an especially daunting task in these times of drastic cuts in our Defense budget. BEVERLY and I share a similar philosophy; cuts in our Defense budget affect individuals, families, and communities. And while the cold war may be over, we should not require that our military personnel shoulder the burden of defense cutbacks.

Mr. SPENCE said,

Additionally, BEVERLY has led legislative initiatives to improve the health care and retirement benefits of our military personnel. One of the first Members to visit the Persian Gulf after the cessation of fighting, she has been fearless and courageous in championing the needs of our brave men and women in combat. Our military personnel have had a dedicated friend and advocate in BEVERLY BYRON, and I know she will be missed.

He concluded with,

BEVERLY, it has been a pleasure serving with you. The House of Representatives will miss your sense of comity and your keen awareness of the intricacies of defense policy. Your constituents in Maryland will miss a dedicated public servant. I wish you Godspeed and many successes in the years to come.

And the gentlewoman from Tennessee, Congresswoman MARILYN LLOYD, who also serves on the Committee on Armed Services with her, pointed out that BEVERLY is,

A friend you can talk to, laugh with, and cry with. When I have had tough times, BEVERLY has always been there with a smile or a phone call. She always had the time to be a true friend. I have observed BEVERLY working in her district, serving in Washington and even holding personnel hearings of the Armed Services Committee at the Pacific Islands. Whatever she does, she goes at it with all her heart and will. She has given her district, as well as our country, 100 percent of herself. She is caring, loyal, determined, and effective. The Armed Services Committee has no better supporter than BEVERLY BYRON.

Mr. Speaker, at this point I would personally like to thank her for all of her hard work and leadership in the Maryland delegation. It is the best delegation on the Hill. I am so appreciative of her friendship.

BEVERLY, Bill and I wish you and Kurt much happiness with your children and grandchildren, and I know that you will be available whenever your Maryland or your country needs your sound counsel. As the gentleman from Maryland, Congressman HOYER, said, in the capacity of the Secretary of the Navy or whatever, you will be there.

I know that I will miss her and Maryland will miss her.

Mrs. LLOYD. Mr. Speaker, it is sad indeed to see that many of our colleagues will not be a part of the new Congress that will convene in January.

I have no better friend or colleague than BEVERLY BYRON, She has been a close and dear friend to me since she became a Member of the House of Representatives in 1978. She is a friend you can talk to, laugh with, and cry with. When I have had tough times, BEVERLY has always been there with a smile or a phone call. She always had the time to be a true friend.

I have observed BEVERLY working in her district, serving in Washington and even holding personnel hearings of the Armed Services Committee at the Pacific Islands. Whatever she does, she goes at it with all her heart and will. She has given her district, as well as our country, 100 percent of herself. She is caring, loyal, determined, and effective. The Armed Services Committee has no better supporter than BEVERLY BYRON.

BEVERLY, I wish you and Kirk many more years of happiness, which you well deserve. We will miss you, and I hope that you will continue to contribute your outstanding qualities to public service, or whatever endeavors you may pursue.

Mr. SPENCE. Mr. Speaker, I take this opportunity to join with my colleagues in commemorating the fine and distinguished career of Mrs. BEVERLY BYRON.

While her first introduction to Congress came on the heels of a family tragedy, BEVERLY proved early in her tenure that she was not a novice in the art of politics, and has, since 1978, served her constituents in Maryland in an exemplary fashion.

She has also represented another constituency—the distinguished and courageous men and women of our Armed Forces. As chairman of the Military Personnel and Compensation Subcommittee, she has worked diligently and tirelessly to promote the needs of our military personnel. This has become an especially daunting task in these times of drastic cuts in our defense budget. BEVERLY and I share a similar philosophy; cuts in our defense budget affect individuals, families, and communities. And while the cold war may be over, we should not require that our military personnel shoulder the burden of defense cutbacks.

Additionally, BEVERLY has led legislative initiatives to improve the health care and retirement benefits of our military personnel. One of the first Members to visit the Persian Gulf after the cessation of fighting, she has been fearless and courageous in championing the needs of our brave men and women in combat. Our military personnel have had a dedicated friend and advocate in BEVERLY BYRON, and I know she will be missed.

BEVERLY, it has been a pleasure serving with you. The House of Representatives will miss your sense of comity and your keen awareness of the intricacies of defense policy. Your constituents in Maryland will miss a dedicated public servant. I wish you Godspeed and many successes in the years to come.

Mr. BENNETT. Mr. Speaker, we all doff our hats to Chairperson BEVERLY BYRON, whose Subcommittee on Military Personnel oversees more than 40 percent of the defense budget. She has assured our country the strengths which have now won the cold war. This is a lasting memorial to her achievements and to those who share in this. She will be greatly missed in Congress, but forever honored by her great contributions to our Nation's security; and particularly to the well-being of all service personnel.

Mr. MONTGOMERY. Mr. Speaker, I want to take this time to pay a special tribute to my friend and colleague from Maryland, BEVERLY BYRON. I have enjoyed having the chance to work with BEV on the House Armed Sevices Committee. I also count her as one of my closest friends in the Congress and I have come to know her husband, Kirk and her children over the years as well.

BEV has been an outstanding chairman of the Personnel and Compensation Subcommittee. She has been especially active in seeing that women are treated fairly in the military in the job assignments they are given and has worked to open up more of those assignments to women. Even before the Tailhook incident, BEV had been working on the issue of sexual harassment, trying to eliminate it from the Armed Forces.

She was a co-author of the Montgomery GI Education bill and was a key player in seeing that it was enacted into law. The program now has more than 1 million Americans signed up to receive these educational benefits.

BEV has always been a strong supporter of a strong National Guard and Reserve. From her position as subcommittee chairman, she helped us assure that the strength levels for the Reserve components would remain high, when the Defense Department wanted to cut the National Guard and Reserve to the point that we would have closed one of every three armories in the country.

We will miss BEVERLY'S experience and expertise on these issues in the 103rd Congress. She has made a tremendous contribution in making sure our military remained strong during her tenure in the Congress. I salute BEV for a job well done and wish her all the best in her future endeavors.

Mr. MAVROULES. Mr. Speaker, I rise today to pay tribute to one of the hardest working Members of this House. For 14 years she has labored tirelessly for the good people of Maryland and for this Nation.

In the course of her career BEVERLY has become recognized as an expert on our Nation's defense. I have worked side by side with BEV-

ERLY on the Armed Services Committee for a number of years. I have always admired her perseverance, dedication, and knowledge of national security issues. As we shape and define the role of the United States in the new world order it has been refreshing to work with BEVERLY. Her commitment and experience has been an invaluable asset to the House. I will miss her honesty and integrity.

Mr. Speaker, I know my colleagues join me in wishing BEVERLY, a good friend over the years, all the best in the future. I am saddened by the fact that we are losing one of the effective legislators and public servants of our time.

Mr. BATEMAN. Mr. Speaker, I would like to join my colleagues in paying tribute to the gentlelady from Maryland, BEVERLY BYRON.

As ranking Republican on the Subcommittee on Military Personnel and Compensation, I have worked closely with Representative BYRON over the years in seeing that the men and women who wear the uniform of the U.S. Armed Forces are provided for in peacetime as well as in war. Representative BYRON has been a tireless crusader on behalf of these individuals. Her efforts have helped to ensure that the United States remains strong and resolute in the face of adversity. The country owes her a debt of gratitude.

Just yesterday, the House of Representatives passed the conference report authorizing appropriations for national defense for fiscal year 1993. That report includes a large number of items designed to improve the lives of our military personnel. Representative BYRON has long understood that military preparedness is not just a matter of having aircraft, ships, and tanks standing ready to go, fuel in their tanks and ammunition in their stocks. It is people who ultimately make the difference between victory and defeat in war. BEVERLY BYRON has been instrumental in making certain that the men and women who operate those planes, ships, and tanks are the finest in the world. Their performance in Desert Storm was due in no small part to her efforts.

Mr. Speaker, I rise today in recognition of the vital contribution made toward this country's defense by the departing chairman of the Military Personnel and Compensation Subcommittee. I have enjoyed working with her and will miss her. This institution has been the better for her presence and I wish her well in her future endeavors.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this tribute to the gentlewoman from Maryland [Mrs. BYRON].

The SPEAKER pro tempore [Mr. ESPY]. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

TRIBUTE TO RETIRING REPUBLICAN MEMBERS OF CALIFORNIA DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MOORHEAD] is recognized for 60 minutes.

Mr. MOORHEAD. Mr. Speaker, we rise tonight to pay tribute to four of the finest Members of the House of Representatives from the California Republican delegation who will be leaving the Congress after many years of service: ROBERT (BOB) LAGOMARSINO of the 19th District of California, who lives in Ventura, CA; WILLIAM (BILL) DANNEMEYER of the 39th District of California from Fullerton; BILL LOWERY of the 41st District of California from San Diego; and TOM CAMPBELL from the 12th District of California, who resides at Stanford University.

I have known BOB LAGOMARSINO for over a quarter of a century. BOB was one of the outstanding members of the California State Senate before he came to this House. He was recognized as the legislative conservationist of the year from the California and National Wildlife Federation.

During the days when mostly Democrats were getting that kind of award he was the first recipient of that particular award.

He was a State Senator from 1961 until 1974 and was considered one of the outstanding legislators in the country.

When he came to the House of Representatives in 1974, the latter part of the 93d Congress, he came here to do a job because he is a person that believes totally in America. He is a true patriot.

When he came to the House, when he was not busy on his committees, he sat right back there in the center of this auditorium and listened to debate after debate. And every so often he would get up, come forward and participate in that debate, regardless of what the subject was on, because BOB LAGOMARSINO was interested in America and all of the problems that relate to it.

He served on the Committee on Foreign Affairs and was the ranking member on the Subcommittee on Western Hemisphere Affairs of that committee. He is one of those Members that never missed a vote that he could avoid, and there were very few throughout the 19 years that he was in Congress that he missed.

He was a very devoted family man, his wife, Norma, and his three children, now all of them being adults.

When you went to his district in the Santa Barbara-Ventura District, you could tell the love that his constituents had for him and the tenacious support for him, even after he lost an election this last year, a very expensive contest where he could not come anywhere near close to matching the dollars that his opponent had to spend. Members of his constituency, tenaciously loyal, wanted to run a write-in campaign for him. But in the end he said "No." He did not want to participate in that kind of a campaign. He had done his job. He had worked hard for his constituency.

□ 2320

He loved each and every person in his district, and he wanted to go out with them remembering him as he had been, as a competent, capable public servant who, in everything he did, was for the people that he represented and for the people of the United States. I know of no finer person anywhere than BOB LAGOMARSINO, or one that took his duties to the Congress of the United States and to our people more seriously than he did.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

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

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding, and I would like to first extend my hearty congratulations to him for taking out this special order, especially at 11:20 in the evening. I am sorry that more of our colleagues cannot be with us.

Mr. Speaker, as far as BOB LAGOMARSINO is concerned, my friend is absolutely right, that he was an extraordinary individual. There are not a lot of things these days focused on issues that were of most concern to our friend, BOB.

I have had the privilege over the past several years to serve on the Board of the International Republican Institute with BOB. That is an arm of the National Endowment for Democracy, which was formed under the direction of President Ronald Reagan, who, incidentally, has been a constituent of BOB LAGOMARSINO's for years.

BOB is one who tenaciously fought on behalf of the expansion of democracy throughout the world. We are not supposed to talk about our international travels, especially just weeks before an election, but I have to say that BOB LAGOMARSINO is one of the people in this House who regularly was willing to take long flights to some of the most troubled spots in the world as chairman of the International Republican Institute to promote the cause of freedom. I think that needs to be recognized.

While we are all saddened to see him leave the Congress, he can feel extraordinarily good for having done more than his part in the expansion of freedom and democracy throughout the world. I will miss him. I have noticed just in the past several days he follows every single piece of legislation closely. He could probably tell us more about a number of these suspensions that were up this evening and being considered than many Members who were actually here on the floor at the time, so I will miss BOB; the counsel, the advice and recommendations that he has given me on a wide range of issues.

I have had the chance to, over the years, campaign in his behalf. He still won most of those elections, even

though I campaigned for him. His constituents in the Santa Barbara-Ventura area have been very, very nice, and as we all know, very supportive of him.

I thank my friend for yielding me this time, and I extend my best regards to Norma and BOB LAGOMARSINO.

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

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

Mr. HUNTER. Mr. Speaker, I thank our dean for yielding, and it is a pleasure to be here with him and with the other gentlemen from California, DUKE CUNNINGHAM and DAVID DREIER and FRANK RIGGS and others from our delegation.

I think of BOB LAGOMARSINO country as "Father Junipero country." It is some of the most unique and beautiful in the world. As you travel up that great coastline going up through Ventura and Santa Barbara where the summer sun sets, if you are in the hills, a few miles away in the ocean, it gets a little warm, and then it kind of bakes a little bit. Pretty soon you want to get under the shade of those big giant black oak trees that keep their leaves year-round. It is the country that the Franciscan friars found to be so appealing. It is a beautiful country. It is the country where President Ronald Reagan made his home ultimately and became BOB LAGOMARSINO's constituent.

BOB LAGOMARSINO is a guy who has been in Congress during a very historic time. He has played a role in history, and a very effective role, and he was on the right side and he did the right things. When I came into office, El Salvador and Honduras and Guatemala and Nicaragua were all coming out of situations in which they had been military dictatorships. We were pushing hard for freedom, for democracy, and this new President, Ronald Reagan, said if we would just give them a little shield and protect them, because there were billions of dollars of Soviet military aid flowing into the region, arriving in the form of AK–47's and RPG's and ammunition to go to the Communist guerrilla groups, like the FMLN in El Salvador, and of course, the Ortega regime in Nicaragua, and Ronald Reagan said, "If we just give some help to the side of freedom, whether it is the Contras in Nicaragua or the government in El Salvador," with that struggling democracy under José Napoleon Duarte, then we can build a democracy in those countries.

BOB LAGOMARSINO was a leader on the Committee on Foreign Affairs and on that particular region of the world. He had a very, very excellent understanding of world affairs, and he was part of the movement that allowed us to stand up to the Soviet Union in Europe when they were embracing their SS–20 missiles, and we had to face them down and put in our cruise missiles and our Pershings in order to force them to back off and finally come to the negotiating table. That worked out well also.

BOB LAGOMARSINO'S expertise, which I saw demonstrated many times in meetings at the White House and with the State Department and in statements and speeches on the House floor in persuading colleagues that we were following the right path with respect to Central America, to our own hemisphere, there was nobody with as much expertise or capability as BOB LAGOMARSINO.

He left his mark, I want to say to the dean of our delegation and to all of my colleagues, on this House and on our delegation and on history. He did something that was very, very worthwhile and which will result in millions of people being able to march to the ballot box and decide their future, rather than being controlled by an oppressive government.

BOB LAGOMARSINO made a real difference.

Mr. MOORHEAD. Yes, Mr. Speaker, I certainly agree with the gentleman. BOB LAGOMARSINO, in sitting on the Republican Policy Committee and as secretary of the Republican Conference for the 98th, 99th, and 100th Congress, was one of those people that people listened to. I noticed when he spoke on the floor on foreign policy issues that people on both sides of the aisle listened to his comments, because they knew they were well thought out, they were not extreme in any nature, but they were very determined. They were well considered, and they were comments that usually were backed up by a lot of good information and some deep thought. So we will miss him in that regard.

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

Mr. MOORHEAD. I yield to the gentleman from San Diego.

Mr. CUNNINGHAM. Mr. Speaker, I thank my colleague from California for yielding, and a little bit about our dean. To be selected dean, we are going to have 52 Members in the State of California next year, and that is more than most of the States all combined. The gentleman from California, to be selected as dean, with the utmost respect, and I want to thank him for calling this special order, I think it takes a shot of leadership.

I would like to say a little bit about our friend, the gentleman from California, BOB LAGOMARSINO. I guess Mr. LAGOMARSINO is the proper way to address the House. I have only known him for a couple of years because I am just a freshman, but I have noticed a couple of things. First of all, he is not a man that would step back when he thought something was right. You could see him on the House floor arguing positions instead of sitting in the back and letting others argue for him.

I do not think I ever knew BOB LAGOMARSINO to not know an issue. Many Members come through those doors and ask, "What is the issue?" A lot of them went right to BOB LAGOMARSINO and he could tell them both sides of the issue, if they were not up to speed. That showed signs of leadership, in my eyes.

I think that when you have someone that the district, even after he lost the race, wanted to run a write-in, the respect for a man that had served them like a father, as sons and daughters, they treated him like a father because he treated his constituents as a father.

Furthermore, if you take a look at BOB LAGOMARSINO, if you had a wingman in combat, he was a guy that was not going to desert you. He would be there. If he told you he was going to be there at your side, he would not depart.

On the other hand, you would not want him as an adversary, because he had strength of character and purpose. He knew his subject matter, and he represented his district well. I would not want to face off against him.

Second, I think that if you take a look at the character of a man that, in a very difficult, tough race for BOB LAGOMARSINO, he had the courage to not go for a write-in when even he may have had some chance to win that, because he knew it would hurt the party. And to me that takes courage, and it takes leadership, and it takes character.

□ 2330

The last thing I would like to say about BOB LAGOMARSINO is something that is very dear to me in my life, he was a fighter of communism, and on the Foreign Affairs Committee he worked diligently in that direction.

I would like to thank the dean of our delegation.

Mr. MOORHEAD. Mr. Speaker, I yield to the gentleman from the north coast of California, Mr. RIGGS.

Mr. RIGGS. Mr. Speaker, I thank our distinguished dean for organizing this special order in tribute to our colleagues who will soon be departing, and who will be sorely missed in this body.

I have never told BOB LAGOMARSINO this, and I think Mr. HUNTER mentioned this a moment ago, how President Reagan became one of Congressman LAGOMARSINO's constituents. But I was one of his constituents back in the late 1970's and the early 1980's when I lived in Santa Barbara as a new, young police officer just starting out in law enforcement.

At that time I very much admired him from afar for providing the sort of independent, ethical and very responsive representation that I think is frankly the trademark of any good Congressman and Member of this body. He is indeed a class act in how he conducts himself in this body, most notably in the immediate aftermath of his

bitterly contested and I am sure for BOB and Norma very disappointing primary loss.

He has been a real architect of our foreign policy through the years, and has continued to preside over our foreign policy as a Nation, as we move into the post-cold war era.

I think it was yesterday that we voted on the Soviet aid package, and BOB LAGOMARSINO, moments before I voted, came up to me in the back of the Chamber, and in his usual, soft-spoken and gentle way asked me how I intended to vote. And I said that I intended to vote for that legislation, because I felt it was in the vital security interests of our country. And in his quiet way he said simply, "That is the right vote," and walked away.

That is BOB LAGOMARSINO, the colleague that we remember tonight, and who we will sorely miss come next year, a man whose deeds spoke much louder than his words.

Again I thank the dean for organizing this tribute to a very special person.

Mr. MOORHEAD. I want to move on to the next member of our delegation who is leaving, a very special man indeed, WILLIAM DANNEMEYER from Orange County, Fullerton. He is married, his wife is Evelyn, and they have three children. He was elected to the 96th Congress and reelected in each successive one.

BILL DANNEMEYER is one of those people that felt very, very strongly on issues, and it did not bother him whether he had one person or a million people behind him on a issue. If he felt it was right, he would fight for it, and he would fight for it to the bitter end. Whether you agreed with him or whether you did not agree with him, you had to recognize the bravery and the determination that went along with BILL'S position on issue after issue.

I had the privilege of serving with him on both the Energy and Commerce Committee and on the Judiciary Committee. Lately he left the Judiciary Committee and went to the Budget Committee where he had such strong interest in the budget of the United States, and in balancing the Federal budget, and also in putting the United States on the gold standard if he had been able to do so.

But I do not think many people really saw all of the personal being that was within BILL. I recognized a very special person when his wife, who was so dear to him, got cancer a few years ago. I have never seen a husband more attentive, more concerned, and more dedicated to the welfare of their wife than BILL DANNEMEYER was to his wife, Evelyn. During those troubling days when her life was on the line, and when he might have lost her, he was tender, he was supportive in every single way a man could be supportive to his wife. He loved her dearly and tenderly, as he did his family, and he put her first in his life, where she belonged, and my respect for BILL went up to the sky as I saw the way he treated his wife during those very, very difficult days.

BILL started out as a Democrat. He served in the State legislature as a Democrat for a number of years, and then as he saw the better line of policy that the Republicans had he switched over and became a Republican and served in the legislature again from 1976 to 1977 before coming to Congress as a Republican. And he came back here as a Member of our party.

BILL was a staunch member of the Lutheran Church. He was interested in their schools and served as president of the board of directors of the Orange County Lutheran School.

BILL is involved in his community. He believes in people, and he was very active in everything that went on around him wherever it was, and I am sure that wherever BILL goes he is going to be right in the middle of the battle, because he got in the middle of a Senate race this last year that he knew the odds were against him in. But he fought the good battle, and he brought his message to the people of California. He did his job. He did the job that he saw before him, as he always did. He fought for the things he believed in.

What more could you ask of a person like that?

Mr. Speaker, I yield to the gentleman from West Covina, Mr. DREIER.

Mr. DREIER of California. Mr. Speaker, I thank my very good friend from Glendale for yielding. I would like to join in extending hearty congratulations to BILL DANNEMEYER for his extraordinary service in the House. When I think of BILL DANNEMEYER I am going to constantly remember how this man stood here at one of these microphones insisting that we have a recorded vote on every single appropriations bill, because I think that if BILL DANNEMEYER has been known for anything, he is known for his extraordinary commitment to fiscal responsibility and his desire to cut spending.

When our former colleague, John Rousselot, left this House, John having offered consistently the budgets which would bring about a balanced budget for us, BILL DANNEMEYER picked up that ball and carried it. And he would regularly come before us with the Dannemeyer budget substitute, because he knew that not increasing taxes, but in fact reducing spending is the way that we are going to turn the corner on this fiscal crisis that this country faces.

So I will miss BILL, and I know from having talked with him this afternoon that he is going to remain very active in politics and public policy, and I believe that he still has a great deal to offer. And we will miss him in this House, but we will look forward to many great things from him in the years to come. I thank my friend for yielding.

Mr. MOORHEAD. Our next speaker will be a fellow Member from Orange County, as BILL was, and I certainly want to thank him for allowing us to bring this special order before the special order that the gentleman had already gotten for himself. But BOB DORNAN, thank you very much for that courtesy that you gave to us for permitting our special order to come ahead of yours.

I now yield to the gentleman from Orange County, BOB DORNAN.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for his graciousness, and I feel guilty accepting those nice thoughts without telling you there was a slightly alternative motive. The special order that I am going to do tonight with two or three more Members joining us than the four musketeers that have been doing it the last two nights, I believe have built, Mr. Speaker, the largest audience to ever watch special orders in the history of this House. I wanted to bring this message that we will be discussing tonight, our next-to-the-last night in this session, to this large audience at maybe an early hour for the east coast, it is only 8:30 out of California, and 6:30 in Hawaii, but I decided that since this is my own delegation, and here is the other motive, and since one of America's top 10 newspapers has a headline story coming out in about 15 minutes, and I believe there will be delivered here the street copy in the morning of the Washington Times, and it will have a 50-inch column story I am told that is going to have some shocking revelations about a presidential candidate's trip around Europe in the antiwar movement.

□ 2340

So let me say that it was an easy call, yes, it was an easy call, and what I would like to do is take all four of my colleagues and really concentrate on BILL DANNEMEYER.

As far as our pal, BILL LOWERY, is concerned, I want to associate myself with everything everybody else is going to say here tonight. It has been a delight to serve with him for a decade. I remember when he came to the Rayburn Room as a challenger of Katy, and he has just been a hard worker.

As far as Mr. CAMPBELL, I did not get a chance to get to know him well. He came here and said he was not on a fast track, but he certainly was on a fast track, and we have not heard the last of him. He almost singlehandedly brought back bow ties. I want to associate myself with everything that everybody else is going to say about him.

BOB LAGOMARSINO and I went to Hanoi together. I saw in him the true American patriot asking all the tough questions about the cruel Communist

enemies that still subjugate and rip apart the people of North and South Vietnam and Cambodia and Laos. Someone else said before that BOB would take all those tough assignments with all the thoughtless criticism about his job as a senior member of Foreign Affairs to go and assess famine, drought, human rights, Communist persecution everywhere in the world. I used to tell Mr. DREIER that BOB and other responsible Members like himself did not follow the letterhead of expensive jewelry stores and hit London, Paris, Rome, Monaco, Beverly Hills, and sometimes downtown Houston. He went to the tough spots in the world where people were really suffering, and I want to associate myself with all of the remarks of everybody about ROBERTO.

As far as BILL DANNEMEYER is concerned, I have had people say to me around this country, "Is he the most honest man in Congress?" And I would respond, "You asked the question, because you have obviously made that observation." Is he one of the most courageous? I would say I guess he certainly is, because in the Christian community in this country, and Christendom may be dead in America, but there are alive pockets of Christianity everywhere in our 50 States and territories, and I realize that we are in a cultural struggle for the soul of America.

I would make guess that BILL DANNEMEYER is probably the best-known U.S. Congressman among those Christians who are proud to say we are charismatic, we are evangelical, we are fundamentalists, we believe in the Bible as the Word of God, our eye is on Jesus Christ, we are focused, we are trying to protect our kids, we are tying to salvage the innocence of the youth of this country, we are trying to protect our junior high and our high school kids from some of the decadence and immoral forces that the Holy Father talks about ripping apart the whole Western World, and in this period of the collapse of communism, what a tragedy that we see so many young people involved in violence, drugs, brutality, teenage pregnancy, millions of abortions, 26, 27 million abortions since that hated *Roe* v. *Wade* 20 years ago this coming January.

So I am going to miss BILL DANNEMEYER but he is not leaving the scene the national scene or the world scene. He is an accomplished author now. He will have that focus and peace of mind when the bells are not ringing and you are trying to keep up a good attendance record. I think we are going to see maybe more of BILL DANNEMEYER across this country trying to salvage this Nations cultural heritage than we saw of him as an outstanding Member.

So thank you, dean of our delegation, Mr. MOORHEAD, and I want to associate myself with everything every other colleague is going to say about BILL DANNEMEYER.

Mr. MOORHEAD. You know, along the same line that you spoke of, BILL DANNEMEYER was one of those Members of Congress that you could see every Thursday at the House Prayer Group on a regular basis. He was always there, and like many of the others who spoke, FRANK RIGGS and those, he was a resident of Santa Barbara at one time and practiced law there. He was also an outstanding young man of the year of the Fullerton Junior Chamber of Commerce in 1965. So he has a strong background prior to the time that he came to Congress, and certainly he has established a record here that will not be soon forgotten.

I yield to the gentleman from San Diego, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the dean for yielding to me.

You know, politics, I guess, is kind of the art of knowing when to hold them and knowing when to fold them and from that standpoint, BILL DANNEMEYER was never a very good politician, because he was always a man of total principle, even when it meant going down to defeat on issues that we are now seeing are going to come back to face this Congress again and again, because we have not dealt with these issues as resolutely and steadfastly as BILL DANNEMEYER did.

You know, a lot of folks call BILL DANNEMEYER a right-winger because BILL DANNEMEYER always invoked our Christian heritage when he talked about the debt, when he talk about societal values and moral values, and, you know, the funny thing is if you read the speeches of our Founding Fathers, if you read Thomas Jefferson, as I have recently, and if you read George Washington's statement and treatises and letters and if you read Theodore Roosevelt and Abraham Lincoln, you will find, if BILL DANNEMEYER had lived and been a Member of Congress during those times, he would be just a middle-of-the-roader, because he certainly never invoked divine providence, the words "God and Christian heritage" or any of the other things that he was known for any more than the Founding Fathers did.

But in his day and age, if you took Abraham Lincoln's second inaugural address and put it in the hands of a modern politician and had it read on the House floor, it would immediately invoke cries of "rightwinger, fundamentalist, and out of step and out of the mainstream." and that many be so, but, you know, this Congress needs a compass. It always needs to have people who say and do the right things to bring us back to our heritage and to this idea of democratic government that was put forth by our Founding Fathers.

One thing BILL DANNEMEYER believed in very strongly, and still does, of course, is the idea that the thing that was unique about America that allowed us, that gave us the power to throw off our reins of government run by a monarchy, the King of England, was the idea that our rights came not from other men, not from mayors, not from Congressmen, not from kings, but came from God; and BILL DANNEMEYER believed that very strongly and believed in those inalienable rights given to us by our Creator.

When I think about BILL DANNEMEYER, I think duty, honor, country. Here was a man who served in Washington, DC, a place that is supposed to be the siren always—always have in the air the siren sounds of lobbyists and due persuasion and money and all those things that the media write about—but BILL DANNEMEYER always acted totally fron principle, and he took that principle into his campaign for the U.S. Senate.

I remember personally one time—to go to just a little personal story—when I came into Congress, I was pretty naive about politics, probably no more naive than I still am, and I remember one meeting that I arrived at, and I realized about halfway through the meeting that the real meeting had already been held before the one that was being undertaken with me present, and the upshot of the meeting was that a vote was going to come down against me and against my position, and one by one I heard the people who were all staged and ready to make their little pitches against my particular position, and I heard them give their speeches. it was pretty unanimous. I thought, "My gosh, you are going to have to be a little bit more on your toes." and then from behind me, I heard BILL DANNEMEYER's voice, and BILL DANNEMEYER got up, and without ever even having talked to me before the meeting, gave a stirring defense of my particular position, because he thought it was right, and after BILL gave that great defense, I was voted down, but it made me feel a lot better that here was a guy that did not care if you had the votes on your side. He wanted to do what he thought was right.

I will never forget BILL DANNEMEYER as a guy who spent quite a bit of time in Washington, DC, and whose career, I think, is still far from over, but always followed his moral compass and his principles and left this city with all of his honor totally intact.

I thank the gentleman for yielding.

I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank our dean.

You know, it is amazing to me. Something came out here tonight that I was not aware of. I did not know that our friend BILL DANNEMEYER was a Member of the other body at one time. And what a great Senator he would have made, whether he was on the other side of the aisle or this side, be-

cause I think we have many people with BILL DANNEMEYER's position on both sides of the aisle.

But, boy, I tell you one thing, he would have given the liberals fits. And I think if anybody ever thought of a person in Congress with Judeo-Christian values, not only the upbringing but, as our friend from California, Mr. HUNTER, just stated, with principle and conviction, and he did not care if he had all of the Members against what he believed, and he believed he was in the right, he is going to stand up there and fight.

I know his wife Evelyn, and she is a good wingman for him and sits there side by side. We are going to miss both of them.

□ 2350

But he has never been afraid to fight for those rights, and I think if we take a look at what BILL DANNEMEYER has done for this House, the principles that he stood up for, I think Members on both sides of the aisle would laud his dedication, his principled approach to what he does, even though they disagree with him on many occasions. But they respect him because he is a fighter and someone you can believe when he tells you he is going to do something.

I know that for BILL and Evelyn I sorely miss him.

Mr. MOORHEAD. Mr. Speaker, I yield to the gentleman from the north coast of California.

Mr. RIGGS. I thank the dean and am pleased to join with my colleagues and our dean in rising in tribute to BILL DANNEMEYER, who is a true fighter and a champion of the causes that he believes in. You know, I think Mr. CUNNINGHAM probably used the right words to describe BILL DANNEMEYER; that is, "principled" and "conviction." He is someone who is not afraid at any time on any issue to take a firm position and to advocate that position in this body with the Members, whether or not it is a politically popular idea. He is a paragon of fiscal responsibility. A lot of us talk about it, a lot of us even, I suppose, from time to time receive various acknowledgments for "fiscally responsible" voting records. I do not know that those kinds of recognitions are always so well deserved, but in BILL DANNEMEYER's case there is no question but he has a watchdog of the Federal Treasury and of the taxpayers' rights for years and years and years.

I can recall last year BILL DANNEMEYER leading the fight on several spending bills for congressional authorization as well as appropriation bills, attempting to attach to those bills what he called the balanced budget amendment, an amendment offered by Mr. DANNEMEYER, that would simply limit the growth in Federal spending to the rate of inflation. I think the most number of votes we ever received for one of the so-called Dannemeyer balanced budget amendments was 60-odd. But it was a prime example of BILL being willing to stand on this floor and advocate a position he firmly believes in, in the best interest of this country.

Mr. MOORHEAD. If we followed BILL DANNEMEYER's budgets year after year, we would have no trouble with the deficit of the United States.

Mr. RIGGS. Absolutely. The dean makes such a good point.

Mr. Speaker, we can get into pretty arcane stuff at times, it is a lot of financial minutiae, I suppose you could say, but I have had a chance, sitting in my office or even at home, tuning into C–SPAN coverage of the Budget Committee hearings. I have been extraordinarily impressed by the grasp and breadth that Mr. DANNEMEYER has on budgetary issues.

Here is someone who knows of what he speaks when it comes to talking about the particulars of the Federal budget. He is also someone who I think of, and I use this in a very complimentary sense, he is old-fashioned. Mr. HUNTER mentioned that, that there are not too many things that are ambivalent or gray about BILL DANNEMEYER. He is old-fashioned, old-fashioned in a very, very wonderful sense.

In an age of relativism, in an age where frankly ambivalence seems to permeate American society, even on this floor at times, we call into question the Judeo-Christian ethic, we have an ongoing debate about whether or not to interject that ethic into public education by permitting a moment of silent prayer in the public schools. BILL DANNEMEYER always steps out front and takes the position and remains firm in that regard.

So he is someone who is old-fashioned, but old-fashioned in a good sense. The other thing I would like to mention about him is that BILL DANNEMEYER, probably more so than most people in this body, has been a real advocate and protector of private property rights. One thing that really amazed me, coming back here 20 months ago directly from the private sector as a small businessman, was the seemingly ceaseless appetite of the U.S. Congress, the regulatory appetite of the U.S. Congress, just how inhospitable this place could be toward the concerns of American business.

I have watched with dismay, particularly over recent days and weeks as we concluded our business in the 102d Congress a number of sweeping measures that would again seek to abrogate the private property ownership rights of Americans.

BILL DANNEMEYER has been one of the people trying to defend private property rights, trying to defend the rights of people who own property to use and develop that property as they see fit without the unwarranted or intrusive interference by the Federal Government. So I think he needs a salute from us in that respect as well.

Mr. MOORHEAD. I yield to the gentleman from northern California.

Mr. DORNAN of California. Mr. Speaker and Mr. MOORHEAD, someone just called into our Cloakroom and reminded me of something I think this Nation should know about BILL DANNEMEYER. This whole Nation and the whole medical profession across this country owes him a debt of gratitude.

The date is burned in my brain. On September 26, 1985, I had just come back from a special—not a special but a carpetbagging move from west L.A. County to Orange County. I asked for a report on all the speeches on AIDS because it had built during my 2 years of 1983 and 1984. The speeches that were made in the Senate: zero. And in the House of Representatives: zero. I was stunned, not a single Member in either Chamber had spoken about AIDS and it was already 1985.

So I asked the then doctor in command of the Centers for Disease Control to come here and speak to us on September 26 of 1985. We met downstairs. I put a "Dear Colleague" to 438 Members and the delegates from the territories. Six showed up. I remember Congresswoman Bobbi Fiedler sitting there. The talk was kind of tough about rough sex, promiscuity, weird scenes going on in America. Dr. Mason informed all of us that BILL DANNEMEYER a few days before on 9 September 1985, which is Statehood Day in California, had forced the Red Cross and the whole American medical infrastructure to clean up the blood supply by turning down groups that have a high proclivity toward sexual promiscuity from giving blood, whether it involved discrimination or not. In other words, people from these high-sex groups, high-activity, high-risk groups, if they came in and said, "I am celibate," or, "I have a steady partner," and that is it, the Red Cross banks across this country were able to say, "Sorry, we are not able to take your blood no matter what you tell us." BILL DANNEMEYER did that for this Nation on September 9 of 1985, and it has been in effect for 8 years and 1 month—excuse me—7 years and 1 month.

BILL DANNEMEYER has probably saved thousands of lives across the United States of America.

One thing on that cultural war: Last night, on "Saturday Night Live," Shinead O'Connor, a fine citizen from Ireland, got up the first act on "Saturday Night Live"—this is the kind of thing that BILL would alert our country to—and after she sang a song, and not too well, I might add, started shaking. You could see she was up to something. She said, "We must fight evil in this country, we must fight evil, we must stop the evil." She was shaking on the emotional tirade. She pulls out

a big picture from behind her, folded up into four parts, and she unfolds it and it is a color picture of John Paul II, the Pope, with his hands raised in a gesture, I guess, and she begins to tear it to shreds on the stage.

So I guess "Saturday Night" is truly "live." The audience did not cheer, thank God, but they did not boo either. They sat their in stunned silence.

That is a kind of an outrage against Christianity or any denomination that BILL DANNEMEYER was the most forthright fighter in this House against. I am really going to miss him.

□ 2400

We have two other very, very capable Congressmen who are retiring from the Congress this year. BILL LOWERY from the 41st District of California came to us in the 97th Congress. His wife, Kathleen, and three small children that they have in the family are very closeknit family and a lovely group of people.

BILL has served on the Appropriations Committee, where he has been invaluable to this State of California in being able to work on projects that are so important to our State.

He has been ranking on the Military Construction Subcommittee and on Interior, VA–HUD and Independent Agencies, and the District of Columbia. On the District of Columbia Committee he served on the subcommittees of the Judiciary and Education where he has been the ranking member.

Previously, prior to coming to Congress, he was selected by the San Diego Jaycees as one of San Diego's most outstanding young men in 1981 and 1982.

He was the founder and chairman of the California Concord group, the San Diego City Council, where he also served as deputy mayor in 1979, and vice chairman of the California Water Foundation.

BILL LOWERY was one of the most important cogs in the formation of the California Institute, where he worked very hard at our request, the request of the delegation, in forming that very important organization which will bring jobs and fairness to the State of California.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding to me, and again I appreciate all the effort he has put into this special order.

Mr. Speaker, I, too, would like to extend congratulations to our good friend, BILL LOWERY, for his 12 years of service in this House. I know it is 12 years, because he and my other friend from San Diego, DUNCAN HUNTER and I, were members of that class of 1980. There were 33 of us who that year unseated the committee chairman, the subcommittee chairman, even the third ranking leader on the other side of the aisle that year.

Actually, there were five of us from California among the class of 1954; 33 of us unseated incumbents.

Actually, BILL LOWERY was not one of those, but DUNCAN HUNTER and I were.

BILL was fortunate to win an open seat at that point, and my friend, Mr. HUNTER and I, both took on Democrat incumbents that year.

BILL has been a tireless worker on behalf of San Diegans and Californians on the Appropriations Committee, and as the dean has just mentioned, Mr. Speaker, he worked very hard, playing a leadership role in putting together this California Institute.

During the decade of the 1980's, it is no secret that the largest delegation in the entire Congress, the California delegation, has had problems working together. Unlike other States that are represented here, the Democrats and the Republicans have had a tough time getting together. Many of us hope and pray the establishment of the California Institute and the fine leadership of CARLOS MOORHEAD and DON EDWARDS will help to bring us together.

BILL LOWERY worked very hard on behalf of that effort to bring our delegation together. He will not be here as we begin to unite in the 103d Congress, but I know that we all wish BILL and KATIE and their family well as they pursue other endeavors.

I will miss him, and especially he will always be able to remember, having been part of that very historic class of 1980, which I believe did play a major role in improving this country. I look forward to seeing him in bigger and better things, and I thank the dean for yielding to me, Mr. Speaker.

Mr. MOORHEAD. Mr. Speaker, I yield to the gentleman from San Diego [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the dean for yielding to me.

I joined this body as a freshman in 1990. We had a California delegation, basically the Four Musketeers. We had RON PACKARD, we had DUNCAN HUNTER, myself and BILL LOWERY. There were a lot of different projects that we worked on together. With that Four Musketeer attitude and pulling together, we solved, or at least worked diligently on some programs together, where before we did not have that strength.

San Diego has been going through a pretty tough drought. I know BILL has been working to bring relief for that.

We had a sewer break in California. It might seem simple, but we had a major sewer break in San Diego that threatened many lives in the health problems that it could have brought. BILL worked on the Appropriations Committee, with the help of RON PACKARD and DUNCAN HUNTER, to get the money necessary, not pork barrel money on that one, but just to help. I think it directly saved the health of a lot of San Diegans.

There were a lot of other issues that BILL took the leadership role on and others that he was very helpful on.

I would also like to commend Katie, his wife. I do not think I have met anyone here that I have spoken to that did not know Katie, that respected and loved her for her dedication to Judeo-Christian ideals, to raising her family and as a mother.

BILL, you have quite a fine wingman to support you.

BILL was also the ranking member on Military Construction. Being a military man, back when BILL went into this body, I appreciate the work that he has done for American servicemen in bringing support to San Diego on Military Construction.

I think one of the most important things that BILL has done is to support Jack Kemp in many of his ideas on the VA–HUD Committee, not only for veterans, but HUD, where Jack Kemp is trying to build enterprise zones and HOPE programs and things like that in this country that is in a recession. BILL was very instrumental in that, working with Jack Kemp and many others in the Cabinet. I thank him for that and I thank him for helping us in San Diego.

I know as far as the other Members in the State of California that it has been very difficult. We will have 52 Members representing the State of California. I wish BILL was there in the next Congress to help us. That is going to be a difficult task, but when we have all the problems I think combined with the other States, mass population, we have grown by over 27 percent, that we are going to have a difficult time. I think BILL could be there to help us with that.

I look forward to helping him in the future and I am sure that he will do well, whether he stays out in California or he stays here in Washington, DC.

To BILL and Katie, I send my best and Godspeed.

Mr. MOORHEAD. Mr. Speaker, I yield to the gentleman from San Diego, Mr. DUNCAN HUNTER.

Mr. HUNTER. Mr. Speaker, I thank our dean for yielding to me.

Let me add to my colleague and to DUKE CUNNINGHAM my congratulations to BILL LOWERY for his real depth of service to California and to San Diego.

We just came off this last year a tremendous challenge to San Diego trying to defend our Naval Base against closure. Let me tell you, we worked as a very well-coordinated team keeping those bases open. I was very gratified always, whether we were having a hearing with the Base Closure Committee in San Diego or working in a meeting in a strategy session preparing to defend our bases, I was always gratified to be able to look across the table or side by side and see BILL LOWERY, because BILL has got an intuition for pol-

itics, an ability to look over a series of issues and pick the one that is going to be an important one, the one that will give you some leverage and seize on that particular issue and use it. We had in BILL a very skillful legislator.

I looked at our team and we had in BILL a great legislator who had the ability to analyze from a Military Construction point of view and the ability to really communicate with the members of the Base Closing Commission, and we had in DUKE a guy who had flown aircraft and knew how the synergism with which the San Diego Naval Operations and Installations worked together, so that if you would close down a training center and move it to another part of the country, that would be bad, because it would not be next to the fleet. It would not be next to Miramar.

We had in looking at those two gentleman and how they worked side by side to keep our bases open, it was one of the most confident, effective national teams I think that existed in the country last year in regions where you had base closures that were pending. Because of BILL LOWERY's work and because of DUKE's great work, we were able to keep those bases open and that meant literally thousands of jobs for San Diegans.

BILL has worked on a lot of issues. I came in with BILL in 1980. We were elected with the Reagan landslide, along with DAVID DREIER. We had 53 Republican freshmen then, or 54 when MIKE OXLEY came in, and we changed a lot of things. We came in and we passed tax cuts. We passed the Gramm-Latta budget reconciliation measure that cut $140-some billion out of Federal spending. We made a radical change in the way Government does business and we created a high employment rate. We created millions of jobs, and we really presented a new world order, not necessarily one as defined today by the political writers, but one in which the United States asserted its moral influence and its leadership in establishing democracies around the world.

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As I mentioned with BOB LAGOMARSINO, we had at that time Honduras, Guatemala, Salvador, and Nicaragua all trying to develop into democracies. BILL LOWERY was one of the leaders and one of the fighters for a foreign policy that would allow us to send enough military aid to protect those countries, the democratic elements in those countries, from being annihilated while they pushed for democracy in free elections, and he was one of the guys who stood up and voted for a strong military for the United States to have the strategic systems that we needed and the conventional systems we needed.

BILL voted and pushed with me and many Members on the Republican side of the aisle for an 11 percent pay increase in 1981 because we had young men and women in San Diego who literally were being given memorandums from their commanding officers not to be ashamed to take food stamps, and because of the work that BILL and his colleagues did in the early 1980's, we were able to rebuild America's defenses and to do great things with respect to bringing a new world order about.

So, Mr. Speaker, I want to thank BILL for everything that he did and all of the effort and the tireless energy that he put into the legislative process. BILL LOWERY was a hard worker, and he was the kind of guy who would work for hours, and hours, and hours on an issue, and I think many folks in San Diego never really realized how much of an effort he put into the legislative process and all of the thousands of jobs that he created for San Diego.

So, I want to join with the dean of our delegation, the gentleman from California [Mr. MOORHEAD] in wishing BILL and Katie and their three children a continued career because I know he has many great things to give to this country yet.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman.

Because time is very short, I did want to cover our fourth Member who is leaving, who has been with us now only two Congresses, but he came with one of the most brilliant minds of anybody that has yet come to the Congress of the United States.

He went to Harvard Law School where he was the editor of the Harview Review. He was the youngest person ever to become a full professor of law at Stanford University where he taught until 1983 as a full professor where he carried on a class on Sunday morning during the time that he was in the Congress of the United States. Of course he could not get paid on a regular basis for that, but he still believed in the university and in teaching there, and he was able to teach there on a part-time basis, and of course he will be going back there in the wintertime of this year to teach again at Stanford University.

He was a young man who served on the Committee on the Judiciary of the Congress. That is a committee he served on with me where he played a very important role in some of the key issues that came before us. The way he could explain things was evidence that he probably knew more about the basic law of the United States than virtually anyone else in the Congress because that is a subject that he taught and he knew thoroughly from one end to the other, especially things dealing with economic and commercial law.

He served on the Committee on Banking, Finance and Urban Affairs, and really he did an outstanding job for the short time he was here.

He became a candidate for the U.S. Senate, a real struggle that he took on. Many people thought that he would not have a chance when he entered that race, but he came very, very close to winning the Republican nomination for the U.S. Senate and earned respect from people all over the State of California.

Mr. Speaker, I think he has a great future. I wish he could be here with us in the U.S. Congress in the years ahead because I think with his background, and with his knowledge and his brain power he could offer more to us than almost anybody that has come in recent years to the Congress.

Mr. Speaker, I am sad to see all of our four Members leave. They have made a great contribution to the United States of America. They are all patriots, they all believe in America, they fought for the things that they believed in, and they did a magnificent job.

I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I thank the dean, and I just simply want to say, since I know the gentleman from San Diego also wants to add his comments that I associate myself with the remarks that were made about Mr. LOWERY and wish him and his wife, Katie, the very best in the future. I know that his imprint has been left on this Congress, and we will look forward to working with him in the California Institute, and with respect to Mr. CAMPBELL, in just two short terms he left his stamp on this Congress because of his remarkable legal knowledge. He is, in fact, one of the foremost legal scholars in this country on antitrust matters. I have had the pleasure of working with him in the Committee on Banking, Finance and Urban Affairs and all too often sharing that terrible red eye flight from California back to the Capital, so I have gotten to know him in a personal way, and he is one of the brightest, most articulate and cerebral Members of this body. He will be badly missed here, but he will, no doubt, continue to play an important role in the American politics in the coming years, and he did a wonderful job while he was here continuing a tradition established by the late—not the late, but Pete McCloskey, Ed Zschau, and then TOM CAMPBELL. So, that particular district has been well served through that tradition.

Mr. MOORHEAD. The gentleman from San Diego.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from California [Mr. MOORHEAD] for yielding.

I have met a lot of people that will say they are smart, but I meet very few people that everybody will say they are smart, and that is TOM CAMPBELL. He almost won a race for the U.S. Senate. It was a very difficult race, and the thing I liked about TOM the most is that sometimes we disagreed on issues, and I would go over to arm wrestle

him, but when I always left, he had a way to smooth and smile and fix it so that one thought twice as much of him than when they went over to arm wrestle him, and he has that way about him. I also respect him in a very tenuous, very fire-filled race. The very next morning in the press it came out that TOM CAMPBELL endorses opponent. That takes courage, and it takes character.

I thank the gentleman for yielding, and let me just say also that one of the biggest problems we have in this Nation is our industrial base and the prospects of losing critical technologies in the next century, and in that area, the area of keeping an industrial base, keeping a high-technology base, going where we can have high quality of life, where we can have our semiconductor business strong or we can continue to make machine tools, and have a manufacturing sector, and build our exports and do all the things that we have to do to be a world class nation, nobody had or has in this Congress the background or expertise in what we have to do in respect to antitrust, trade law and some of our internal laws and regulations than TOM CAMPBELL. TOM CAMPBELL is a guy of enormous talent. The Nation still needs him, and I hope that he continues to make himself available, and he had that great touch where, if one had an argument with TOM, he never tried to lord it over them when he very effectively won the argument.

Mr. MOORHEAD. Mr. DREIER.

Mr. DREIER of California. Mr. Speaker, I thank my friend from Glendale for yielding, the distinguished dean, and I simply would like to extend my congratulations to TOM CAMPBELL. I have told him many times, and I have said publicly, TOM is one of the most extraordinary individuals I ever met. He has an incredible mind. He is going to be missed in this House. He has a great sense of humor, too. He ran a valiant campaign for the U.S. Senate, and he has done an awful lot for the Silicon Valley and his constituents, and we will miss the tremendous assets that he brings to the U.S. Congress. His constituents will miss him, the American people will, too, and I thank my dean for allowing me this time, and I thank you, Mr. Speaker, for your forbearance.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] very much, and we all will miss these gentlemen as they depart.

Mr. MICHEL. Mr. Speaker, I want to take this opportunity to join so many of our colleagues in bidding farewell to our good friend and colleague, BOB LAGOMARSINO.

BOB came to the House in 1975 after a distinguished career in local and State politics in California. As third-ranking minority member of the House Foreign Affairs Committee and second-ranking on the Interior and Insular Affairs Committee, BOB has worked for the best interests of his constituents, his State, and our country. He is currently vice chairman for National Parks and Insular Affairs on the Interior Committee, and vice chairman for Western Hemisphere Affairs on the Foreign Affairs Committee. He served three terms as secretary of the House Republican Conference.

I would imagine that it is BOB'S work in foreign affairs that most of our colleagues associate with him. But I also want to emphasize that as cochair of the House task force on POW/MIA's, BOB showed admirable leadership in bringing reason and compassion to a sensitive area that too often has been the subject of highly emotional debates. His quiet, patient approach to problems was an important part of the House's attempt to come to grips with the complex POW/MIA issue.

We wish BOB and Norma all the best, and I'm glad I had this opportunity to pay tribute to another distinguished Member—and good friend—who will be leaving us, BOB LAGOMARSINO.

Mr. BROOMFIELD. Mr. Speaker, one retiring Member who will be sorely missed, not only by his fellow Members of Congress but by freedom-loving people in Nicaragua and El Salvador, is BOB LAGOMARSINO.

BOB is the ranking Republican on the Western Hemisphere Subcommittee, and after years of working together, I can attest to his effectiveness and his courage.

As the subcommittee's top Republican, BOB was at the epicenter of the most controversial foreign policy issue of the 1980's. When so many in the American media, in America's universities, and in America's political establishment seemed captivated by Central America's left, BOB stood with the democratic forces in that area.

I'd like to think that BOB's stand not only took a lot of guts but has been vindicated by subsequent events. Whenever the people of Nicaragua and El Salvador were given the chance to participate in free elections, they overwhelmingly chose the forces of moderate reform over the Marxists.

BOB has also been chairman of the International Republican Institute, which monitors elections in nations without a tradition of democracy, helps build free political institutions, and promotes democratic values throughout the world.

BOB's retirement from Congress is a great setback for American politics and government. BOB has done so much to foster free and uncorrupted democratic institutions in other lands. It's ironic that he should be undone in his own country by someone who perverted the political process for his own ends.

Frankly, over the years, I have been skeptical of measures intended to place limits on a candidate's ability to communicate with the voters. But when a candidate spends $3 million of his own money to buy a seat in Congress, I get worried.

I worry that this great institution will become nothing but a debating society and luncheon club for the idle rich.

Throughout his years in Congress, BOB has been a very special kind of Congressman. He has been as diligent and as conscientious a committee member as you will find.

He has been a fighter for what he believes in, especially for political and economic freedoms for those who have been denied these rights in other parts of the world. He has also been a genial, soft-spoken, hard-working, honest, thoughtful friend. Like many of his fellow Members, I will miss him.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Congressman ROBERT LAGOMARSINO, who is leaving the Congress after 18 years of service to his district and the Nation.

Congressman LAGOMARSINO has been a great asset to our Nation as an expert on the important issues of foreign affairs and the environment. As a senior member of the House Foreign Affairs Committee and vice chairman of the Subcommittee on Western Hemisphere Affairs, he has worked long and hard to bring free elections to the emerging democracies of Eastern Europe and Central and South America.

He has done much to preserve the beauty of the environmentally sensitive Santa Barbara area which he has represented so well as a ranking member of the House Interior and Insular Affairs Committee. He will be remembered by future generations for his important role in legislation creating the Channel Islands National Park and preventing oilspills from damaging our coastal areas.

Along with my colleagues, I will certainly miss his advice and counsel. The Congress and the Nation are losing the wisdom of his 34 years of experience in local government, the California State Senate, and the Congress. We hope that you will have a healthy and happy retirement with your wife, Norma, your three children, and four grandchildren.

Mr. CLINGER. Mr. Speaker, among the many who will be leaving Congress this year, none will be missed more than BOB LAGOMARSINO, the gentleman from California. BOB'S expertise on a variety of complex and controversial issues has won him great respect on both sides of the aisle. He is a leading spokesman on the Republican side on defense and intelligence matters. But it is in the foreign affairs field that BOB has won the greatest recognition for his thoughtful and incisive analysis of problems wherever in the world they have arisen during his 20-year tenure in the House.

In particular, he has demonstrated a keen insight into and understanding of the often murky and confused political scene in Central and South America. His steady, consistent, and articulate support of the Contras and opposition to the Sandinistas in Nicaragua was totally vindicated with the fall of Ortega and election of Mrs. Chamorro to the Presidency.

I very much regret that BOB will no longer be with us next year, especially because his leaving was not of his choosing but forced upon him by a wealthy primary opponent who extravagantly financed his own campaign. We can ill afford to lose experienced, thoughtful legislators like BOB LAGOMARSINO, particularly to challengers from our own party.

BOB LAGOMARSINO is a class act who has been a credit to the State of California and this House.

Mr. SENSENBRENNER. Mr. Speaker, Congressman BOB LAGOMARSINO will be stepping down when the 102d Congress concludes, retiring after a distinguished record of public service. I join my colleagues in expressing appreciation for his friendship and hard work.

BOB'S legislative efforts have encompassed concerns from the international to local levels. As the third-ranking Republican on Foreign Affairs, he has been active on foreign policy changes in a changing world order, particularly on international trade. As second-ranking Republican on the Interior and Insular Affairs Committee, BOB has been in the forefront on protecting national parks and national resources. His Santa Barbara district has benefited from his dedication to maintaining the beauty of our natural resources.

For 18 years, BOB conscientiously represented the residents of California's 19th District. But his public service did not just begin in 1974 when he was elected to Congress. It began when he first was elected city councilman and later mayor of Ojai. In 1962 he was elected to the California State Senate where he served until his election to Congress. BOB's dedication is an example that few can equal and we will all miss him. I wish him success for the future.

Mr. GREEN of New York. Mr. Speaker, I rise today to pay tribute to my good friend and distinguished colleague, BOB LAGOMARSINO, who, at the close of the 102d Congress, is retiring after 18 years of outstanding public service.

I should like to thank our colleague, CARLOS J. MOORHEAD, also of California, for sponsoring tonight's special order in BOB's honor.

As a result of BOB's membership on the House Interior and Insular Affairs Committee, I had the privilege of working with him on the Puerto Rican plebiscite issue. While that issue remains unresolved, all those who believe that the people of Puerto Rico are entitled to a vote to determine their own political fate owe BOB a debt of gratitude.

Through great diligence and perseverance, BOB has gained the deserved respect and admiration of all of those who have had the pleasure of working with him. Without a doubt, he serves as a model for all to follow.

At this time, I should like to offer BOB my very best upon his retirement. I know that my colleagues join me in thanking him for his dedication to the State of California and to the Nation.

Mr. REGULA. Mr. Speaker, I am pleased to join a special order for my colleague and friend from California, BOB LAGOMARSINO. BOB has been a first-class Member of this body.

His thoughtful, responsible leadership has served his constituents well while always recognizing the national interest.

I appreciate BOB's diligent efforts to improve the jewels of America, the national parks. Generations will benefit from his commitment to enhancing the quality of the park experience.

Each of us, through experience, counsel with certain colleagues because we have a confidence in their judgments and look to them for leadership. BOB LAGOMARSINO has been a Member that fills that role for me.

BOB leaves this body with the respect of his colleagues and with the good will of many friends.

Mary joins me in wishing BOB and Norma good health and a life with new challenges.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the many significant accomplishments of our esteemed colleague for 18 years, and a good friend. The gentleman from California, Mr. ROBERT LAGOMARSINO.

As the vice chairman for National Parks and Insular Affairs on the House Interior Committee and the vice chairman for Western Hemisphere Affairs on the Foreign Affairs Committee, BOB has continued to actively support wilderness, wild and scenic river designation for various 19th District locales and has been a steadfast backer of Reagan and Bush administration international policies.

BOB LAGOMARSINO has worked very hard and very successfully to promote and defend issues in the areas of parks, natural resources, and international trade. He was extremely influential in designating the Santa Barbara channel on international shipping maps as an area to be avoided, and regulation of air pollution given off by oil drilling platforms.

I have enjoyed the opportunity to work with BOB and have sought advice on several different issue areas. His hard work and his counsel have always been very respected and appreciated by me and I know by many of our colleagues.

Mr. Speaker, I want to take this opportunity to thank our colleague Mr. MOORHEAD from California for his leadership in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from California [Mr. LAGOMARSINO] and join with them in wishing him all the best.

Mr. MCCANDLESS. Mr. Speaker, it is with a mixture of disbelief and great sadness that I take part in this special order today, to say farewell to our friend and colleague, BOB LAGOMARSINO.

When I first came to this House 10 years ago, wondering why I felt like I had just fallen off the turnip truck, BOB LAGOMARSINO was one of the first Members who came to my rescue. His staff gave my staff the use of phones and copiers during those first confusing weeks when my office consisted of a table in the Longworth Cafeteria—with unlimited use of the pay phone on the wall. BOB was equally generous with his insight and observations about the workings of the House, and I was always grateful for his advice.

BOB was always a calm and reasonable voice in an increasingly combative House. He always took the high road. He was thoughtful and realistic. And he was always a gentleman. He served his growing and changing district with pride and honor, no matter what the difficulties were.

It has been my distinct pleasure to know him, and to work with him for 10 years. He will be sorely missed.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Congressman BOB LAGOMARSINO of California's 19th district. Congressman LAGOMARSINO has a long and distinguished career of public service and his colleagues, as well as his constituents, will miss him.

As the ranking Republican on the House Interior National Parks and Insular Affairs Subcommittee, he has shaped legislation and has been instrumental in preserving parks and natural resources. As the ranking Republican on the Foreign Affairs Subcommittee on Western Hemisphere Affairs, he also has been influential in international trade policy.

Congressman LAGOMARSINO first served as a city councilman and later as mayor of Ojai, CA. In 1961, he was elected to the California State Senate, where he served 12 years. In 1974, he was elected to Congress, where he is completing his 10th term. He has been a hardworking Member of the Republican leadership, having served as Secretary of the House Republican Conference.

I will miss BOB's conscientious leadership in the House of Representatives, and I wish him success with his future plans.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BOB LAGOMARSINO of the 19th District of California for his 20 years of outstanding service to the House of Representatives.

As the second ranking Republican on the Interior and Insular Affairs Committee, he has brought many benefits to his district on the California coast—from providing protection against oil spills and marine disasters to the creation of the Channel Islands National Park in the Santa Barbara Channel.

As the ranking Republican on the Western Hemisphere Affairs Subcommittee, he is an acknowledged expert on international affairs, and has made significant contributions as the Chair of the Republican Institute for International Affairs, as an observer at the Geneva Arms Control Talks, as chairman of the POW/MIA Task Force, and as cochairman of the Congressional Task Force on Afghanistan.

BOB LAGOMARSINO has been visible from both sides of the aisle as an example of dedicated service to his district, his State, and his Nation. He has indeed set an inspiring example for others to follow.

I wish Mr. LAGOMARSINO a happy and healthy retirement, and I congratulate him on his many fine contributions to our country.

Mr. QUILLEN. Mr. Speaker, it is a privilege and honor to rise and salute my friend from California, BOB LAGOMARSINO.

BOB's 10 terms of service here in the House of Representatives have been exemplary. He has served with distinction on the Foreign Affairs and Interior Committees, and I was honored to work with him in the House Republican leadership during his 6 years as Secretary of the House Republican Conference. He is a tireless legislator who is trusted and respected by Members of both parties.

BOB worked his way up through the political ranks as few others have done. He has served as a city councilman, mayor, State senator, and U.S. Representative. I have admired his leadership on the POW/MIA and Afghanistan issues, to name just two. I am sure that he will continue his important work on behalf of emerging democracies when he leaves this body.

Mr. Speaker, BOB LAGOMARSINO leaves behind an outstanding career of public service. Southern California has been lucky to have him as a Representative, and we in the House have been lucky to have him as a colleague. I admire him and his accomplishments, and I wish him all the best.

Mr. WOLF. Mr. Speaker, I rise today to recognize the service of one of our colleagues, Representative ROBERT LAGOMARSINO, who is leaving the House following the conclusion of the second session of the 102d Congress.

For almost two decades, BOB has represented the Santa Barbara area of California with distinction and integrity. Following a successful career as the mayor of Ojai, CA, BOB came to Washington in 1974, and has worked hard on behalf of his constituents and our Nation. His stellar service on the House Foreign Affairs Committee has helped direct our international policies over the last 20 years. BOB's strong support of freedom across the world has helped prodemocracy forces in Panama, Kuwait, Afghanistan, and Nicaragua.

BOB has also been active in regard to congressional pay reform, and led efforts to prohibit Congress from raising its pay without a vote, requiring raises to take place after an election, and withhold pay unless Congress passes a budget by October 1. His excellent service will be missed, and I know I speak for many when I thank BOB for his work and wish him well as he begins his retirement.

Mr. PACKARD. Mr. Speaker, I have had the honor of serving in this institution with my colleague, BOB LAGOMARSINO. During that time I have come to know him as a good friend above and beyond our working relationship. He is as fine a man as I have served with, and is without peer as a leader and legislator.

Congressman LAGOMARSINO and I have worked closely on legislation of great importance to California and to the Nation. I have always appreciated and been impressed by his diligent concern for the public interest.

Congressman LAGOMARSINO has always distinguished himself as a conscientious and hardworking Member of this body. He is a diligent lawmaker, a thoughtful statesman, and his diplomacy and leadership have been a real asset to the California delegation, and to this institution.

My admiration for the high ideals that have guided his service in Congress are surpassed only by my high regard for his friendship. I value his friendship, and would like to thank him for the courtesy he has always afforded me, both as colleague and comrade.

As he completes his 10th term in the House, I am sure I express the sentiment of many of my colleagues: I will miss BOB LAGOMARSINO, and most certainly the institution will miss him as well.

Mr. CRANE. Mr. Speaker, it is with sadness that we bid farewell to our friend and colleague, ROBERT LAGOMARSINO, on the eve of his leaving the House of Representatives, ending a congressional career with his service in this 102d Congress.

Like a few others to us, Bob came to this Chamber as a result of a special election. He joined Congress as a Member in March 1974.

As a youngster, he served in the Navy during World War II.

BOB first took over an elective office in the Ojai City Council in 1958. Only 8 months later, he was elected mayor of the community.

He continued a swift political climb by winning a special election to the California Senate in 1961. He served there until the voters sent him to this Chamber in 1974. Among the honors he gained in his time in the California Senate was to be given the Legislative Conservationist of the Year Award by the California and National Wildlife Federation in 1965.

BOB established himself as an expert on foreign relations with his service on the House Foreign Affairs Committee, and is especially well versed in regard to the affairs in the Western Hemisphere as well as in Asian and Pacific matters.

While he is most knowledgeable in this Nation's foreign relations, he has taken a lead in local matters in his California district. He has opposed the offshore drilling which he and his constituents objected to, and, as a member of the House Interior and Insular Affairs Committee, he has battled for such projects as the promotion of the Channel Islands Marine Sanctuary as well as other local environmental causes.

His hard work resulted in his election to a leadership position among House Republicans.

We wish BOB LAGOMARSINO all the best in his retirement years. He will be missed by all of us.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BOB LAGOMARSINO who will be leaving the Congress at the end of the year. BOB LAGOMARSINO has served this Nation with distinction as a Member of this body for 18 years.

BOB LAGOMARSINO has been a leading Republican supporter of environmental issues here in the House. As one who shares his commitment to preserving our natural resources, I want to salute BOB for his tireless efforts on the Interior Committee. His leadership and voice of reason will certainly be missed.

It has long been my philosophy that the Congress is most effective when Members with different views come together to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. BOB LAGOMARSINO epitomized that process.

My wife, Nancy, joins me in extending our best wishes to BOB LAGOMARSINO and his family. We wish him the best of luck in all of his future endeavors.

Mr. THOMAS of California. Mr. Speaker, I rise tonight to bid a farewell to my good friend and colleague BILL LOWERY, who I have been fortunate to serve with in this institution for the last 12 years.

BILL'S contributions to California and this institution have been invaluable. Congress could use more legislators like BILL—he entered local office in San Diego because he wanted to positively impact his local community—and he is a man who still looks after his constituents back home as top priority as a Congressman. He always has a positive outlook and the ability to envision the future of California as a whole, and has worked hard for the best interests of San Diego and California.

I have been fortunate to be able to work with BILL on a number of California issues, ranging from securing funds for the Manzaner National Historic Site to military construction at Edwards Air Force Base and the Naval Air Weapons Center. He is, without a doubt, one of the most attentive Members of Congress on the Appropriations Committee.

Many in California and in Congress will remember BILL for a long time for his contributions here and back home. We appreciate everything that he has done during his years here and wish him the best of luck in all his future endeavors.

Mr. THOMAS of California. Mr. Speaker, the House of Representatives will soon lose one of its brightest newcomers. TOM CAMPBELL, economist, lawyer, professor, and good friend has left a mark on this institution and on me in just a few short years here.

TOM has brought an accuracy and a practical understanding of international trade and business law with him to Congress. Many Members, like myself, have been fortunate to learn from his expertise. TOM has also played a key role in responding to the plight of business and industry as a member of the Judiciary Committee, and has tried to balance their needs and growth with those of consumers.

Without reservation, I can say that TOM's contributions to that committee and this institution have been invaluable. He represents the kind of a legislator this body and this country need more of, and I am truly sad to see him leave. He has made a lasting impact on me and many others in the House who have had the pleasure of hearing his comprehensive yet skilled explanations of difficult economic principles, which he has always managed to expound with such ease.

TOM has the compassion and devotion to the principles which he believes in and knows to be right—characteristics of a true Representative, not one who is merely interested in power for power's sake. TOM CAMPBELL entered office because he wanted to make a difference, and indeed he has, not just in the House, but for what he has done for his constituents back home as well.

Many in Congress and in the bay area and Congress will remember TOM through these contributions and for his tireless dedication to public service, whether it be through government, or through passing on his knowledge to others as a teacher. We wish him the best in what will certainly be a long and distinguished career.

Mr. THOMAS of California. Mr. Speaker, today marks the last day this distinguished body will have the opportunity to work with BILL DANNEMEYER, who entered the House the same year that I did, and who has faithfully served this institution for the last 14 years.

BILL knows the meaning of the word patriotism, and chose to serve this country during the Korean war in the fight against the spread of communism. He joined the House after serving in the California State Assembly for several years, and has dedicated his life to public service, continuing on as a Representative for Orange County, where I once was a resident.

BILL has been a real leader in the area of conservativism—particularly in his perfect voting record against wasteful Government spending.

He has worked hard for the interests of his district and for the State of California—from diverse geographical bills he has sponsored, including sensible offshore oil drilling legislation and a reasonable endangered species reauthorization.

Many in California, the House, and this Nation will remember BILL for a long time for his contributions to this body and this country. We wish him the best of luck in all his future endeavors.

Mr. VENTO. Mr. Speaker, I am please to rise and comment on the distinguished career of our colleague, Congressman ROBERT LAGOMARSINO. BOB has served as a ranking mem-

ber on the Subcommittee on National Parks and Public Lands for the past 8 years that I have had the responsibility of the chairmanship.

Congressman LAGOMARSINO's contributions have been very significant during these years. While facing administrations that were often reluctant to move aggressively on park-related issues, together we labored to enact literally hundreds of expansions and sound new policies to protect our American heritage.

BOB has been a key supporter of numerous measures before the Subcommittee on National Parks and Public Lands, some close to his home district in California and others halfway around the world. Early in his congressional career, the Channel Islands expansion marked one of BOB's most stunning success. One of my most memorable experiences was visiting this area with BOB and sharing the joy of his work on the site. I also had the pleasure of accompanying BOB to Los Padres National Forest which is a place very near and dear to his heart. I would be remiss if I failed to mention the gracious hospitality shown to be by BOB and his lovely wife, Norma, during that visit to his home district. After seeing the beautiful sunset over the Pacific Ocean outside their doorstep, I would find it difficult to leave such a tranquil and scenic environment.

Congressman LAGOMARSINO has sustained support for specific projects and measures each year. During this session of Congress he has guided to enactment one of the final chapters of California Wilderness with the Sespe Wilderness measure. A very significant achievement. Before we conclude, hopefully several more projects will be achieved.

Candidly, as a subcommittee chairman, I want to say that I've been guilty too often of taking my colleague for granted. I've counted on his good judgment and patience as I've tried to fulfill the significant legislative responsibilities that we share. BOB has, himself, always given me the benefit of the doubt and his support and help in enlisting support from other members of the committee and Congress.

Sometimes BOB LAGOMARSINO has had to stand alone. He has often been willing to put politics aside to achieve sound conservation policy. In those instances, he has restored a sense of renewed commitment to good public policy and the subordination of politics as usual. In recent years, this has been more difficult, but hopefully in the future we will witness a renewal of cooperation and collaboration.

BOB LAGOMARSINO and I have traveled and visited some of the most spectacular natural resources known to mankind including a trip to the Western Pacific to visit American Samoa and the tropical rain forest there for which designation was achieved with BOB's strong support. I could state and discuss literally a hundred measures, including thousands of miles of wild and scenic rivers, millions of acres of wilderness and scores of newly designated parks, on which BOB has joined in helping to enact. He has made his mark on the legislative process which will be reflected for decades to come. In a very real sense, BOB LAGOMARSINO has helped pass on to future generations of Americans a natural and cultural legacy that will persist long after our careers are a faint memory.

I wish BOB and Norma all the best in their future endeavors and state most emphatically that BOB, my friend and constant hearing companion, will be missed by me and all Americans who care about the environment.

Mr. THOMAS of California. Mr. Speaker, I am sad to watch the retirement of my good friend and colleague BOB LAGOMARSINO, who has faithfully served this institution for the last 18 years.

As a young man, BOB chose to serve this country in the U.S. Navy during World War II. He carried that public service tradition onward, serving his local community as a member of the Ojai City Council, then as Ojai's mayor, and then at the State level for over a decade in the California State Senate. It is clear that his mission in life was to serve others, and he had performed that task with the utmost dedication.

As a Member of the House of Representatives, BOB has made both local and international contributions. As a member of the House Foreign Affairs Committee, he has worked hard to preserve and encourage international principles of democracy, and as a member of the House Interior Committee, he has worked to protect and foster the local interests of the Santa Barbara and Ventura areas.

I have been fortunate to have been able to work with Congressman LAGOMARSINO on many issues which affect both our districts, such as the establishment of the Los Padres Wilderness Protection Act. We have also worked together to ensure that California received fair market compensation for its land claims in the Elk Hills Naval Petroleum Reserve, as well as on other issues affecting public lands in California.

BOB has the kind of personal integrity, expertise, and dedication we all hope to have in our public servants. He is highly respected by all his colleagues and his talents will surely be missed.

Many in Congress and in California will remember BOB for a long time for his contributions to this body and this country. We appreciate everything that he has done here during his tenure and wish him the best in the future.

Mr. GALLEGLY. Mr. Speaker, I rise today with pride and sadness to help honor three outstanding members of the California delegation, TOM CAMPBELL, BILL DANNEMEYER, and BILL LOWERY, who are retiring after many years of service.

These gentlemen have served their constituents and the Congress with dedication and great personal sacrifice. In their own way, each has been a fighter for the causes in which he believed. While they represent different viewpoints, each has represented his own constituents with hard work and pride. Each has exercised leadership in forging policies that have benefited people in their districts as well as all over the United States.

TOM CAMPBELL has been a long time public servant. His experience has served him well as a Congressman. He began his public service in 1977 as a U.S. Supreme Court Clerk for Justice Byron White. From that excellent beginning, he moved on to private law practice and to the White House as a White House fellow and then served on the White House Task Force on Women. This is just a small sampling of the outstanding achievements which led TOM to serve the people of the 12th District of California in the U.S. House of Representatives.

TOM's legislative work has been recognized by the Citizens Against Government Waste, the National Federation of Independent Businesses, the National Taxpayers Union and the U.S. Chamber of Commerce. TOM CAMPBELL was also named "Legislator of the Year" by the California Fraternal Order of Police. His work and service to his constituents and to California will be greatly missed.

BILL DANNEMEYER was first elected to serve in the House of Representatives in 1978. Since that time he has been a tireless fighter for the causes in which he believed. As the ranking member of the Subcommittee on Health and the Environment, he has been instrumental in developing public health policy that has benefited untold numbers of Americans.

In addition, BILL has been a strong leader in fiscal matters. He has led the fight for fiscal responsibility and accountability. BILL, along with then-Senator Pete Wilson, advocated a California initiative to propose a constitutional amendment requiring a balanced budget. This is just one example of his life-long dedication to requiring governmental responsibility. He will leave a great void in the fight for a balanced budget.

BILL LOWERY is a native San Diegan. He has served his district since 1981. His hard work and service to his constituents is well known. BILL's position as ranking member on the Committee on House Appropriations has benefited the citizens of his district and the State of California. This has meant a better life for hundreds of Californians.

While BILL fought for his constituents, he balanced this with a strong commitment to a balanced budget. He led the fight for a balanced budget amendment and a line item veto for the President. He has long been honored as a watchdog of the Treasury. BILL LOWERY has delivered for the people of this country and his presence will be missed.

Mr. Speaker, each of these men represent what makes our country great; dedication, service and sacrifice. Congress will miss their leadership, their skills and their abilities. I ask my colleagues from both sides of the aisle to join me in saluting them for their may accomplishments, and in wishing them great success and many years of health and happiness.

Mr. GALLEGLY. Mr. Speaker, I rise today with pride and sadness to help honor one of the most distinguished Members of this House, as well as one of my best friends, BOB LAGOMARSINO.

The gentleman from Ventura County has distinguished himself during his 18 years in Congress as one of the most thoughtful and most hard-working Members, and I will miss his counsel greatly.

As it has happened, BOB and I have not only represented the same county, but for the past 4 years we have both served on the same committees, Foreign Affairs and Interior and Insular Affairs. But while I have been gradually climbing the seniority ladder, BOB has been a senior member of both panels, where he has exercised leadership and played a major role in some of the most important issues of our time.

BOB is an expert on international relations. He's the vice chairman of the Subcommittee on Western Hemisphere Affairs, which oversees United States relations with Canada, Latin America, and the Caribbean nations, and is a long-tern member of the Asian and Pacific Affairs Subcommittee, specializing in trade with the Pacific rim nations.

As ranking member on Western Hemisphere, BOB played a key role in some of the most contentious and controversial foreign policy decisions of the past decade—our courageous decision to help freedom-loving people in Central America escape Communist dictatorships. In BOB's district, that was not always the most popular cause, and it would have been politically expedient for him to take a low-profile role. It certainly would have saved him from a lot of attacks from Sandinista sympathizers.

But as he always has, BOB chose to do what he thought was right. He worked long and hard to promote the cause of the Contras in Nicaragua, and to work for an end to the civil war in El Salvador that would prevent a Communist takeover there. And BOB can justly take pride in the fact that our efforts finally forced the Sandinistas to hold free elections—I know they were because I was there as an observer. And much to the consternation of some American liberals who always saw Danny Ortega and company through rose-colored glasses, the Nicaraguan people overwhelmingly rejected the Sandinistas.

BOB also can take a lot of pride in his efforts to bring freedom and democracy to what were, until recently, the captive nations of Eastern Europe. Through his chairmanship of the Republican Institute for International Affairs, a group of prominent national leaders that promote democratic movements in Eastern Europe, Latin America, and around the world, he helped establish and monitor free elections and several emerging democracies, and is even now continuing to work to nurture the fledgling democracy in Russia.

At home, BOB has always been a defender of the environment, although again his efforts have not always been appreciated by absolutists on this issue. Nevertheless, he can look back on many accomplishments, including the creation of Channel Islands National Park, the Channel Islands Marine Sanctuary, and most recently designation the Sespe Creek Wilderness Area to preserve one of the last truly wild streams in southern California.

But perhaps most important, BOB can be proud of the thousands of constituents he has helped over the years, because constituent service was always his top priority. The letters of thanks from seniors, veterans, and the many people he and his staff helped get their problems resolved are far more satisfying than anything I or my colleagues will say today.

Mr. Speaker, this House will be a poorer place without BOB LAGOMARSINO, and I ask my colleagues from both sides of the aisle to join me in saluting him for his many accomplishments, and in wishing him and Norma many years of health and happiness.

Mr. DOOLITTLE. Mr. Speaker, I rise tonight to pay tribute to four outstanding public servants, leaders and fellow Members of the California congressional delegation who will be retiring at the end of this term. TOM CAMPBELL, BILL DANNEMEYER, BOB LAGOMARSINO, and BILL LOWERY are all men I am proud to call friends, and each has left his mark on this House.

Just as he preceded me in the House, BOB LAGOMARSINO predated me in the California State Senate, where he acquitted himself with great success. While it was a loss to the California legislature when BOB was elected to Congress in a special election in the 93d Congress, our State certainly has continued to benefit from his leadership at the Federal level. BOB'S contributions to successful foreign policy and to emerging democracies around the world are widely acclaimed. He truly has played a critical role in history, and his expertise will be missed.

BILL DANNEMEYER and I always have seen eye to eye philosophically and we have worked together on numerous occasions to promote conservative causes. BILL stands second to none when it comes to fighting for fiscal responsibility. The Dannemeyer budget substitute, regularly presented to the House, repeatedly demonstrated BILL'S commitment to budgetary balance achieved without tax increases. BILL made all of use accountable, and certainly he has never been afraid to speak his mind. His outspoken commitment to family values is one I applaud enthusiastically, and is an example I wish others would emulate. BILL knows that responsible leadership cannot depend on popularity. His guidance and knowledge have been effective, and he will long be remembered and respected.

BILL LOWERY has devoted his 12 years in the House to the good of his district in San Diego, to his State and to the Nation. His service on the Appropriations Committee has been marked by hard work, strong leadership and sound fiscal thinking. Perhaps his greatest legacy to our State is reflected in the realization of the California Institute. Few worked harder than BILL LOWERY to make that institute a reality, and I regret that he will not be here to observe the fruits of his labors next year. BILL also has played an important role in the critical area of military base closings, demonstrating skill, diplomacy, and negotiating strength. He, too, will be missed.

Finally, TOM CAMPBELL has contributed immensely to the good of California and the Nation, especially in the area of competitiveness and export strength. His knowledge of trade, antitrust and domestic law which affects successful competitiveness is perhaps unrivaled. TOM'S keen understanding of what it takes to maintain a strong industrial base through new technologies, encouraged entrepreneurship and responsible trade policies will be sorely missed. On a more personal level, I share the observation of many of my colleagues concerning TOM'S uncanny ability to defuse adversarial situations and bring about conciliation. He has worked diligently and effectively on behalf of the people of his district.

To all four of my friends and colleagues and to their families, I say thank you for giving so much of yourselves, for caring so much for your Nation, and for a job well done.

Mr. PANETTA. Mr. Speaker, I rise today to say goodbye and pay tribute to my good neighbor to the south, Congressman ROBERT J. LAGOMARSINO. Since my election to the House in 1976, BOB has represented the neighboring counties to the south of my district, Santa Barbara and Ventura Counties. This has given us the occasion to work together on a number of initiatives affecting the two beautiful areas we both represent. In particular, BOB and I worked long and hard on legislation to provide additional Federal protections to California's Los Padres National Forest.

This legislation, the Condor Range and Rivers Protection Act, was enacted into law earlier this year after many years of effort. Los Padres wilderness legislation passed the House on a number of occasions—only to die each year in the Senate. Earlier this Congress, BOB played facilitator by bringing together all of the Members and interests affected by the legislation and having them reach an agreement on areas to be protected in the Los Padres bill. It was a daunting task, requiring much effort, patience and diligence on behalf of BOB, myself, and our two Senators. Nevertheless, I am gratified to report that we were successful in enacting this legislation and that these areas are now protected.

The Los Padres National Forest is one of the most ecologically significant resources of central California. The part of the forest in my congressional district encompasses Big Sur—one of our Nation's greatest treasures. The forest is also home to many rare and endangered species such as the bald eagle, peregrine falcon, and the California condor, and offers outstanding recreational opportunities for the residents of California as well. The lands and rivers protected under the Los Padres bill represent some of the most beautiful and ecologically sensitive areas within the State of California. Thanks to BOB LAGOMARSINO'S leadership on this issue, these areas now have the protection they deserve.

The Los Padres Condor Range and River Protection Act is only one example of the great contributions BOB LAGOMARSINO has made to California and the Nation as a whole. I salute my friend to the south and wish him all the best.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members of the California delegation and other Members may have 5 legislative days in which to add their comments.

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

There was no objection.

□ 0020

ORDER OF BUSINESS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to proceed out of order with my special order.

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

There was no objection.

NATIONAL ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 1 hour.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER]. I would explain they are electing Members of Congress younger these days, and I have the youngest delegate to the Democratic National Convention here, my son Alex.

Mr. HUNTER. Mr. Speaker, let me just say it appears that the gentleman has his priorities entirely in order. I just want to say to BILL ALEXANDER, who is leaving this Congress that he has been a friend, he is a guy with a great sense of humor, a little different philosophy than I have, and also a great second or third cousin who works in our office, Melinda Patterson. We have spent many, many hours not only in Bible study together at times but also talking about politics and philosophy.

It is going to be a real loss to this side of the aisle for Mr. ALEXANDER to be leaving this House.

Mr. ALEXANDER. I thank the gentleman very much. There is so much to do around here, I hardly feel like I am leaving. In fact, I am not very good at saying goodbye. I just feel like I am graduating, going on to something across the street. If my Governor is elected, that might be exactly what I will do.

Mr. HUNTER. We are going to be talking about that a little later on.

Mr. ALEXANDER. I am glad you let me go ahead of you.

Mr. Speaker, for two decades I have worked to establish a national energy policy. The *Comprehensive National Energy Policy Act* that Congress is enacting tomorrow marks the successful completion of a grand undertaking which will change the direction of the Nation. This bill is one of the defining acts of the 20th century. This national energy policy offers the prospect of providing the United States with cleaner energy that is more compatible with the planet and less dependent on foreign supply.

There is overwhelming evidence that the effects of having no energy policy have been economically debilitating to our Nation.

First of all, we have become more and more dependent on foreign oil. Imports from other countries supply more than 50 percent of the United States' annual energy needs. The percentage of our Nation's energy requirements met by foreign imports has risen from 28 percent in 1982 to 52 percent in 1991. The U.S. economy is dangerously dependent upon the vissitudes of foreign oil supply.

This energy dependence has come at an enormous economic cost to the United States. A current report from the Library of Congress research service estimates that, based on Information Agency energy figures, the cost to the United States over the next 10 years will be about 750 billion in 1990 dollars and will increase to about $1 trillion in 1990 dollars during the decade from 2000 to 2010. One trillion dollars in one decade is a heavy burden to the economy.

Dependence on imports leaves us vulnerable to suppliers from politically unstable regions like the Middle East where 2 years ago we were forced to fight a war in order to protect the oil supply at an enormous cost to the United States.

To illustrate one aspect of this cost I reference the General Accounting Office study that was conducted at my request in August 1991. The resulting report shows that assistance provided to the Persian Gulf from 1980 to 1990 was approximately $420 billion and imports totalled 140 billion gallons. Therefore the additional cost to consumers of each gallon of imported gasoline was about $3 per gallon.

A price of $3 per gallon of gasoline was spent by the U.S. Government to protect this country's interest in oil imports. Our country cannot afford to pay this price.

I would like to insert a summary of the before-mentioned GAO report in the RECORD:

[General Accounting Office: Report to Hon. Bill Alexander, House of Representatives, August 1991].

SOUTHWEST ASIA: COST OF PROTECTING U.S. INTERESTS

NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION

Hon. BILL ALEXANDER,
House of Representatives.

DEAR MR. ALEXANDER: As you requested, we obtained information on the cost of activities related to the protection of U.S. interests in the Southwest Asia area.[1] Specifically, this report provides cost information on (1) U.S. military programs and activities in the region, (2) bilateral military and economic assistance to countries of strategic importance in the area, (3) multilateral economic assistance to countries in the Middle East, and (4) bilateral and multilateral nonmilitary assistance to any petroleum-producing country for activities related to petroleum exploration, production, and distribution. Cost data in this report cover fiscal years 1980 through 1990 to the extent such figures were available.

RESULTS IN BRIEF

The Department of Defense (DOD) estimates that it spent $21.4 billion during fiscal years 1980 through 1990 for military programs and activities directly related to Southwest Asia-specific missions. These programs and activities include such items as military construction, equipment prepositioning, and Central Command headquarters. In addition, DOD estimates it spent $5.8 billion for other programs and activities that were primarily Southwest Asia-oriented. Besides these expenditures, DOD estimates it invested about $272.6 billion in programs that, although motivated by requirements outside of Southwest Asia, have proven to be useful in meeting contingencies in this region. These costs are mostly related to forces available to the U.S. Central Command. All these areas exclude the incremental costs[2] incurred during specific military operations such as Operation Earnest Will—reflagging of the Kuwaiti oil tankers—and Operations Desert Shield and Desert Storm. DOD estimated the incremental cost of Operation Earnest Will at $240 million.[3] For Operations Desert Shield and Desert Storm, the Office of Management and Budget estimated the incremental cost to be about $61 billion.[4] However, the United States is still receiving contributions from its allies, which it expects will cover most of the incremental cost to the United States. Appendix I provides more detailed information on military costs.

During fiscal years 1980 through 1990, the United States provided $30.8 billion in foreign military assistance and $28 billion under its economic assistance programs to countries of strategic importance in Southwest Asia.[5] About 91 percent of this assistance was provided to Israel and Egypt to support longstanding U.S. objectives in the region. Appendix II provides more detailed information on the levels of bilateral military and economic assistance.

International organizations and multilateral development banks provided about $6.6 billion in loans and grants from 1980 through 1990 to countries in the Middle East. Although the United States has provided a significant amount of bilateral energy assistance to the region, principally Egypt, it has not provided bilateral assistance for activities related to petroleum exploration, production, and distribution. Assistance for petroleum exploration, production, and distribution has been provided by multilateral development banks, mostly by the World Bank Group. During fiscal years 1980 through 1990, the World Bank provides about $3.8 billion in loans and financing throughout the world for this purpose. Appendixes III and IV provide more information on the levels of multilateral assistance and for petroleum exploration, production, and distribution.

DOMESTIC GASOLINE CONSUMPTION

[in millions]

Year	barrels/day	Gallons/day	Gallons/year
1980	6,579	276,000	100,740,000
1981	6,588	277,000	101,105,000
1982	6,539	275,000	100,375,000
1983	6,622	278,000	101,470,000
1984	6,693	281,000	102,565,000
1985	6,831	287,000	104,755,000
1986	7,034	295,000	107,675,000
1987	7,206	303,000	110,595,000

[1] For purposes of this report, only those countries in Southwest Asia that throughout the 1980s and early 1990s were considered of strategic importance to the United States are included. These are oil-producing countries in the Middle East, particularly those located in the Persian Gulf area, as well as non-oil producers bordering strategic transiting points and key regional allies.

[2] Incremental costs are over and above the costs of normal military operations.

[3] *Burden Sharing: Allied Protection of Ships in the Persian Gulf in 1987 and 1988* (GAO/NSIAD-90-282BR, Sept. 6, 1990).

[4] We are, however, questioning this estimate and are currently examining the cost and funding requirements of Operations Desert Shield and Desert Storm and allied contributions. We have also testified on these issues. See *Cost and Financing of Operation Desert Shield* (GAO/T-NSIAD-91-03, Jan. 4, 1991), *The Administration's Proposal for Financing Operations Desert Shield and Desert Storm* (GAO-T-NSIAD-91-09, Feb. 27, 1991), and *Cost of Operation Desert Storm and Allied Contributions* (GAO-T-NSIAD-91-34, May 15, 1991).

[5] U.S. foreign military and economic assistance refer to the range of U.S. government programs through which the United States aids other nations to defend and preserve their own national security and encourage economic development and reform. These programs are undertaken in support of U.S. political and foreign policy objectives.

DOMESTIC GASOLINE CONSUMPTION—Continued

[in millions]

Year	barrels/day	Gallons/day	Gallons/year
1988	7,336	308,000	112,420,000
1989	7,328	308,000	112,420,000
1990	7,235	304,000	110,960,000

Approximate total consumption, 1980–1990: 1,165,000,000,000 gallons
[Data provided by Energy Information Administratin].

The Congressional Research Service advises that from 1980 to 1990, imports from the Persian Gulf region comprised approximately 12 percent of total gasoline consumption—about 140,000,000,000 gallons.

Real cost of a gallon of gasoline

GAO reports the following costs for protecting foreign oil supplies during the years 1980–1990:

Military activities (SW Asia-dedicated)	$21,400,000,000
Military activities (SW Asia-oriented)	5,800,000,000
Other contingencies and mobility programs	272,600,000,000
Kuwaiti reflagging operation	240,000,000
Operations Desert Shield and Storm	61,000,000,000
Military assistance to strategic SW Asia countries	30,800,000,000
Economic assistance to strategic SW Asia countries	28,000,000,000
Multilateral financial aid (U.N. and World Bank)	6,626,000,000
U.S. aid for energy activities	130,000,000
Multilateral aid for energy activities (World Bank)	466,000,000
Total	427,062,000,000
Total, excluding multilateral aid	419,970,000,000

If assistance provided to the Persian Gulf region from 1980 to 1990 was approximately $420 billion, and imports totaled 140 billion gallons, the additional cost of imported gasoline that consumers don't see at the pump is about $3 per gallon!

Please call me on (202) 275-4128 if you or your staff have any questions. The major contributors to this report were Stewart L. Tomlinson, Assistant Director, and Elena L. Boshier, Evaluator-in-Charge.

Sincerely yours,

JOSEPH E. KELLEY,
Director, Security and International Relations Issues.

Another cost of depending on petroleum products is more and more evident as it takes its toll on human and animal health. Studies and reports indicate that ill effects on the human body can be caused by air pollution brought about by auto emissions from cars that run on gasoline. Recent Environmental Protection Agency studies attribute about one-half of the several hundred air-quality-related cancer deaths per year to toxic air pollutants from gasoline vapors and vehicle exhaust.

Also, the cost to plant life from damaging auto emissions is increasing and is becoming more noticeable.

In a recent U.S. Department of Agriculture report entitled "Agriculture and the Environment," Walter Heck, a USDA specialist states,

We used to think air pollution was just a city problem. Now, we know that pollutants can be transported hundreds of miles and can be found in elevated concentrations in rural and forested areas. Some of the most important crops sensitive to pollution are soybeans, cotton, peanuts, tobacco, clover, alfalfa, and potatoes.

We must, for the economic well-being, the security, and the health of the United States, lessen our dependence on foreign oil.

This energy bill includes a 30-percent displacement goal of foreign oil that means a 50-percent reduction in oil imports in the next 20 years.

The energy bill offers the prospect of saving $500 billion in the decade from 2000 to 2010 which could then be reinvested in our economy creating up to 750,000 jobs.

This energy bill sets a goal to create a new rich market for farm fuel and other alternative fuels produced in many different regions of this country. This bill offers the United States the prospect of an economic development opportunity larger than any other in the history of this Republic. In the words of George Bernard Shaw, "* * * all progress is initiated by challenging current conceptions, and executed by supplanting existing institutions."

With up to a 50-percent reduction in foreign oil imports, one can envision a massive shift of wealth from the oil fields of the Middle East to the grain fields of the mid-South.

There are many opportunities for the production of alternative fuels from a variety of domestic sources. Examples of alternative energy fuels are ethanol, methanol, liquid petroleum gas, compressed natural gas, coal gasification, solar power, and hydrogen.

Sometimes we forget that gasoline is processed solar energy that plants collected when the Earth was younger. As the fossil fuels that collected and stored energy in various forms like petroleum are used up, automotive vehicles must begin to get their solar energy from other sources that are more directly linked to the Sun. Plants are the most abundant collectors of solar energy. Plants provide a renewable supply of cellulose feedstock, called biomass, which can be converted into automotive fuels that burn cleaner in engines. Biofuels pollute less and add no heat retaining gases to the atmosphere, now fast becoming a global greenhouse.

When I was a young boy my father owned and operated Lefty's Flying Horse—now Mobil—service station on the Arkansas-Missouri State line just north of Blytheville, AR. Ethyl gasoline—gasohol—was sold at premium prices because of its high performance and clean burn.

Later, as a teenager, I would experiment with alcohol blended with various petroleum products to make automotive fuels. The fact is well-established that oxygenating additives are efficient octane boosters. Ethanol, methanol, and ethers are universally used in the transportation fuel industry today to enhance combustion efficiency to provide better engine performance.

The efficient cost of producing alternative fuels—ethanol, methanol, and others—is the most difficult problem to overcome. One exciting project is underway to produce alternative fuels that are cost-competitive with petroleum products.

The United States-Brazil demonstration project has been established to convert cheap biomass in the form of agricultural waste to ethanol.

The United States-Brazil project combines the advanced technology developed in Brazil over the last two decades with United States research on enzymatic conversion that is most impressive.

The technology developed in Brazil has enabled it to become the leading ethanol producer in the world. About 93 percent of the automobiles in Brazil are run on ethanol, referred to as alcool by the Brazilians.

The U.S. research utilizes enzymes to break down cellulose into a starch emulsion. This becomes sugar which, when combined with yeast, can be distilled into ethanol. The goal of the project is to produce ethanol from biomass at a cost of 60 cents per gallon.

When I first took the oath of office to become a Member of Congress I asked myself "How can I best serve the First Congressional District?" My answer was to use whatever power I possessed to aggressively improve the quality of life for the people I represent. I vowed not to wait for external powers to do the work I was responsible for.

My single regret in 24 years of service in Congress is that we failed to bring this project to Arkansas. Since 1973, I have been promoting the concept of alcohol fuels as an alternative to gasoline. In 1985, I negotiated an agreement with Brazil that could have made Arkansas a world leader in alternative energy. Understandably, this concept was opposed by a skeptical and parochial press. From this experience, I have learned that it takes about 20 years for a new idea to be understood and accepted by the general public. On this issue, the problem of understanding has been compounded by a disinformation campaign funded by big oil.

The energy bill before us authorizes up to $205 million for research and development for alternative fuels research. This is an increase of about $75 million over last year's goals. I worked hard for this increase.

In the district I represent, Arkansas State University is conducting research to discover plants that have high energy content. Agricultural crops like corn, soybeans, grape, milo, and indigenous plants like switchgrass

and swamp weeds can be used to produce energy domestically.

The money authorized by this Energy bill could provide opportunities for enhanced research activities by Arkansas State University and others to further efforts such as the United States-Brazil project and to speed along the cause of finding additional plants that can readily be converted to alternative fuels.

Furthermore, Arkansas State University stands ready to accommodate an expansion of the United States-Brazil efforts to include agricultural waste products which are in abundance annually. High yields of rice straw, soybean trash, corn hulls, and wheat stubble all have potential to be turned into fuel.

I have been working for many years toward the establishment of a comprehensive energy policy for the United States. We must now finally seize the opportunity to make the most of available domestic sources of energy and to discover new ones. We must decrease our dependence on foreign oil, protect the health of our citizens, and stop exporting our wealth and jobs to pay for what we can provide for ourselves without the additional costs associated with imports. Daniel Webster has reminded us that we should:

* * * [D]evelop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

We must support the Comprehensive National Energy Policy Act. For me and the Nation, it's a dream come true.

□ 0030

A CONTINUED LOOK AT THE RECORD OF GOV. BILL CLINTON

The SPEAKER pro tempore (Mr. ESPY). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. For those people who follow the electronic record of this House that has become as important and even more widely studied than the CONGRESSIONAL RECORD that sits beneath every seat of this great Chamber, there are 338 of us, if you include the delegates for our Territories, there are over 600 seats in the Chamber to allow the Chairman of the Joint Chiefs and our military officers to come and hear, the entire U.S. Supreme Court, all the Cabinet, the entire Diplomatic Corps during those very historical and sometimes fascinating, exciting messages from the President about the state of our Union and our relationship with the rest of the world.

□ 0040

This CONGRESSIONAL RECORD is sent to most libraries in America, and it is important, but I believe not too many years after I have left this Chamber that there is going to be a color record. There will be charts and graphs allowed to be put in, and they will be in color, just as we see the technology advancing in computers.

I believe some day, of course, we will have a more professional camera coverage of this Chamber. Not that our men do not work hard downstairs, with our six automated cameras, but the rules, I believe, are restrictive and insulting, and try to create the impression that there is an empty Chamber. We are not allowed to refer to specific people in the Chamber, but some people have driven from other parts of the country to be in the Chamber because they feel what I have been attempting to do since the 216th anniversary of Nathan Hale last September 22 to this day, particularly the 8 or 9 hours of special orders, some of them a little earlier than this, two or three the last few nights about this exact time, that this is raw history and that it involves the greatest office in the history of mankind, the Presidency of the United States of America, the third largest nation in the world in population, one of the greatest in geographical coverage, given our spread from the Island of Guam on the other side of the date of the date line to the furthest reaches of Maine and the furthest reaches of the Virgin Islands.

We are a factor in the world geographically and people-wise, but what makes the United States an historical marvel is, we are the freest land that has ever lived. I have said over these past few nights, which I will not repeat tonight, that to this Congressman, the Presidency of the United States is as close as we can get to a spiritual Office in the secular world. It is a role model beyond description. When somebody attains that office, there is a certain, it is not mystical, but it has a political aura to it that people look toward the President of the United States to solve problems that are beyond him. Certainly the whole world, wherever I have traveled, looks toward the President of the United States or his pictures as a beacon for freedom and a bastion of defense of human rights.

Joining me on the floor are the four musketeers, the three that were with me last night and several nights past, DUNCAN HUNTER, an infantry combat lieutenant and paratrooper from Vietnam service and a member of the Committee on Armed Services, a very senior Member now, came with President Reagan in that great year of 1980 and has done stalwart work; SAM JOHNSON, served for years and years in Austin, TX, in his State legislative body, came here in a special election about a year and a half ago, Mr. JOHNSON, call sign "Tiger," 65 missions in Korea, shot down on his 25th mission in Vietnam, was the 69th person shot down.

Mr. JOHNSON of Texas. Mr. Speaker, if the gentleman will yield, 69th captured.

Mr. DORNAN of California. Many shot down that gave their life for their country. That number built up to 590 prisoners, including 24 in the South; 7 years a captive, 4 years, almost 4 years in solitary confinement, 1 of the 11 very special heroes that were put in a special horrendous solitary confinement captivity that they, with bravado, and typical American elan and spirit, named "Alcatraz." A man who could have been a prisoner, right in front of me, the gentleman from San Diego, CA, DUKE CUNNINGHAM, RANDALL CUNNINGHAM. He rose to the highest respect in his profession, not only as the Navy's only ace from Vietnam but an instructor, God forbid, of future aces, head of the Top Gun squadron, the aggressor squadron, and that in all the Navy is called Top Gun.

One little footnote I did not mention the other night, Mr. CUNNINGHAM, is that Tom Cruise considered you a role model for the film, that slightly glamorized your wonderful life, a little more than slightly, and it was too bad when he played Ron Kovic, who almost ran against you; a full tour of 13 months and went back for another tour, and halfway through got shot through his spine right near the DMZ in a firefight; that when poor Ron Kovic rejected all of that zeal and patriotism in his youth and went kind of over to the other side, somehow or other he got Tom Cruise to say that you were no longer his role model in politics. I don't know where poor Cruise ended up.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman to clarify that, if I got that mixed up.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Tom Cruise did play the part of Ron Kovic, a marine that lost his legs in Vietnam.

Mr. DORNAN of California. The use of his legs.

Mr. CUNNINGHAM. Lost the use of his legs, that is correct. There was another Marine that was born on the 5th of July, Dr. Tim Lee, who was a minister, but he conducted himself in a very strong manner.

I think when he plays a part in a movie he becomes that part of that movie, and I think he believed desperately, and I disagree with Ron Kovic, of course, you know that, but I think Tom believes in the parts he plays and he gets wrapped up in those roles as well. I am sure he had good reason for doing what he did, even though I disagree with him.

Mr. DORNAN of California. Did he send you a telegram or something and say, "I no longer share your values" or something? He sent it through his agent?

Mr. CUNNINGHAM. I had worked with Tom in the movie, and I thought that he would support me. He sent a telegram that says, "I no longer," actually it was his lawyer. When I talked to Tom, Mr. Cruise, right here on the floor when he was here at the arts caucus, he said he knew nothing of the letter.

Mr. DORNAN of California. If you gentlemen will excuse me, I want to defer to a colleague who has joined us from the other Sunshine State, Florida, who came into the Union a little bit ahead of us, and it is Mr. CRAIG JAMES, who came here as a citizen politician for 4 years and is retiring at his own will; outstanding trial lawyer in the great State of Florida, has pleaded cases before the Supreme Court that have become landmark cases, and he came across an article in the Village Voice.

I asked him, because he is a trial lawyer, to read this. Then, because he is strongly for President Bush, to kind of ask us some tough questions about the case that is being made here as to why Mr. Clinton has many questions to answer, many about his trip to Moscow and some other trips that we have found out tonight, found out during the day.

The story is breaking so fast that it is hard to keep up with, and I understand that it is going to be a national story, a headline story, and the AP finally moved a story, so all those people writing and calling us that say, "My local paper will not cover it until Associated Press does," Associated Press is going to move the story.

I would say to the gentleman, Mr. JAMES, I am sorry that you are not staying with us longer than 4 years. You have been a delight to serve with, a tiger in this well, and with that keen legal mind of yours as a defense attorney for how many years?

Mr. JAMES. If the gentleman will yield, 22 years; and it is the supreme court of the State of Florida. Not yet have I had the honor of arguing before this court.

Mr. DORNAN of California. They have a goal to shoot for, then.

Mr. JAMES. We discussed an article earlier that did appear on March 3, 1992, and we discussed the propriety of reading it, but I think it is totally appropriate to read the article. I want the opportunity to hear your comment on the article as it relates to the ideology of would be, of Governor Clinton, how he would function as a President considering what his friends say about him.

Mr. DORNAN of California. And the appointments he might make.

Mr. JAMES. The appointments he might make, but what is the liberal press saying about him? What specifically has the Village Voice said.

We have discussed it and you agreed it would be appropriate for me to read it. I want to have you comment on it. It is a rather lengthy article. If it will not take up too much time, I will read the article and have you comment on it.

This is all quotes. These are not my words, and I am not editorializing at all.

Mr. DORNAN of California. This is all the Village Voice?

Mr. JAMES. All the Village Voice.

"Bill Clinton is our Gorbachev," says one of the candidate's most liberal campaign aides. "He knows what he has to say to get elected, but you have to trust his basic instincts. Even when he joined up with the DLC (the conservative Democratic Leadership Conference) he did so to move it toward more liberal positions." That Clinton is not only acceptable to liberals but is himself a "progressive" candidate is a notion shared by an impressive national network of '60s and '70s activists who themselves come from progressive, even radical backgrounds. Clinton is supported by Ruth Messinger, who not only is Manhattan borough president but also a member of Democratic Socialists of America. His New York State campaign chair, Democratic wheel Harold Ickes, was one of Jesse Jackson's top advisors in the 1988 race. His media advisor, Frank Greer, ran Red Harris's populist presidential campaign in 1976. His pollster, Stanley Greenberg, worked with progressive Democrats on South Africa and Nicaragua issues. His general counsel is David Ifshin, former president of the National Student Association, who 20 years ago shared a pension with me in Allende's Chile before travelling off with Phil Ochs to get arrested in Uruguay.

And then there's that odd group of what you might call Former '60s Student Body Presidents Who Opposed the War that constitutes the Clinton brain trust. Robert Reich, former Dartmouth student body president, and Ira Magaziner, who presided over the once-rad students of Brown, are among Clinton's closest economic theorists. And then there's Derek Shearer, another Oxford chap and a former Yale student body president, former pal of Tom Hayden, co-author of the book Economic Democracy, and ideological guiding light of the so-called People's Republic of Santa Monica—the "radical" municipal government that flourished in the LA suburb in the early 1980s (Shearer is married to the former Santa Monica mayor, Ruth Goldway). Indeed, Shearer, who cochairs the LA Clinton campaign is responsible for recruiting a long list of progressives into the Clinton fold. But, under the influence of (E.J.) Dionne, who Shearer cited several times in a 30-minute interview, the whole notion of progressivism has taken a crash diet.

"I support Clinton because he is the most progressive," Shearer told me. "And it's time we grew up and realized we are all too old for symbolic candidacies. We have to redefine the meaning of what it means to be progressive in a less ideological way. Clinton believes that government involvement can actively change people's lives for better. And so do I. What I tell the special-interest groups on the liberal side—labor, women's groups, and so on—is that in a Clinton administration you are going to have a seat at the table. You may not get everything you want, but you'll have an opportunity to rethink just what it is you want with some very smart and committed people."

And left-of-center support for Clinton is bound to build if he maintains his momentum toward the party nomination. "We're looking at a turning point in American politics," says Anne Lewis, former Democratic Party consultant to Jesse Jackson. "And the liberal wing of our party is responding, thank God. The old dividing line in the party was really around military and foreign-policy issues. But with the Cold War over, it's a mistake to assume the same old divisions. As a liberal, what is it that I can see in Bill Clinton's record as a governor that I would object to? Very little"

□ 0050

Now let me repeat, that was an article from the Village Voice of March 3, 1992. None of those were my words. I know it was hard to tell.

But obviously, obviously the Village Voice is saying he is as liberal as you can possibly be. And they try to convince their leadership that he is liberal by naming all of his associates, his advisers that are well-known to be liberals. And that gives me some great concern. And I do not think the American public understands that.

I know there are many liberals out there, but let us not allow the label of moderate to be attached to him, because I think that is inappropriate.

Mr. DORNAN of California. When I looked at the article, Mr. JAMES, you said you were going to read it. I only had looked at about the first three pages. That is a litany of a lot of the hardcore radical leftwing names in this country who I think are going to pop up all over the Clinton administration.

What has emerged in my investigation over the last 2 weeks to prepare for these special orders is that he has postured as a moderate, that he was a Eugene McCarthy and then a George McGovern supporter, a radical organizer of demonstrations coordinated between the United States and Europe. All of these demonstrations we have been mentioning over the past almost 2 weeks. I did not realize that the October 15 and November 16 dates in his letter about what he did in London were the exact dates of massive demonstrations in this country, one of the biggest ever in the history of our Nation. The papers say over a half million people. Some proabortion demonstrations claimed to be that large, but I went to one of these as a reporter, and they were probably the largest ever, double the Martin Luther King march that I attended as a participant, not as a reporter.

I think what has happened here is a young man who is a leftwing radical wanted to run in his home base State, which is a conservative Southern State. He led the first race in the State, and won attorney general in 1976, won the Governor's race in 1978, lost it in 1980, and then won it back 10 years ago, and he has learned to speak conservativese and moderatese as one radio announcer Rush Limbaugh, says, every day to the Nation, and that it is all smoke and mirrors, and he is a wolf in sheep's clothing, not a moderate.

And no matter how many times Sam Donaldson shoves it in our faces, it is just not true.

I yield to Mr. JOHNSON of Texas.

Mr. JOHNSON of Texas. You know, when I was in a Vietnam prison camp they used to tell us that they were orchestrating these demonstrations themselves. I never believed them.

Mr. DORNAN of California. Your prison guards would?

Mr. JOHNSON of Texas. No, the Vietnamese through the Soviet Union and contacts in the United States. Now, I do not know whether there is any truth in that or not. But I know that in the case of Mr. Clinton, when he went to the Soviet Union, Moscow, during the time that these demonstrations were occurring, there are experts who are quoted in a story that it is highly unlikely that Clinton took a vacation in the height of winter. You have said that yourself. Extremely expensive and during politically volatile times. And he said, "I did not travel with the group," and yet we listed all of these people that were friends of his that were liberals. If he did not travel with the group, and if he did travel alone, he would have had to have an invitation from the Communist Party at that time in order to go at all, because nobody got in there any other way.

So that would have been the first in history if he had been there as a visitor. But the quote from one of these stories says, "Obviously if indeed Clinton did travel alone, it would be obvious he was likely being recruited by the KGB. He fit the profile for an agent of influence."

Mr. DORNAN of California. That is a serious charge, and we are not making that charge. But we are trying to analyze this in a fair and an objective way, because I do not believe he went as a tourist. I just cannot buy that.

I saw DAVID DREIER of California come down the aisle. Is that the Monday edition?

Mr. JOHNSON of Texas. Let me tell you, my staff assistant, Ken Hodges, just happened to be at the newspaper headquarters of one of the top 10 newspapers in the country, and this paper has just come out. This is an advanced copy, but it will be out in the morning. Its headline says, "Clinton Toured Moscow at War's Peak." And the whole story goes on to investigate his travel records, which were altered, and other things.

Mr. DORNAN of California. I yield to the gentleman from San Diego.

Mr. CUNNINGHAM. I just read this thing, and I thank the gentleman for yielding. We have been asking ourselves questions on why was Mr. Clinton in Moscow. This statement is by Jerry Setter, and it is the Washington Times, dated October 5, today. "Six weeks after he organized a massive antiwar U.S. protest in London, Bill Clinton quietly turned up in the Soviet Union for a visit during the dead of winter, and in the height of the Vietnam War." He had been on all of these antiwar protests, and he goes directly to Moscow.

Now a spokesman for Governor Clinton says he was there on vacation as a student from Oxford, in the dead of winter, after all of these antiwar demonstrations. We knew just last night of what his itinerary was up to that point.

□ 0100

Mr. Speaker, I would ask my friend from California, what do we know further after the Moscow trip?

Mr. DORNAN of California. Here is what we learned today, and I want to bring Mr. JAMES back into this, and Mr. DREIER is reading the paper for the first time, maybe some questions will come to his mind. Look, there were rumors on the House floor today that the majority wanted to censure me, censure me, not for the whole series but specifically because I read from Time magazine that Governor Clinton had dangerous talents. It was in reference to his way with women. They are angered that the British papers are calling him the Love Guv.

Here is what we found out today before the paper came out: Remember last night when we left off, we only could nail him as being in Oslo and being in Moscow? And I said probably it is going to turn out Sweden, because of some of the big demonstrations in October–November 1969.

Well, here is where he has been, and I was correct to surmise Sweden. I was correct. How about Denmark? So maybe it went Denmark, Oslo, Norway, Copenhagen, Denmark, Oslo, Norway, Stockholm, Sweden, and here is a new one, Helsinki, Finland.

How many nights have I stood here and said, Mr. Speaker, did he go by train or did he fly in by Aeroflot at 26 degrees below zero? Well, we finally got the word. That line, remember, in the article, gentleman, that he liked the black bread and liked riding trains? He rode the train from Helsinki. Now, this one little surmise: He probably rode the train from Oslo to Stockholm to Helsinki.

If he went into Russia from Helsinki, and I have done that by train and plane, he probably went through Leningrad. So I will bet that if we asked him, "Did you go to Leningrad," we are going to get a "yes." "What did you do in Leningrad?"

Here is the one that shocks me: I found out today he was in Czechoslovakia. I remember when Tom Hayden went to Czechoslovakia 2 years before this, and I never forgave him for this, because he never apologized for it, and Hayden is one of his friends in this article that Mr. JAMES read.

Hayden stood in Bratislava 2 years after you were shot down, SAM, I mean, Mr. JOHNSON, and said to a youth gathering of Communists, and there were some American students there, and this was when Clinton would have been a senior at Georgetown, so he had not entered this reputable crowd, and Tom Hayden said in Bratislava, Czechoslovakia, to a massive crowd, "I am a Viet Cong. We are all Viet Communists." He has never apologized for that. Fonda has given us a half apology right after she divorced him, but never Hayden. Hayden is going to the State senate in California in violation of the California State Constitution.

Mr. JAMES. Will the gentleman yield? I do not think the public realizes he is often referred to as a Rhodes scholar, but I do not think the public realizes that this Rhodes scholar never graduated from Oxford. We are not sure, or maybe you could shed some light on it. What did he do at Oxford? He did not get a degree. Could we determine if he ever took a class, or was he always on the train to Russia? I mean, I cannot say where he was. Can you, or do any of us know?

Mr. DORNAN of California. Yes, Mr. CUNNINGHAM knows, Mr. JAMES. Did you bring the book? I had the book. It is in the Cloakroom, I think. But do you have the Xerox from his book out of his own mouth, his words about not having a degree?

Mr. CUNNINGHAM. Yes. I thank the gentleman for yielding. From his own book called "The Life and Career of Bill Clinton," by Charles F. Allen, in this book, Governor Clinton himself says he regrets not finishing a degree at Oxford, and as a Rhodes scholar, he quit, and at Oxford he quit.

I had a call from a young lady yesterday that said the New York Times was going to print an article that BOB DORNAN was lying about Clinton finishing Oxford, and said that he did finish it. Right here, out of Governor Clinton's own mouth, in his own book, he says that he did not finish Oxford, and then in the next line he tries to apologize, or not to apologize, but makes a faulty statement in which he, I guess, is telling why, that he did not finish because of the Vietnam war, making an excuse for it.

Mr. DORNAN of California. Did one of you have the advance page that was Xeroxed to all of our offices anonymously from somebody probably at Newsweek of the Monday issue of Newsweek that is being delivered in the dead of night to all newsstands around the world? Does any one of you have that issue, the Newsweek article?

Mr. JAMES. If the gentleman will yield, I think this is the article that you are talking about. The same substance of it appears in the Washington Times, which makes the allegations, not the allegations, but suggests that there is a problem clearly with Bill Clinton's passport file at the State Department. That is what you are refer-

ring to? It brings up a serious issue, because apparently two pages were allegedly torn out of it when, under the Freedom of Information Act, several news publications demanded it. They got to the State Department, and found out the pages are missing. The hypothesis could be that perhaps one of his sympathizers or empathizers or supporters tore out pages that may otherwise be incriminating. The other theory being who knows, maybe it was the other side, a Republican, that tore it out, to make it look bad. But the point being is, I think, from the article that there is a big question. The FBI is investigating.

Mr. DORNAN of California. Mr. JAMES, does that page out of Newsweek have a page number on it?

Mr. JAMES. I do not see a number on this photostat copy, because I was looking for that earlier. I do not see it. Maybe you could find it.

Mr. DORNAN of California. Mr. JOHNSON says it is page 8. That is the October 12 issue, if it is coming out tomorrow, because they always date a week ahead, so they can go get Newsweek, get the Washington Times, or send to some relative in this area to get a copy. I think your mike is out, Mr. CUNNINGHAM. Grab one of the Democrat leadership mikes. Ironic touch.

I think what is happening here is all the questions we have been asking for days we now have some answers to. For example, I asked last night for about the umpteenth time who was the young student from Mississippi, a conscientious objector, that Bill Clinton claims was his best piece of writing at Oxford to get this man out of the draft? Well, that man's name is Parrish, Paul Parrish. He is a waiter in San Francisco. I do not know if his politics have changed, but we found out who he is. Maybe he has kept that letter in his scrapbook. I would like to see what Mr. Clinton says is his greatest piece of writing.

Now, the gentleman we discussed last night that some of you, that you as a prisoner, took exception to and that General Schwarzkopf really nailed on John McLaughlin's "One on One" show this morning, the man that Clinton described as the greatest American he ever knew, we have found out who that was. He said he was a draft resister. That was a man whose name I have never mentioned on this floor, although I knew it, Frank Aller. Frank Aller was the one who slept on the floor with Strobe Talbott and with Bill Clinton, because Bill Clinton is not registered at Oxford. He is not on the Oxford registry his second year, so he not only did not graduate or take exams at the end of the year, and it is a 2-year honor system, he never even registered at the school. So why should we assume he went to class? Why can we not surmise that he went back there, took the money, did not do the work, and did nothing but organize these demonstrations, and then make this grand tour, meeting with all of these American-hating radical leftists? At Oslo, the book that he is in, "Peace Eyes," which is named after Clinton's eyes seeing peace workers all around the world, he supposedly met with a hundred deserters, American deserters, who threw the uniform off, and worked their way maybe through Communist countries like Rangoon. We know that there was one route, if you defected on the battlefield. Hanoi got you up the trail, out from Hanoi, Rangoon, Moscow, into Sweden, and defected you or infiltrated you back into the United States. So this grand tour now adds Czechoslovakia.

This is stunning.

The gentleman from Texas, what are some of the letters coming to you? What are your calls like? My phone is still ringing off the hook 6 nights in a row.

Mr. JOHNSON of Texas. Yes; yes. It is ringing so much that our staff cannot catch them all, and we had a veteran from Tennessee telling us that if Mr. Clinton was elected President he was sending in all of his war medals, back, and he had a whole list of them, and I know "DUKE," Mr. CUNNINGHAM, has said the same thing.

But, you know, I am appalled, because I think it is just another chapter of deception and deceit that has characterized Mr. Clinton's life. I think we all join together in asking what in the world is going on, come clean, you know. Why did you go over there? What happened while you were there? Who paid your way? Would you not like to know some of those answers?

Mr. HUNTER. Will the gentleman yield?

Mr. DORNAN of California. That may be happening this very day. Finally one of the men who attacked me in print in the Washington Post here said, "When DORNAN speaks, nobody listens," and, well, Mr. Clinton is listening now, because his staff was briefed by him answering a series of questions that were faxed to him from some papers, I think including the Washington Times before this story came out that will be in tomorrow's story, and Clinton said he may or may not go to that meeting.

Let me finish that one thought about this greatest man he ever knew. His name is Frank Aller. He was already a fugitive from justice in this country under warrant over at Oxford. That is why he never registered either. He finally went home a year later, turned himself in to the Federal Government. They released him on his own recognizance, and he committed suicide.

General Schwarzkopf did not know this morning that the man he was discussing anonymously that he found disgusting and offensive, that, with all the young men he saw die on the battlefield and the young women under his command that died under that Scud missile, that this man held up by Clinton as the greatest man he ever knew was Frank Aller, and his floor roommate floating around Oxford that committed suicide within a year.

Yes, Mr. HUNTER.

Mr. HUNTER. A couple of questions have come up that I think are very, very important questions. Incidentally, while we have been talking, I have walked back through this very historic building.

Mr. DORNAN of California. Why do you not hand me that paper? I have yet to see it.

Mr. HUNTER. We are going to give you this paper. Maybe, SAM, you can show this to our colleague, BOB DORNAN.

You know, I just went down to the picture that is painted by John Trumbull of George Washington resigning his commission. I think it is important to reestablish why we are here tonight. We are here because we are about to do, or the American people are about to engage in something that is very serious.

□ 0110

And that is electing not only a man who was going to be a leader with respect to the economy and domestic operations of this country, the Presidency of the United States but we are also about ready to elect a Commander in Chief. I just wanted to read to the gentleman from California [Mr. DORNAN] the standard that we are measuring Bill Clinton against. This is on December 23, 1783.

Anyone who comes to this great national capital, a few feet from where we are standing, just past the desk where Abraham Lincoln held forth in the old Congress, you can see that picture commissioned and painted by John Trumbull of George Washington resigning his commission.

When he resigned it, he stated these words: "Having now finished the work assigned me, I retire from the great theater of action and, bidding an affectionate farewell to this august body, under whose orders I have so long acted, I offer my commission and take my leave of all the employments of public life."

And he was answered: "Having defended the standard of liberty in the New World, having taught a lesson to those who inflict and to those who feel oppression, you retire from the great theater of action with the blessings of your fellow citizens, but the glories of your virtues will not terminate with your military command but will continue to animate remotest ages."

That was dated December 23, 1783. How could those people and George Washington himself have realized that here several hundreds years later that standard that he set as Commander in Chief of the Armed Forces of the Unit-

ed States would be one that would be utilized by the American people as a measuring standard for another candidate for that position, Bill Clinton, someone who has been found, to put it mildly, weighed in the balance and found wanting.

I think this Moscow trip just raises incredible questions. The weak answer from the Clinton campaign, that he was on a tourist trip in Moscow in the dead of winter when the wind chill factor is about 20 degrees below zero——

Mr. DORNAN of California. With 26 degrees below zero, the wind chill factor is about 40 below.

Mr. HUNTER. The wind chill factor of about 20 degrees below. This was the winter that destroyed Napoleon, and Bill Clinton set out to tour Moscow in the dead of winter? You know, according to his campaign, he just bumped into all kinds of people.

Let me just say, Mr. CUNNINGHAM, there are some real war heroes in here, and this gentleman is certainly not one of them. And please do not refer to me as anybody but a guy who showed up in Vietnam.

When Mr. CUNNINGHAM was flying over North Vietnam and SAM JOHNSON was flying over North Vietnam, Moscow was not only the place that sent the materiel and the weapons to shoot down and kill American pilots, but they also were operating those weapons for the North Vietnamese. It was not exclusively North Korean gunners who were operating those SAM sites.

So Mr. Clinton did something I think would have brought, in the days of George Washington, certainly a charge of treason. Today he is running for President of the United States and Commander in Chief of the Armed Forces.

Mr. DORNAN of California. Mr. JOHNSON, let me be sure to come back to Mr. CUNNINGHAM to explain how they trained the topgun pilots in the Air Force, and they do this against the Sino-Soviet-trained threat, that it is the training out of Moscow that he trained his young naval pilots against, not some North Vietnamese threat.

Mr. JOHNSON of Texas. Absolutely. You know, Mr. HUNTER was talking about our war over there. At that particular time that he went over there, we had already lost 40,000 Americans. They quote here in this article, I just came across it:

> Angelo Codevilla, a former Senate Intelligence official, said all travel by foreigners at that time was tightly controlled by the Communist Party organs. The Soviet Government in those days did not look at foreign travel as a casual thing. Travel in the Soviet Union was highly organized.

Western travelers were screened from reality and treated well as part of a systematic propaganda program. In totalitarian society the art of such impression management reached its fullest fruition. That is thought control, is what we call it. This is what the North Vietnamese tried to do to us. It gives you a disarming sense of obligation.

Mr. Clinton was over there. They were not bribed, but they could not help feeling that it was not nice to turn around and be harshly critical of those who showered them with kindness, who took such good care of them.

Mr. Clinton's visit, you mentioned it a while ago and we never go out with it, really, came on the heels of the 1968 Soviet invasion of Czechoslovakia, when most Western governments were condemning the first use of the so-called Brezhnev doctrine of preventing democratic reform in pro-Soviet governments.

So he was involved with them in some way. It also in here annotates that he was there a week.

Mr. HUNTER. Of course, the gentleman had credentials. Mr. Clinton had credentials to go to the Soviet Union. Mr. JOHNSON is absolutely right. He earned those credentials with the communists in Moscow by demonstrating against the United States of America in Great Britain and Oslo, Norway, and delivering coffins to our embassy and showing that he did not support the United States of America. That is how he earned those credentials. Not just anybody could go to the Soviet Union in those times.

Mr. DORNAN of California. Let me ask Mr. JAMES one thing here because he may have to go in a few minutes. You have done more trial work than anybody I have ever known as close as I have gotten to you in my life. I am trying to listen to you gentlemen. I am going to miss something here because I am trying to read this paper too. It is fascinating. The second column at the top, under the headline, "Clinton Toured Moscow," it says the Democratic Presidential candidate refused to be interviewed on the subject of his travels throughout the Soviet Union. Now that means Czechoslovakia. But instead relayed his answer through Ms. Myers. DeeDee Myers was in about the 3rd grade when he was doing this.

Now, when you have a client, as a defense trial lawyer, he is totally innocent and he or she is normal and articulate, do you always let an innocent person speak for themselves?

Mr. JAMES. If you want to find out the facts, you obviously have to talk to the source. It is not perfectly analogous, as you know, depending on the technical problem involved. But generally speaking, if you do not put your—my theory has always been that if you do not put your client on the stand and, in effect, Clinton is not going on the stand, you are willing to accept as 85 percent risk that your client is going to jail. Or higher. You look at the cases where people try that, you do not find many acquittals. It happens occasionally, but very rarely. So I assume that Clinton is willing to accept the trial in absentia, so to speak, by the jury of the American public. But if you get nothing else out of these facts that you all have brought out, no conviction, let us say, let us say the American people cannot convict him in their mind of improper conduct, I am sure some of them can, of improper conduct in relationship to being a patriot or a proper candidate—I am not talking about the specifics of the crime—but if nothing else, I think the American people should be aware and believe that he is far left of Dukakis, if you go back through the history of what he has done. The very important message—the Village Voice tells you that. They say this man is as left as he can be. He fooled you, though, with his charm and southern drawl. You assume someone with a southern drawl cannot be nearly as liberal as someone from one of the Northeastern States. But he is more liberal.

Look at the history. "Do not let me hear what he says, let us see what he does."

When he does speak so loudly I cannot hear what he says. What he has done in the last 25 years demonstrates by his friendships, his associations, and positions in the last 25 years how left he really is. That is what that article is about. It is saying, "Don't worry about Clinton, he is just trying to get elected, he is doing all these things on the liberal ledger like no one else has."

Those are his friends talking, that was not me speaking but his friends. What you have got to know is the man is going to go with the extreme liberal side of the agenda. We all have the $13 trillion debt Congressman BURTON talks about; if nothing else, you can be sure of that. We will not have $360 billion in debt; if he happens to be President, it will be 600 billion, then it will be $800 billion. It was only $400 billion in 1970 for the entire debt that this Nation had. He will have twice that, is my prediction.

□ 0137

By the second year, he will have twice the deficit in a given year than we had in 1970, which was only $400 billion for the 200 years.

Mr. DORNAN of California. We are employees of the people. The gentleman is going back to the employer class, so keep track of us, keep doing this good work.

Mr. Speaker, I would like to ask the gentleman from California [Mr. CUNNINGHAM], when he went down to see the majority leader when the rumors were going around that they were going to suppress all these special orders to get at us, that means no tribute to the Californians, no tribute to BEVERLY BYRON, no opportunity for the retiring gentleman from Arkansas to show his beautiful young new son of Arkansas, just briefly, because if I am being threatened with censure, because

I was here when one of our Members seduced a page and he got censured. I was here when a man ran a full-service prostitution bihetero-homo out of his apartment and then was fixing tickets and he was reduced from expulsion to censure to a reprimand, so they were threatening me with more than that gentleman got, when one of the people in San Diego created heinous sexual harassment of the staff, he was moved down to something brandnew called a letter of reproval.

But they were going to censure me or suggesting it and then they were going to suppress these special orders. What happened when the gentleman went to see the majority leader? I do not want to have to go through this tomorrow night being censured.

Mr. CUNNINGHAM. First of all, the majority leader was very cordial.

Mr. DORNAN of California. He always is.

Mr. CUNNINGHAM. He was not aware of the attempt to suppress these, but he would talk to the individual who came into our cloakroom and said that he would.

He agreed that we would be allowed to put forth our special order tonight for 2 hours.

The majority leader did everything that we had asked of him, but they were in fact going to try to suppress us this evening.

I would also like to read one of these letters and tell you why this is important to me. I think it is important, to protest against a war if you believe in it and if you have not burned your draft card or you have not run away after you were drafted to another country like Canada, if you just protest against a war, I will fight to the death for the right to do that, because that is what this country is made up of; but we step across the line. In this article, the more I read it there are two things, Mr. Speaker, that I would ask the Chair to do. I ask, Mr. Speaker, first that you see the movie "Hanoi Hilton."

Second, I would ask that you read the Washington Times, because when you read it you get madder and madder.

Here is a letter I received just today on the fax machine. The phones were so busy people started faxing these things:

> I was drafted in 1967 and won a Distinguished Flying Cross in Vietnam. When I returned home, I was cursed and spat upon.

The same liberals that Mr. JAMES just got through talking about now appear to be pointed and poised to place a draft dodger into the Presidency. The same liberals.

In this article in the Washington Times it says that he, Governor Clinton, also was one of 40 student leaders from throughout the United States who attended a closed door meeting early in 1969, and that is key, at Martha's Vineyard in Massachusetts at which antiwar strategy was discussed.

In an earlier section it says from 1969 through February 1970, we lost over 1,200 Americans, and down below it says:

> The Vietnam War Memorial Committee which sponsored and coordinated anti-war, anti-American demonstrations throughout this country and Europe, there is no doubt, absolutely no doubt why Governor Clinton went to the Soviet Union after he organized these anti-war protests, not only organized them, but was a founding member of all the protects in this country, was invited by the Soviet Union.

Why is this key? Because in January 1970, this Member was flying over North Vietnam. Those same weapons, those same missiles, the same pilots in some cases by Russians that trained the Vietnamese, and the missiles, the SA-2's that came from the Soviet Union that shot down myself and the Triple-A anti-aircraft that shot down Mr. JOHNSON was being used.

There is Governor Clinton with, and in the Soviet Union during this time.

Now, I wrote a book, and I refuse to talk about it because I do not want it to appear that I am trying to push a book, but in 1973 when I just came back from Vietnam, I told in that book my disgust, absolute disgust of the Tom Hayden's, of the Jane Fonda's, of the Ramsey Clark's, of the Jerry Brown's, and the people that got us killed in Vietnam and now they are just about to put Governor Clinton in the same category and ask him to be President of this country. I cannot take that.

Mr. DORNAN of California. Here is something, reclaiming my time, that I personally resent.

AP ran what I thought was a pretty sleazy story a few weeks back, when a gentleman objected to my calling Mr. Clinton a draft dodger from this well and the papers all reported it erroneously that he stood in front of me because my time was up. That is not true. I still had 20 seconds to speak on a 1-minute speech in the morning, when he began to come over here and he arrived in front of me screaming, I mean screaming "regular order" as the gavel came down.

Now, I said, "What is your problem?" From this very lecturn this far is his face. I could have touched it.

Then I backed up. I had not seen the gentleman in weeks. He had been through serious heart surgery, which I had not known. So I thought, boy, what has happened to him? He looks terrible.

So I gave him a wide berth, circled around and went up that aisle. He followed me, and with 10 people from the Rules Committee, staff, and members waiting to talk to me, I said, "You're stuck with your candidate and his heavy baggage." And I mentioned adultery, womanizing, and draft dodging, and he went to AP and they ran a story that I called him an SOB.

By the time they got through, I was saying SOB, the words from this mike, and that I pushed him.

I went up to AP in the corner here and said, "How could you run that?"

And they went back to him and he said, "No, he never pushed me."

Rather than saying I never touched him, they said I nudged him. This is AP. They were doing a story every hour.

Finally, the ante was being upped and this colleague of ours upped the SOB to three times, added GD, the words, and upped that to three.

So now we have six offenses, and he found one witness, a press man sitting about 80 feet away up there and my back was to him, one SOB out of six charges, and I had people sign, Pages and others, that I had done nothing.

Now, I am kind of watching AP. We wanted them to be honest, being asked all over the country.

Get this. AP reporter comes to me. I know him. Pretty good man, initials A.F.

And he say, "Are you claiming he was toured around by the KGB in limousines?"

I said, no, it was one of many surmises between all this, trying to nudge them to give us answers.

A week or 10 days ago when this started, 12 days ago, I asked if he rode on the Peace Train to Paris. I did not charge it. I asked him.

Turns out he went alone. Angelo Codevilla says anybody going alone, it would cost him $500 a day, even if they got in.

Now, Rhodes Scholars, according to the five who got their degrees in the Senate and the one in this Chamber who got his degree, they were generously paid. they said, "We all had excess money."

I said, "How much did you get?"

They said, "Probably about $3,500."

In then dollars, that would be like about $18,000 now.

So maybe he had the money. He was not taking exams or studying. There are no exams. Maybe he had the money.

But now look what AP does to me today. Thank God it is run.

They say:

> Rep. Robert Dornan's unsubstantiated claim that Bill Clinton traveled to Moscow as a guest of the KGB was dismissed as a bizarre fantasy by a Clinton advisor.

I did not make it a claim.

Then they hedge:

> Dornan acknowledged he was surmising such a connection.

No, I was asking, what did he do? How many other capitals did he go to?

So now I can tell AP from this very morning interview where I straightened it out, and they still printed it wrong. I am adding Denmark, Czechoslovakia, Helsinki, Leningrad, Stockholm, Sweden, and this man is silent on all of it.

So I tell AP, "Get it straight."

It says in the interview in the Washington Post that DORNAN alleged the KGB drove him about. I did not.

I told the Washington Post reporter in the story where they quoted against me, a quitter from this Chamber, a loser from this Chamber and a person who was censured or reprimanded in this Chamber for fixing tickets and for having prostitution run out of his apartment.

Do not bring quitting and losers and perversion against me in this town and then expect people not to be livid that, are ignoring the facts.

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

Mr. DORNAN of California. I yield to the gentleman from California.

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

I think there are a couple of very important points here that the gentleman brought out.

First, most American people until the gentleman did this and worked on this expose, did not know that Mr. Clinton went to Moscow during the height of the Vietnam war shortly after he had been protesting against the United States of America in Great Britan and in Norway. People did not know this and Mr. Clinton certainly did not bring it up himself and none of his people brought it up. That was the last thing they wanted to mention.

Now, they said he went as a tourist, but he went in the dead of winter when it was at least 20 degrees below zero with wind chill. You cannot find a day in February or January or December or even late November in Moscow when it is not extremely cold; so during this very, very cold period of time, he obviously was not out sightseeing. He was people seeing.

The appropriate question to ask Mr. Clinton is, during this time when the Soviet Union was engaged in not only sending war materiel to the North Vietnamese and the Vietcong in a way in which they had killed 40,000 Americans and were to some degree participating in the manning of SAM missile sites, like the ones that shot down Mr. CUNNINGHAM and Mr. JOHNSON in that period, I ask, who did you go see in Moscow?

□ 0130

He did not go to see flowers, and dogwoods and cherry trees because it was 20 degrees below zero.

Mr. DORNAN of California. And he did not organize demonstrations with a 40 degree wind chill. He did something.

Mr. HUNTER. And I think the American people have the right to know what people Mr. Clinton made appointments with at this time when the Soviets were killing American soldiers and what did he talk to them about. That is a legitimate question that every American has a right to ask Mr. Clinton, and I have seen this statement by his campaign that says he is going to remain, quote, mum on this issue.

Mr. Speaker, I do not think the American people are going to accept mum, especially the families of people who were killed in Vietnam.

Mr. DORNAN of California. Is the gentleman getting any negative calls, and, if so, Mr. HUNTER, what are they like?

Mr. HUNTER. Certainly I am getting a lot of calls, and I have not—to date I have gotten hundreds of calls. I have not received one call in which anybody tries to defend Mr. Clinton for his activities that have been described by the gentleman from California [Mr. DORNAN], the gentleman from Texas [Mr. JOHNSON], a former POW, and by the gentleman from California [Mr. CUNNINGHAM] here on the House floor.

Nobody is proud. Even the people who are supporting to this point Mr. Clinton for the Presidency are not proud of what he did, and the young men and women, the people in hardhats who have been getting up at these rock festivals and country music festivals and having a good time with Mr. Clinton, those people are not happy. They are not calling in to defend him, and I think the message that is going out to those people, to the grassroots American people, blue collar people, is:

"This guy will party with you, but he's not going to go to war with you."

Now, to their dismay, they found out not only was he not going to war with them, but he was, in fact, going over to the people who were killing Americans, and that is the Communist leadership in the Soviet Union that all the historians now say were running the war against America during this period of time. Forty thousand Americans had been killed, and he was meeting with somebody over there, and I think he has got a duty to tell them who he met with.

Mr. DORNAN of California. Mr. Speaker, let me ask the gentleman from Texas [Mr. JOHNSON] a question.

Are you getting any negative calls or letters from Texas? Any?

Mr. JOHNSON of Texas. None.

Mr. DORNAN of California. I have gotten three. They were pretty reasonable. Embarrassed, they said. They want change.

I want change, I don't hate Mr. Bush, I can't figure out any of this. But can't we forget the past?

That is the extent of the negative calls I have gotten, and one threatened the Cloakroom that I was going to cause Mr. Clinton to be assassinated, which is pretty heavy-handed, and it sounded like it came from inside the Chamber, from the other Cloakroom.

But the gentleman was a prisoner for 7 years. I asked him: When you were a prisoner for 7 years, when you were alone eating dishwater and an occasional eyeball or a piece of fat off of a pig while they were eating better food in front of you, was there any doubt in your mind, in spite of the patch the Army guys wore that showed the sort of truth piercing the wall of China, and everybody who is a historian acknowledge that patch was wrong. China played a role in the antiaircraft defense, but Russia, the Soviet empire, the Evil Empire, ran that war. Was there any doubt in your mind that the Soviet Union ran that war? Logistically and training-wise?

Mr. JOHNSON of Texas. There was absolutely none that they were supplying, and, as the gentleman knows, I remember when they started firing all their missiles at our B-52's, which they shot down a bunch of—

Mr. DORNAN of California. Seventeen.

Mr. JOHNSON of Texas. Yes, we watched them. They ran out of missiles in the Soviet Union, as I recall. They would not give them any more, so they had to be careful about how they fired them out of there.

Mr. DORNAN of California. You know what? When the people say we lost the war, I just have to go over what the gentleman just said. At the end they were salvoing their missiles; in other words, just squirting them up in the air hoping they would hit one of these giant five-man crews, six-man crews, eight-engine bombers. These bombers, 17 of them, three crashed back in Thailand on the way home. Fourteen right over their targets. When they have salvoed all their missiles, the war was over, and the Soviet Union realized that this was—and people call it Christmas bombs. We did not bomb on Christmas Day. It was 18 days of bombing from the 11th to the 29th, and the war was over the 27th of January, and Nixon says to this day, "If I had done that 3 days—3 years earlier, we would have probably ended the war then, maybe with better results, maybe with no Watergate," and, if he had done it then, we would not have had another 7,000 people die in combat.

Mr. CUNNNGHAM. I would like to make a comment on that same issue, that we had a mission over Hanoi and had over 300 SAM missiles fired at us. After President Nixon mined the harbor, we went back over the same area, so we lauded President Nixon's mining of the harbors because for us, the people that had to fly over those sites, it meant survivability.

I have a letter here. It says although he did not request it, I plan to pass out 1,000 flyers in shopping centers around Sacramento today at 6 p.m. I am proud and impressed with what you are doing and want to do my part. this is no longer a political issue, but a patriotic issue.

The lady also states in here she was impressed when Governor Clinton said that he was not happy with having to eat black bread in Moscow, and then the gentleman from Texas [Mr. JOHNSON] who was a prisoner since 1965, a prisoner from 1965, and Clinton in Moscow in 1970, SAM JOHNSON made the statement, "I wish I had a piece of black bread to eat at that time."

I would also like to tell why this is important to me, and in this same article are these facts. The young lady, Becky Cardin, asked me to go back and relate the same story that I did about the prisoner of war that knitted an American flag on the inside of his shirt. He was brutally beaten, and then left to die, and crawled back and started taking bits of that American flag and reknitting an American flag, and I will not do that. I do not think I can get through it, just like I did not last time.

But there is something else that I think is important: The same day that I was shot down Commander Blackburn was the XO of VF–92. He was shot down with his back seater named Steve Rudloff. Steve came back with the rest of the prisoners, but Commander Blackburn did not. Commander Blackburn works at Powaway Honda, and he used to call and say, "DUKE, can you tell me about my dad?" Same question, same answers, but he wanted to know about his father.

Now about 2 years ago, 2½ years ago, they brought his father's remains back. Now his son did not want to see his father come back like that, but it was like a 1,000-pound weight has been lifted off that kid's back, and, when we have men that were in my opinion directly responsible for these people losing their lives, for the antiwar protests, and I mentioned the other night when Jane Fonda and Tom Hayden were there we were not able to hit those SAM sites, and they were able to reload those SAM sites, and our guys got killed going in and hitting those same SAM sites. So, I directly attribute those lives lost to Tom Hayden and Jane Fonda and to when Bill Clinton goes to Moscow at the same time that this Member is getting shot at over North Vietnam. That becomes very, very personal, and again this is not because it is political for me. It is something I wrote about in 1973, and it is well documented, and I would like to yield back.

Mr. DORNAN of California. Well, as my colleagues know, there is a mistake. These are fine young reporters, but they will make mistakes.

In this top column on page 8 of the Washington Times it says, "Clinton Visit Fit Kremlin's Tailored for Tourist Model," and at the beginning of the second column it says heavy bombing of North Vietnam was also under way. That is not so. They only bombed 1 month with B–52's, December 1972.

Mr. CUNNINGHAM. Will the gentleman yield just for a short period of time?

I think it is important because again why we are here is the American people do not have the facts. Here they are in the Washington Times, after the gentleman from California, after tireless hours, has brought this forth. The gentleman from Maine that is also sitting here again tonight shepherded through our special order.

Mr. DORNAN of California. The gentleman from the State of Washington.

Mr. CUNNINGHAM. Excuse me, the gentleman from Washington, and in Oliver Stone's view of what the American fighting man was doing he mentioned they were cutting off their fingers, and shooting themselves in the foot to protest. I think that is an insult to the men and the women that fought valiantly in Vietnam and especially to those members whose names are on the Wall, and the Clinton campaign and the other side of the aisle that wants to see Governor Clinton as President, it is upsetting them, and rightfully so. I would be upset because the true facts, the documented facts, are here, and they are going to attempt to say that this is a charade.

□ 0140

But it is all documented, and here it is in the Washington Times.

Mr. DORNAN of California. I discovered another fact this morning that is worth mentioning. Eugene McCarthy, who conducted himself honorably in his war opposition—yes, Mr. Speaker?

The SPEAKER pro tempore (Mr. ESPY). The time of the gentleman has expired.

PARLIAMENTARY INQUIRY

Mr. JOHNSON of Texas. Mr. Speaker, in view of the fact that we were kind of in agreement here on additional time, I respectfully ask unanimous consent to address the House for—and I will negotiate the time with you—since we asked for 2 hours earlier, I think we can get by with 15 minutes more.

Mr. DORNAN of California. I think so.

The SPEAKER pro tempore. The Chair has been attempting to extend time to the Members which has been agreed to under a previous order of the House. That being the case, the time of the gentleman from California [Mr. DORNAN] has expired. The Chair would then attempt to go down the list of names of Members who have already been extended time.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. CUNNINGHAM. This Member approached the senior Member on the other side of the aisle and made a deal with him that we would get 2 consecutive hours, because the idea was we were not going to spend all night here. The word of the majority leader, we were supposed to complete 2 hours.

We are not asking for the 2 hours, but 1 hour and 15 minutes. This same Member went to the head of the Committee on Rules, Mr. SOLOMON, and told him and he gave him his word also that we would be allowed to proceed if we did not do an all-nighter. That was the agreement.

Now, we realize that the membership is tired here and we are willing to cut that hour to 15 more minutes. I think under that agreement that we should be allowed to proceed with the 15 minutes.

The SPEAKER pro tempore. Let the Chair first ask is there objection to the request of the gentleman from Texas that he be allowed 15 minutes more under the previous special order?

Mr. MCDERMOTT. Mr. Speaker, reserving the right to object, the question I think needs to be answered by the Chair, what is the regular order?

The SPEAKER pro tempore. The regular order is that the Chair will read in sequence the names of the Members who have been allowed under previous order 60 minutes for special order time.

Mr. DORNAN of California. Mr. Speaker, is Mr. HUNTER on that list?

The SPEAKER pro tempore. The Chair will state to the gentleman that the name of the gentleman from California [Mr. HUNTER] is on the list which falls after the time allowed for the gentleman from Washington [Mr. MCDERMOTT].

Mr. DORNAN of California. What I was suggesting is, if the gentleman from California [Mr. HUNTER] would be willing to waive his 1 hour completely, the gentleman from Texas [Mr. JOHNSON] would not wait until the end of all special orders for another hour. If the gentleman from Washington [Mr. MCDERMOTT] will let us finish in just 15 minutes, then he could take an hour or whatever he wanted. Is that amenable to all parties?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. JOHNSON]?

Mr. MCDERMOTT. Mr. Speaker, do I understand that the offer is the gentleman from California [Mr. HUNTER] will not take his hour, he will take 15 minutes and that will be the end?

Mr. DORNAN of California. That is it.

Mr. MCDERMOTT. I withdraw my objection.

WAR AND POLITICS

The SPEAKER pro tempore. The gentleman from Texas [Mr. JOHNSON] is recognized for 15 minutes.

Mr. JOHNSON of Texas. I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I just have two more facts out of the myriad facts I have been trying to get in here, mostly questions.

Eugene McCarthy, the Senator from the great State of Minnesota, served 10 years in this Chamber honorably and 12 years in the U.S. Senate. He voted for the Tonkin Gulf resolution and felt the war was going nowhere. He understood as a Roman Catholic the Catholics were in great jeopardy, about 10 or 20 percent of the people in Vietnam, but

turned against the best and brightest of his own party, threw up his hands, and said, "We just have to pull out. There seems to be no political plan under my party to win this."

When Mr. Nixon prevailed over the former Vice President, prevailed over another honorable Democrat, Mr. Humphrey, who had been a loyal Democrat to President Johnson and described most negotiations as letting the fox into the chicken coop, and was a hard anti-Communist on this, when Mr. Nixon prevailed he had been in office 9 months when these massive demonstrations started in this country.

Mr. Clinton was here organizing them. He belonged to something called the Group of 68, which met up at Martha's Vineyard. This is all going to come out. He said in an article read to me from Arkansas that he only went to two demonstrations to hear speeches and never did anything to be ashamed of, and that was it.

Wrong. He was up to his neck with this Group of 68, meaning the class of 1968 of Oxford scholars, and he was organizing all over the world, it appears, at least Europe, the Continent, England, and here, and coordinating his events here and then traveling over to Great Britain to coordinate them in Grosvenor Square.

We see the letters turning up in letters to the editor describing these as some of the most ugly anti-American demonstrations ever in Grosvenor Square, made extremely offensively ugly by American privileged students over there.

Eugene McCarthy arrived in Moscow—listen to this—on the 11th of January, 1970.

Now, I am not claiming and I do not want AP to report that or the Washington Post. I am asking Bill Clinton, who was for Mr. McCarthy when he was a student at Georgetown before he was for Mr. McGovern, did he leave Moscow within hours before the arrival of Senator Eugene McCarthy, who had less than 1 year to serve in office? I am just asking. Or would he have stayed a few more days, on what money, housed by whom, being supplied transportation by whom?

Remember I said the other night, ride the subway? I said that before I said he might have been in limousines. Did he stay to meet Eugene McCarthy?

I will give one warning to Mr. Clinton and his camp, Mr. Speaker, through the chair. Senator Eugene McCarthy is well and will tell the truth, as he always has.

So let me turn it back to Mr. JOHNSON and my two gentlemen. I am through tonight. I will finish tomorrow night.

Please, gentlemen, wrap it up.

Mr. HUNTER. I thank the gentleman for yielding. I just want to make a short summary of my thoughts about this.

I think that if you were a private, a nurse, a corporal, a sergeant, an officer, or had anybody who served in the Armed Forces of the United States in your family during the Vietnam war or during other wars, you are about to engage in a very, very serious decision in the Presidential election of November 2, which is just a few weeks away.

If we elect Bill Clinton, a man who went to Moscow while the Communist leaders in Moscow were aiding, in fact running the war effort against Americans, and had killed 40,000 Americans in Vietnam, then the status of veterans will never again mean what it has meant for over 200 years since the man who was there on the wall, George Washington, became our first Commander in Chief.

I guess what I am saying to my friend from Orange County and my friend, the great SAM JOHNSON, the POW from Texas, and DUKE CUNNINGHAM, my seat mate in San Diego, is to ask the American people to think very long and very deep about this, and ask a very legitimate question of Mr. Clinton, who does not want to talk about who he met with in the dead of winter when he went to Moscow while they were killing Americans in Vietnam. Who did you meet with? Did you meet with leaders of the Communist party? And what did you talk about.

I thank the gentleman for yielding to me, and I would like to ask my friend from San Diego, Mr. CUNNINGHAM, what his thoughts are.

Mr. CUNNINGHAM. It is a matter of credibility. Governor Clinton has stated that he did not have any antiwar protests, or did not complete any. I would also like, Mr. Speaker, to enter into the RECORD all of the words concerning Mr. Clinton in the Times article dated October 5, 1992. I would like to read this, because this is an issue of credibility.

Mr. Clinton has said and told Arkansas voters for nearly a decade that while he was opposed to the Vietnam War, he was only an observer in antiwar protests during his days at Georgetown University in Washington and at Oxford. He said he never did anything with regard to antiwar demonstrations for which he would be ashamed. A variety of sources now reveal that Mr. Clinton was actively involved in the protest movement as both a participant and as an organizer in at least three countries, the United States, Great Britain, and another.

Now, here is a man that is running for President of the United States and once again has been caught in—I cannot use the word, so I believe, Mr. Speaker, the correct way is to say an untruth.

□ 0150

It is right here in this document, and what will he do in the future if he is the President of the United States with the same type of untruths? Can we allow a man with this kind of a record as President of the United States? God help us.

Mr. DORNAN of California. Mr. CUNNINGHAM, turn over to him the reins of the Government, putting aside a man who brought together 28 nations in unbelievable and universally acclaimed coalition to free a small Nation of Kuwait, and there are going to be problems coming up before us, given the state of the world, starvation in many areas, AIDS going to kill 100 million people in Africa. We need someone with a steady hand, a person of character and principle.

Mr. JOHNSON of Texas. Mr. Speaker, there is a letter here from a LTC Robert Keleher from Springfield, VA, which says, Governor Clinton stated he went to England in 1969 to organize demonstrations. He was stationed in London then and witnessed those demonstrations. One unusually large one disturbed him greatly because of the egregious conduct of some of his fellow citizens. A sea of angry people gathered in Grosvenor Square in front of our Embassy, "vitriolic speeches, soiled flags and effigies."

Now, that is not American. And I read further in another article that the bobbies over there kept their decorum and handled the situation absolutely straight up, without ever raising an arm against any of them. I am afraid they might not have been treated as well in this country, but he says,

It was especially hard to suffer the slander about our country and the noble members of our armed forces. The odious activities by my countrymen that day seemed to approach equivalence with the constitutional definition of treason. Today it is possible to believe that Mr. Clinton had something to do with organizing that demonstration.

I think that it is time to help Americans assess the trustworthiness of this man. "His jousting with the Selective Service System, however shameful, is not as important as this aspect of his character. For those who would discount the relevance of his behavior in 1969 to his character today, I say, 'The child is father of the man,' the source of which will be known by any Oxonian. Once we were scorned and thought loathsome by Mr. Clinton. Now we are courted and asked to help him become our Commander in Chief." This gentleman says no.

Mr. DORNAN of California. That is a military veteran?

Mr. JOHNSON of Texas. Speaking about the times over there and how much our country was helping us to come back home, especially as I lay in solitary confinement, I remember a psalm that says, "Then I lay down and slept in peace and woke up safely for the Lord was watching over me." And I have to tell you, I think the Lord is watching over America and I hope all Americans will take a look at this election objectively and dig deep into what the backgrounds of all the candidates are and vote accordingly.

Mr. CUNNINGHAM. Mr. Speaker, I would ask you to take a look at those that would argue against what my friend from California is doing and look at the facts themselves and make the judgment.

Last night it said that we are not the sole proprietors of what went on over there, and I agree. And I would ask you and the American people to take a look at the facts, as they are presented, documented facts, and make up your own decision.

Mr. Speaker, I include for the RECORD copies of articles from the Washington Times.

CLINTON TOURED MOSCOW AT WAR'S PEAK

(By Jerry Seper and George Archibald)

Six weeks after he helped organize a massive anti-war, anti-U.S. protest in London, Bill Clinton quietly turned up in the Soviet Union for a visit during the dead of winter and at the height of the Vietnam War.

The unusual trip, according to Clinton campaign officials, occurred while Mr. Clinton was on vacation from Oxford University, which he was attending on a Rhodes Scholarship, and included a week's stay in Moscow as a tourist.

Clinton campaign spokeswoman Dee Dee Myers, responding yesterday to a series of questions from The Washington Times, declined to identify whom Mr. Clinton met with while visiting Moscow other than to say, "He bumped into all kinds of people . . . but he did not do any anti-war organizing while there."

The Democratic presidential candidate refused to be interviewed on the subject of his travels through the Soviet Union but instead relayed his answers through Miss Myers.

Rep. Robert K. Dornan and three of his Republican colleagues have sharply criticized the Moscow trip during eight nights of speeches on the empty House floor that were televised nationwide on C-SPAN, saying there are many "unanswered questions" about why, when and where Mr. Clinton went.

The conservative California Republican has suggested that the former anti-war activist and draft evader may have been duped by Soviet intelligence officials.

The Bush administration has been silent on the Dornan challenge, which reportedly has drawn nightly television audiences of about a million people, and has prompted at least one placard at a Clinton campaign stop and countless calls to Capitol Hill, the media and talk radio shows.

Yesterday, however, Bush/Quayle '92 campaign spokeswoman Torie Clarke said: "It is yet another chapter of deception and deceit that has characterized his life. We would join in the chorus of people asking Bill Clinton to come clean on his draft status and anti-war activities."

Despite Mr. Clinton's claims to the contrary, recent statements, newly discovered letters and accounts by longtime friends and associates show that he was actively involved in the anti-war movement as both a participant and an organizer in at least three countries.

Asked if public knowledge of Mr. Clinton's anti-war activities would hurt him at the polls, Miss Myers said yesterday she didn't know. "There hasn't been a national candidate who grew up in that generation until Bill Clinton, so we're seeing it played out for the first time," she said.

"The Republicans want to refight the Vietnam War because they think it's a way to grab that wedge issue back with the American people, and it's our strong sense that they want to move beyond the Vietnam War and the shallow rhetoric," Miss Myers said.

The spotlight on the candidate's trip to Moscow, she said, is a "smear campaign pure and simple. . . . It has nothing to do with the real issues in the campaign."

According to Miss Myers, Mr. Clinton toured Europe during a vacation from Oxford. She said he rode alone by train from Helsinki, Finland, and went through Leningrad before arriving in Moscow on New Year's Eve 1969.

Moscow was the only Soviet city Mr. Clinton spent time in, and he visited the usual tourist attractions, Miss Myers said. "He was a tourist. He was a student traveling on a break. He paid for it himself," she said.

"He had a 40-day break in the winter of 1969-1970," Miss Myers said. "In that period, he took a trip through northern Germany, Scandinavia, and Soviet Union—Moscow actually—and then went to Prague."

Former U.S., Soviet and British intelligence officials who worked during the period in question said in interviews that Mr. Clinton's explanation raised questions in their minds.

A British Soviet specialist who advises defense and intelligence agencies in England and the United States and the Soviets made solo trips to Moscow by foreigners prohibitively expensive by requiring visitors to stay at first class hotels and hire KGB-controlled Intourist guides so they could be closely supervised.

Angelo Codevilla, an intelligence specialist with the Hoover Institution at Stanford and former Republican Senate Intelligence Committee staff member, said foreign visitors in 1969 and 1970 were under close scrutiny by KGB security police.

"If Bill Clinton's travel was not supervised and arranged by the Communist Party of the Soviet Union, his was the only one," Mr. Codevilla said.

He said all travelers were treated as part of a major government propaganda effort, and Intourist, the Soviet travel agency, made sure that visits would "somehow benefit the Communist Party."

A top official in Britain's MI5 intelligence at the time said Mr. Clinton "fit the profile perfectly" of someone the Soviets might want to cultivate and recruit as an "agent of influence."

"He was articulate, attractive, popular, an American Rhodes scholar opposed to the war—just the person the Soviets went for," said the official.

A former Soviet official who took part in efforts to influence Western public opinion against the Vietnam War said liberal anti-war activists, such as Mr. Clinton, would have been of great interest to Moscow.

Through various "friendship committees" and fraternal groups, the Communist Party tried to lure liberal Westerners to the country who could be used knowingly or unknowingly in anti-Vietnam War propaganda efforts, said the former official, who declined to be named.

Paul Mercer, author of "Peace of the Dead," which documents Soviet ties to British and European peace organizations in the 1970s and 1980s, echoed this assessment.

"He might have been relatively innocent, opposed to the war, but because he was a Rhodes scholar at Oxford, they [the Soviets] might have been trying to cultivate him," Mr. Mercer said.

The Times has been unable to determine thus far whether information about Mr. Clinton's visit is contained in recently opened Soviet archives.

In a June 12, 1989, article in the Arkansas Gazette, Mr. Clinton first acknowledged he had visited the Soviet Union "in the early '70s" and described the period as a time of "good relations between our two countries."

Rep. Sam Johnson, Texas Republican, remembers the time differently. A POW in Hanoi during Mr. Clinton's visit to Moscow, he said the Soviet Union was actively supplying the North Vietnamese with weaponry and training.

He and Reps. Randy "Duke" Cunningham and Duncan Hunter, both California Republicans, have joined Mr. Dornan on the House floor calling for further explanations by Mr. Clinton of the Moscow trip and his anti-war activities.

Mr. Clinton was studying for a bachelor of philosophy in politics at Oxford at the time but never got his degree because he did not sit for exams or write a required 30,000-word thesis after being at the university for two years, according to Georgina Ferry, the university's press spokeswoman.

Oxford officials have clamped a lid of secrecy on Mr. Clinton's academic and travel records, including information about his trips to other countries and cities. Miss Ferry said the records are confidential.

Mr. Clinton has told Arkansas voters for nearly a decade that while he was opposed to the Vietnam War, he was only an observer in anti-war protests during his days at Georgetown University in Washington and at Oxford.

He told the (Little Rock) Arkansas Gazette in October 1978, for example, that he attended only two protest marches and did so only to listen to the speeches. He said he never did anything with regard to anti-war demonstrations for which he would be "ashamed."

A variety of sources now reveal that Mr. Clinton was actively involved in the protest movement as both a participant and an organizer in at least three countries—the United States, Great Britain and Norway.

He also was one of 40 student leaders from throughout the United States who attended a closed-door meeting in early-1969 in Martha's Vineyard, Mass., during which anti-war strategy was discussed and nationwide marches and protests were planned.

The Massachusetts meeting is described in a new pro-Clinton book, "Bill Clinton: The Inside Story," by Robert E. Levin, a Wall Street investment broker and author who concluded in the book that Mr. Clinton "has what it takes" to be president.

Mr. Levin said Mr. Clinton attended the weekend retreat shortly after he had begun to actively participate in the anti-war movement—"even helping to organize rallies and protests."

Federal authorities said it was the Massachusetts meeting that led to the creation of the Vietnam Moratorium Committee, which sponsored the coordinated anti-war and anti-American demonstrations throughout this country and Europe.

The Moratorium Committee, along with the New Mobilization Committee to End the War in Vietnam, were the major coordinators of the nation's largest anti-war demonstration in Washington on Nov. 15, 1969.

The Moratorium Committee also was the primary organizer of Oct. 15, 1969, marches in the District, Illinois, Michigan, Indiana, California, New Jersey, New York, South Dakota, Kentucky, Massachusetts, Wisconsin, Connecticut, Pennsylvania, Minnestoa, Maine, Louisiana, Tennessee and Florida.

Hanoi radio publicly praised the October marches, saying the protests reflected the American people's desire to "save their sons from a useless death in Vietnam."

Mr. Clinton had returned to Oxford in the fall of 1969 and did not attend the November Washington protest.

But David Mixner, a founder of the Moratorium Committee, has credited Mr. Clinton with helping to put the protest together and has recognized him as a major player in the protest movement.

In the book "Bill Clinton: The Inside Story," Mr. Mixner is quoted as saying Mr. Clinton "volunteered his time and efforts to assist us in preparing for" the Washington protest and in anti-war protests in "hundreds of cities and towns around the country."

It was Mr. Clinton and others who organized a March of Death on the U.S. Embassy in London in November 1969. During that march, about 1,200 protestors demonstrated against the war at the U.S. Embassy and later held a torchlight vigil. Many of the protestors wore black robes and painted their faces white.

The London demonstration was praised by the New China News Agency, the official North Vietnamese newspaper Nhan Dan and the then-Soviet Communist Party newspaper Pravda.

"He [Mr. Clinton] didn't break the law, but he was pushing the police and the legalities as far as he could," said the Rev. Richard McSorley, head of the Center for Peace Studies at Georgetown University. "He was one of the main organizers of the American Embassy protest in 1969."

Literature announcing the march and inviting attendance said Vietnamese citizens were being "massacred" by U.S. troops and that the Communist Provisional Revolutionary Government was the "legitimate government of South Vietnam." It described U.S. policy in Vietnam as "bankrupt."

During the London demonstration, Father McSorley said Mr. Clinton joined protestors carrying a coffin with a cardboard effigy containing the name of a dead American soldier. Later, when U.S. officials refused to receive the coffin, he said it was Mr. Clinton who negotiated with police to persuade them to get it inside the embassy compound.

In his 1969 book "Peace eyes," Father McSorley also described their trip to Oslo, Norway, saying the two visited with conscientious objectors and attended a prayer service the day after the London demonstration. he said he and Mr. Clinton also met leaders of the International Peace Bureau and the Campaign for Nuclear Disarmament. Both organizations had officers at the time who also served with the World Peace Council.

Federal authorities have said the World Peace Council's principal activity in 1969 and 1970 was to organize worldwide propaganda campaigns, coordinated on a regional basis by national peace committees. The British Peace Council is a subsidiary of the World Peace Council.

According to a 1980 report by the Senate Permanent Select Committee on Intelligence, the World Peace Council was a communist KGB front organization that had received about $50 million from the Soviet union to support Soviet national defense and international military objectives. One of its major goals, according to the report, was to support worldwide anti-Vietnam War campaigns.

Mr. JOHNSON of Texas. Mr. Speaker, God bless America.

CONFERENCE REPORT ON H.R. 5368

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 5368) making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-1011)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5368) making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 34, 44, 50, 54, 62, 64, 71, 73, 76, 77, 81, 93, 94, 96, 97, 98, 99, 100, 104, 105, 121, 125, 150, 151, 155, 161, 162, 163, 166, and 170.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 17, 19, 20, 23, 24, 25, 26, 27, 32, 35, 36, 40, 45, 46, 48, 49, 52, 53, 58, 59, 60, 63, 65, 70, 74, 75, 80, 82, 85, 88, 89, 90, 91, 92, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 119, 120, 122, 124, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 169, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environmental Facility (GEF), $30,000,000, to remain available until expended: Provided, That such funds shall be available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility has: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; (2) established clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects; and (3) the Facility governance process will provide for contributor country oversight of individual projects in the work program, and specific provisions will be established for the participation of nongovernmental organizations in all phases of the project cycle, including identification, appraisal, implementation, and evaluation: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1993, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative.

The Secretary of the Treasury is authorized to contribute on behalf of the United States $50,000,000 to the Global Environment Facility of the International Bank for Reconstruction and Development.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, insert: *: Provided further, That in order to pay for the subscription authorized in section 14 of the International Finance Corporation Act, there are authorized to be appropriated, without fiscal year limitation, an additional $200,000,000 for payment by the Secretary of the Treasury*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$90,000,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided, That the Secretary of the Treasury shall use the voice and vote of the United States in the Donors Committee to seek that one-third of the total amount contributed by donors to the Fund be used for the Human Resources Facility of the Fund: Provided further, That the Secretary of the Treasury shall use the voice and vote of the United States in the Donors Committee to require that, to be eligible for disbursements of assistance from the Fund, a country must have a government that is democratically elected, does not harbor or sponsor international terrorists, cooperates with the United States in narcotics matters, and is not engaged in a consistent pattern of gross violations of human rights by its instrumentalities including its military and security forces: Provided further, That the Secretary of the Treasury shall instruct the United States Executive Director to the Inter-American Development Bank to vote against funding for any project of the Multilateral Investment Fund if such project is likely to cause a loss of jobs within the United States*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert: *: Provided further, That for payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $12,500,000, to remain available until expended: Provided further, That in order to pay for the increase in the United States subscription to the Bank provided for in section 30 of the Asian Development Bank Act, there are authorized to be appropriated, without fiscal year limitation, an additional $212,000,000 for payment by the Secretary of the Treasury*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Delete the matter stricken and on page 6, line 9 of the House engrossed bill, H.R. 5368, delete "$75,000,000" and insert in lieu thereof: *$62,500,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

Delete the matter stricken by said amendment and on page 6, line 22 of the House engrossed bill, H.R. 5368, strike "$186,984,240" and insert in lieu thereof: *$278,518,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said, amendment, insert: *: Provided, That in order to pay for the United States contribution provided for in section 216 of the African Development Bank Act, there are authorized to be appropriated, without fiscal year limitation, an additional $270,000,000 for payment by the Secretary of the Treasury*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

Restor the matter stricken by said amendment, amended as follows:

In lieu of "$68,986,000" named in said amendment, insert: *$60,000,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of "$160,966,000" named in said amendment, insert: *$140,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

INTERNATIONAL MONETARY FUND

There is appropriated for an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 8,608.5 million Special Drawing Rights, to remain available until expended and, among other uses, such funds may be used to promote efforts by the International Monetary Fund to support monetary stability in member countries through the instrumentality of currency boards.

And the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *of which not less than $2,500,000 shall be made available for the AIDS Program from within funds made available to the United Nations Development Program;*

And on page 8, line 1, of the House engrossed bill, H.R. 5368, after the word "Program" delete the semicolon ; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$34,000,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(h) not less than $20,000,000 shall be made available for the International Student Exchange Program (for the Cooperative Association of States for Scholarships, and the East Central European Scholarship Program), of which $3,000,000 shall be available, notwithstanding any other provision of law, for students from Poland, Hungary, and Czechoslovakia;

And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

After the words "Bosnia-Hercegovina" named in said amendment, insert: *, Croatia*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$800,000 only shall*

And on page 14, line 8 of the House engrossed bill, H.R. 5368, delete: "up to"; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment and on page 14, line 11, of the House engrossed bill, H.R. 5368, delete all after "such office" down to and including "United Nations" on page 15, line 22.

And the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$3,500,000 only of the funds appropriated under this heading shall*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That up to $15,000,000 of the funds appropriated under this heading shall be transferred to "International Organizations and Programs" and shall be made available only for the International Fund for Agricultural Development's Special Programs for Sub-Saharan African Countries Affected by Drought and Desertification: Provided further, That such funds shall be transferred and made available pursuant to the previous proviso only if, by June 30, 1994, contributions by donors (including the proposed United States contribution) are sufficient to allow the agreement on the second replenishment of the Special Programme to come into force: Provided further, That up to $5,000,000 of the funds appropriated under this heading may be made available for rural electrification in Sub-Saharan Africa*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for Somalia: Provided further, That funds appropriated under this heading may be used for other activities for sub-Saharan Africa consistent with the purposes of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 in the event that such funds are no longer needed for disaster relief, rehabilitation, and reconstruction purposes: Provided further, That in the event that circumstances make unlikely the effective use of any of the funds earmarked under this heading for Somalia, such funds may be used for assistance for other sub-Saharan African countries for any of the purposes contained in this paragraph*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert:

ASSISTANCE FOR DISPLACED BURMESE

Of the funds appropriated under the heading "Economic Support Fund", not less than $1,000,000 shall be made available, notwithstanding any other provision of law, for assistance for Burmese, including students, who are displaced as a result of civil conflict and who are living in Burma or Thailand.

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,000,000 shall be available for Appropriate Technology International: Provided,*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,057,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of "$118,574,000" named in said amendment, insert: *$81,319,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$30,000,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$48,965,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$39,316,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of "$95,000,000" named in said amendment, insert: *$150,000,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of "$100,000,000" named in said amendment, insert: *$50,000,000* ; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,670,000,000* ; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, that not less than the equivalent of $15,000,000 of local currencies generated by programs under this heading for Egypt shall be made available for projects and programs which promote the preservation and restoration of Egyptian antiquities* ; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $20,000,000 of the funds appropriated under this heading shall be made available for Morocco and not less than $125,000,000 of the funds appropriated under this heading shall be made available for Turkey* ; and the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b) In the allocation of funds appropriated under this heading, and in coordination with host country governments, priority shall be given to the following sectors: (1) private sector development, including support for Enterprise Funds, (2) technical assistance and training, (3) domestic pluralism and the rule of law, (4) environment and energy, (5) agriculture and agribusiness, (6) housing, with an emphasis on technical assistance and training for the development of market-oriented housing policies.

(c) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(e) By January 15, 1993, the President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and sub-project funded from amounts appropriated for Eastern Europe and the Baltic States under this heading: Provided, That an update of this report shall be submitted by the President by August 15, 1993, to the Committee on Appropriations.

(f) In order to promote the effectiveness of assistance made available under this heading, to improve program and project planning, coordination, and implementation, and to ensure that the assistance priorities of the host countries of Eastern Europe and the Baltic States are given appropriate consideration in the formulation and implementation of assistance activities funded under this heading—

(1) under the general direction of the President's Coordinator for United States Assistance to Eastern Europe and under the guidance of the Ambassador in each respective country in Eastern Europe and the Baltic States, the principal officer of the Agency for International Development (AID) in each such country—

(A) shall have primary responsibility, to the maximum extent practicable, for the day-to-day implementation of the assistance program and for identifying and making recommendations for potential AID programs and projects in such country including, to the extent practicable, the authority to concur in planning documents, project and program proposals, significant contract documents and contractor selection;

(B) shall identify and make recommendations for potential AID programs and projects to the maximum extent practicable in consultation with host country government representatives, and shall ensure the appropriate involvement of such officials in the implementation of AID programs and projects;

(C) shall be responsible for coordinating the implementation in the field of the overall activities of all United States Government agencies in Eastern Europe and the Baltic States carrying out assistance programs and projects using funds appropriated under this heading;

(2) not later than December 1, 1992, the Agency for International Development shall issue such delegations of authority or other internal guidance in order to give effect to the provisions contained in paragraph (1) of this subsection;

(3) of the funds appropriated under this heading, not less than 65 percent shall be made available for country-specific activities within bilateral, regional or multilateral programs, except as provided through the regular notification procedures of the Committees on Appropriations. The Agency for International Development shall consult periodically with the Committees on Appropriations concerning the availability of funds for countries in Eastern Europe and the Baltic States. The Agency for International Development Congressional Presentation Document for fiscal year 1994 shall include projected or estimated resources planned for Eastern Europe and the Baltic States on a country-by-country and on a regional basis, to the extent known at the time such document is prepared. Amounts planned or projected for regional programs should not exceed 50 percent of the entire program for Eastern Europe and the Baltic States.

And the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment,

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) FUNDING.—For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for economic assistance for the new independent states of the former Soviet Union, $417,000,000, to remain available until expended.

(b) TYPES OF ASSISTANCE.—

(1) Of the funds appropriated under this heading, not less than $50,000,000 shall be made available for scholarship programs bringing people of the new independent states of the former Soviet Union to the United States for a broad spectrum of study, training, exchange, internship and similar programs.

(2) Of the funds appropriated under this heading, not less than 75 percent shall be made available for activities consistent with the purposes of sections 103 through 106 of the Foreign Assistance Act of 1961.

(3) Funds appropriated under this heading shall be used for the establishment of a comprehensive program for enhancing environmental management and sustainable economic development in the new independent states of the former Soviet Union. This program should emphasize the active participation of local scientific expertise, nongovernmental organizations, and the public and should include—

(A) environmental monitoring and protection,

(B) establishment of appropriate environmental institutions and infrastructure,

(C) programs to enhance energy conservation and efficiency, and

(D) nuclear safety and other appropriate initiatives consistent with this paragraph.

In the process of assisting the new independent states of the former Soviet Union in the transition to market economies, United States Government agencies shall promote the utilization of national income accounts, as defined in title I, chapter IV, section 401 of Public Law 101–45, which measure gross sustainable production in order to more accurately account for the deterioration of environmental resources.

(4) Of the funds appropriated under this heading, up to $12,000,000 may be made available for American Agribusiness Centers in the new independent states of the former Soviet Union.

(c) PRIOR NOTIFICATION.—None of the funds appropriated under this heading shall be obligated or expended except through the regular notification procedures of the Committees on Appropriations. None of the funds appropriated in this Act or in prior Acts making available funds for foreign operations, export financing and related programs may be obligated or expended for planning for or for the establishment of new U.S. Government-sponsored foundations, centers or other entities or for any activity related to the selection or appointment of their respective Boards of Directors except through the regular notification procedures of the Committees on Appropriations.

(d) REPORTS.—The President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for the new independent states of the former Soviet Union. The report required by this subsection shall be submitted to the Committees on Appropriations no later than January 1, 1993, and an update of this report shall be submitted by the President to those Committees no later than July 1, 1993.

(e) RESTRICTION ON ASSISTANCE.—None of the funds appropriated or otherwise made available by this Act for Russia (other than funds to carry out humanitarian assistance) under the heading "Assistance for the New Independent

States of the Former Soviet Union" may be provided by the Government of the United States for the Government of Russia until the President of the United States provides to the Congress a report on the progress being made toward the withdrawal of the armed forces of Russia and the Commonwealth of Independent States from the territories of Lithuania, Latvia, and Estonia and on the status of negotiations regarding the establishment of a timetable for total withdrawal: Provided, That no more than fifty percent of the funds provided by this Act for Russia (other than funds to carry out humanitarian assistance) under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available unless the President certifies to the Congress by June 1, 1993 that the Government of Russia and the Governments of Lithuania, Latvia, and Estonia have made substantial progress toward establishing a timetable for the withdrawal of the armed forces of Russia and the Commonwealth of Independent States from Lithuania, Latvia and Estonia or that substantial withdrawal has occurred: Provided further, That if the President has been unable to make the certification required by June 1, 1993, then no such assistance under this heading may be obligated until such time as the President makes the required certification, after which date any assistance remaining unobligated may be made available: Provided further, That notwithstanding the previous proviso, if after one year from the date of enactment of this Act, the Government of Russia has not withdrawn all of the armed forces of Russia and the Commonwealth of Independent States from Lithuania, Latvia and Estonia, or has not completed negotiated agreements including a timetable for withdrawal with each of those governments, no further obligations of funds provided in this Act for Russia under the heading "Assistance for the New Independent States of the Former Soviet Union" shall occur.

And the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That when determined by the President of the African Development Foundation to be necessary, and subject to such security investigations as the President of the Foundation may determine to be appropriate, the Foundation may employ persons who are not citizens of the United States without regard to statutory provisions prohibiting payment of compensation to persons who are not citizens of the United States: Provided further, That this provision shall pertain only to individuals under negotiated contracts with the Foundation as of the date of the enactment of this Act;* and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$9,800,000;* and the Senate agree to the same.

Amendment Numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $35,000,000 shall be available for refugees in Bosnia, Croatia, and Solvenia: Provided further, That in the event that circumstances make unlikely the effective use of any of the funds earmarked under this heading for Bosnia, Croatia, and Slovenia, such funds may be used for assistance for any purposes of this heading;* and the Senate agree to the same.

Amended number 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $40,000,000 of the funds provided under this paragraph shall be available for Morocco: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act;* and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$149,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $855,000,000: Provided further, That funds appropriated under this heading shall be made available for Greece, Portugal, and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $315,000,000 only for Greece, $90,000,000 only for Portugal, and $450,000,000 only for Turkey: Provided further, That direct loans subsidized under this paragraph may be made available at concessional rates of interest: Provided further, That the concessional rate of interest on Foreign Military Financing Program loans shall be not less than 5 per centum per year;* and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$300,000,000;* and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$225,000,000;* and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That the Special Defense Acquisition Fund may be reimbursed for the value of any transfers of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act;* and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$15,500,000,000;* and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *in this Act or during the current fiscal year,* and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

After the words "issued during 1991." in subsection (e)(2)(B) in said amendment, insert:

(C) Funds provided for El Salvador under the heading "Economic Support Fund" may be used for law enforcement assistance in a manner consistent with the Salvadoran Peace Accords, notwithstanding section 660 of the Foreign Assistance Act of 1961.

And after the words "United States assistance" in subsection (f)(1) in said amendment, insert: under this Act; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

ENVIRONMENT

SEC. 532. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank (MDB) to continue to promote vigorously the environmental and energy initiatives established in section 533(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513). The Secretary of the Treasury, in cooperation with the Secretary of State, shall also undertake direct, bilateral discussions with appropriate officials of the governments of the member nations of the Organization for Economic Cooperation and Development with a goal of building greater international support for the environmental goals established in subsection (d) of this section. The Secretary of the Treasury shall submit a report to the Committees on Appropriations by March 1, 1993, which describes the progress of these bilateral discussions.

(b) The Secretary of the Treasury shall, not later than March 1, 1993, submit a report to the Congress containing the same information as requested in section 533(b) of Public Law 101–513.

(c)(1) In furtherance of the policies contained in section 533(a) of Public Law 101–513 and section 1308 of the International Development and Finance Act of 1989 (Public Law 101–240), and as a basis for measuring more effectively progress by the MDBs toward improved environmental performance, the Secretary of the Treasury shall instruct the United States Executive Directors of the MDBs to encourage each MDB, at a minimum, to meet the benchmarks established in paragraph (2) in the areas of sustainable energy development, forest conservation, forced displacement of populations, and environmental impact assessment. On March 1, 1993 and March 1, 1994, the Secretary of the Treasury shall submit a report to the Congress describing in detail the progress being made by the MDBs in meeting these benchmarks.

(2) For the purposes of paragraph (1), benchmarks are as follows:

(A) In the area of sustainable energy development—

(i) all loans in the energy sector should be based on, or support development of, "least-cost" integrated resource plans. Such plans

shall include analyses of possible end-use energy efficiency measures and nonconventional renewable energy options, and such plans shall reflect the quantifiable environmental costs of proposed energy developments;

(ii) a substantial portion of loans and grants in the energy, industry, and transportation sectors shall be devoted to end-use energy efficiency improvements and nonconventional renewable energy development; and

(iii) all organizational units within the MDBs should create staff positions in a management role in end-use efficiency and renewable energy, which positions shall be staffed by individuals with professional experience in program design and management and educational degrees in relevant technical disciplines.

(B) In the area of forest conservation—

(i) forestry loans should not support commercial logging in relatively undisturbed primary forests, nor should loans result in any significant loss of tropical forests;

(ii) forestry loans should not be disbursed until legal, economic, land tenure, and other policy conditions needed to ensure sustainability are in place;

(iii) loans should not support mineral, petroleum, or other industrial development in, or construction or upgrading of roads through, relatively undisturbed primary forests unless adequate safeguards and monitoring systems, developed in consultation with local populations, are already in place to prevent degradation of the surrounding forests;

(iv) loans should be consistent with and support the needs and rights of indigenous peoples and other long-term forest inhabitants and should not be made to countries which have shown an unwillingness to resolve fairly the territorial claims of such people; and

(v) support for protection of biological diversity, in close consultation with local communities, should be increased to account for a larger proportion of MDB lending.

(C) In the area of forced displacement of populations—

(i) the World Bank, Inter-American Development Bank, and Asian Development Bank should maintain a listing, available to the Secretary of the Treasury, of all ongoing projects involving forced displacement of populations, including the number of people displaced and a report on the status of the implementation of their resettlement policy guidelines for each such project, and obtain agreements with borrowers to ensure that all ongoing projects involving forced displacement will be in full compliance with their resettlement policy guidelines by mid-1993; and

(ii) the African Development Bank should adopt and implement policy guidelines on forced displacement similar to such guidelines of the other MDBs.

(D) In the area of procedures for environmental impact assessment (EIA)—

(i) each MDB should require that draft and final EIA reports be made available to the public in borrowing and donor countries and that the public be offered timely opportunities for comment on the EIA process, including initial scoping sessions, review of EIA categories assigned to individual projects, and opportunities to comment on draft and final EIA reports;

(ii) each MDB should apply EIA requirements to all sector loans and develop and apply the methodology for environmental assessment of structural adjustment loans;

(iii) each MDB should require that the EIA process include analyses of the potential impacts of proposed projects on the global environment; and

(iv) each MDB should require the head of the appropriate environmental unit, rather than project officers, determine the appropriate type of environmental analysis required under the bank's EIA procedures.

(d) The Administrator of the Agency for International Development shall instruct all Agency missions and bureaus to continue to implement all elements of the "Global Warming Initiative" as defined in, and which may continue under, the authorities of sections 533(c) (1) through (4) of Public Law 101-513. The Initiative shall continue to emphasize the need to reduce emissions of greenhouse gases through strategies consistent with continued economic development, such as forest conservation, end-use energy efficiency, least-cost energy planning, and renewable energy development. The Administrator shall direct Agency mission directors to incorporate these strategies in their country programs.

(e) Of the funds appropriated by this Act under the headings in title II of this Act under "Agency for International Development", not less than $650,000,000 shall be made available for environment and energy activities, including funds earmarked under section 533 of this Act, including the following—

(1) Not less than $20,000,000 of the aggregate of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for biological diversity activities, of which: $5,000,000 shall be made available for the Parks in Peril project pursuant to the authority of section 119(b) of that Act; $1,500,000 shall be for the National Science Foundation's international biological diversity program; $750,000 shall be for the Neotropical Bird Conservation Initiative of the National Fish and Wildlife Foundation; and up to $2,000,000 shall be for Project Noah;

(2) Not less than $15,000,000 of the funds appropriated for the Development Assistance Fund and to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available to support replicable renewable energy projects, and the Agency for International Development shall initiate at least five significant new activities in renewable energy during fiscal year 1993;

(3) Not less than $7,000,000 of the funds appropriated for the Development Assistance Fund and to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for assistance in support of elephant conservation and preservation;

(4) Not less than $25,000,000 of the funds appropriated for the Development Assistance Fund shall be made available for the Office of Energy of the Agency for International Development; and

(5) Up to $50,000,000 of the funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available to carry out the "Forests for the Future Initiative" and to achieve a Global Forest Agreement.

(f) Of the funds appropriated by this Act to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, the Agency for International Development should, to the extent feasible and inclusive of funds earmarked under subsection (e) of this section, target assistance for the following activities:

(1) $50,000,000 for projects associated with the Global Environment Facility;

(2) a total of $10,000,000 for CORECT, the Environmental Technology Export Council, and the International Fund for Renewable Energy Efficiency; and

(3) $55,000,000 for activities consistent with the Global Warming Initiative.

(g) Funds appropriated by this Act or any subsequent Act for the Development Assistance Fund and the Development Fund for Africa may be used for expenses (including related support costs) relating to the environment and energy sectors, of individuals detailed to or employed by the Agency for International Development, particularly those involved with the "Global Warming Initiative" described in this subsection.

(h) Of the funds appropriated by this Act to carry out the provisions of section 23 of the Arms Export Control Act, not less than $15,000,000 shall be made available to countries in Africa for programs which support conservation and biological diversity.

And the Senate agree to the same.

Amendment number 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

ASSISTANCE FOR CAMBODIA

SEC. 559. (a) ACTS OF GENOCIDE IN CAMBODIA.—As a party to the Genocide Convention, the United States reaffirms that genocide is a crime under international law which it undertakes to prevent and punish, and calls upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide in Cambodia.

(b) HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR CAMBODIA.—

(1) ASSISTANCE.—Except as provided in paragraph (2), not less than $20,000,000 of the funds appropriated for fiscal year 1993 for development assistance and economic support fund assistance shall be made available, only through international relief agencies, United States private and voluntary organizations, and United Nations agencies, for humanitarian and development assistance exclusively for Cambodian civilians and in accordance with the priority needs identified by the Agency for International Development's Report to Congress on Cambodia's Humanitarian and Development Assistance Priorities (transmitted pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991), notwithstanding any other provision of law.

(2) DEFINITION.—For purposes of this section, the term "humanitarian assistance" includes food, potable water, clothing, medicine, and other humanitarian assistance, including training and equipment for the surveying and removal of explosive mines, but such term does not include (A) the provision of any weapons, weapon systems, or ammunition, or (B) the provision to Cambodian military units of any other equipment, vehicles, or material.

(c) TERMINATION OF ASSISTANCE.—The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(d) ONSITE ASSESSMENT OF NEEDS FOR ASSISTANCE.—Not later than 120 days after the date of enactment of this Act, the President shall conduct an onsite assessment on a multilateral basis in cooperation with the United Nations, or on an independent basis, within Cambodia (including Phnom Penh) to determine the requirements for the development of social economic and social infrastructure and for the eradication of explosive mines.

(e) REPORT REGARDING THE KHMER ROUGE.—Not later then May 1, 1993, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report describing all violations of the United Nations peace agreement by the Khmer Rouge since July 1, 1992, and United

States responses to those violations. Such report shall be submitted in both classified and unclassified form.

(f) APPLICABILITY OF EXISTING LAW.—

(1) TRADE RESTRICTIONS.—Funds shall be made available under this section notwithstanding any law or regulation prohibiting trade with Cambodia or any national of Cambodia.

(2) REPROGRAMMING NOTIFICATIONS.—Funds shall be made available under this section subject to the provisions of section 522 of this Act.

(3) PROHIBITIONS.—Any funds made available under this section shall be subject to the prohibitions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(g) TERMINATION OF ASSISTANCE.—The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

And the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

Retain the matter inserted, amended as follows:

After the words "assistance under" named in subsection (b) in said amendment, insert: *Titles I and II of*, and after the words "Assistance Act of 1954" named in said amendment, insert: *: Provided, That none of the funds appropriated to carry out Title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *575A*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

Delete "subsection (a)."." at the end of the proposed amendment and insert in lieu thereof: *subsection (a).*"

"(c) If an Enterprise for the Americas Multilateral Investment Fund is established pursuant to this section, the Secretary of the Treasury shall instruct the United States representative to the Fund not to vote in favor of any action proposed to be taken by the Fund which may have a significant adverse effect on the environment unless an assessment of the impact of the action on the environment has been available for at least 120 days before the vote.".

And the Senate agree to the same.

Amendment numbered 149:

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

CAPITAL PROJECT AND CASH PAYMENT ASSISTANCE

SEC. 595. (a) ALLOCATION OF FUNDS.—(1) Of the funds appropriated by this Act under the headings "Economic Support Fund" (excluding funds earmarked for Israel), "Philippines Assistance", "Assistance for Eastern Europe and the Baltic States", and "Assistance for the New Independent States of the Former Soviet Union", an amount substantially equal to 10 percent of the aggregate amount appropriated under such headings shall be made available for developmentally-sound and sustainable capital projects and investment activities as defined in subsection (d).

(2) Funds made available under subsection (a)(1) for capital projects in excess of $15,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) STUDY OF CASH PAYMENT ASSISTANCE.——

(1) SCOPE. The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include the amounts of assistance provided under this Act as cash payment assistance, the purpose and recipients of cash payment Assistance, the extent to which commodity or capital financing were explored in lieu of such cash assistance to achieve the purpose, an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or he repayment of debt owed to the United States Government, and the degree to which recipients of cash payment assistance are required to and in fact use such assistance to purchase United States goods and services.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (1).

(C) EXPORT-IMPORT BANK "WAR CHEST" AUTHORITY.—If the amounts appropriated or otherwise provided by this Act for purposes of section 15(e)(1) of the Export-Import Bank Act of 1945 are not totally used by the end of fiscal year 1993, then, at the close of such fiscal year the Chairman of the Export-Import Bank of the United States shall submit to the Congress a report stating—

(1) the reasons for the Bank's decision not to use these funds for those purposes; and

(2) the amount of sales or bids lost because of the Bank's decision not to use these funds.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "capital projects and investment activities" may include projects and activities involving (1) the construction, expansion, operation, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related technical assistance, training, engineering, and other services, (2) procurement of equipment, including related technical assistance, training, and other assistance to support sustained use of such equipment, (3) feasibility studies or similar engineering and economic services, and (4) facilitation of United States private investment in developmentally-sound and sustainable activities;

(2) the term "cash payment assistance" means foreign assistance made through cash payments;

(3) the term developmentally-sound and sustainable" means a project or activity that is—

(A) environmentally sustainable;

(B) within the financial capacity of the government or recipient of the assistance to maintain from its own financial resources; and

(C) responsive to a significant development priority initiated by the country to which assistance is being provided.

And the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK (PROJECT EDEN)

SEC. 596. The Agency for International Development, in cooperation with other federal agencies, shall study the feasibility of Project EDEN and make recommendations on how it might be implemented.

And the Senate agree to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

BUY AMERICA PROCUREMENT REQUIREMENTS

SEC. 597. Section 604(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—Funds made available for assistance under this Act may be used by the President for procurement—

"(A) only in the United States, the recipient country, or developing countries; or

"(B) in any other country but only if—

"(i) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in subparagraph (A); or

"(ii) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

"(I) to meet unforeseen circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in subparagraph (A); or

"(II) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

"(2) For purposes of this subsection, the term 'developing countries' shall not include advanced developing countries.".

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows: In lieu of the first section number named in said amendment, insert: *598*, and delete the word "Senate" in two places in the proposed amendment and insert in lieu thereof: *Congress*, and

After the words "confidence-building measure;" named in (b)(2)(A) of said amendment, insert:

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;, and delete "(B)" named in said amendment and insert in lieu thereof: *(C)*, and delete "(C)" named in said amendment and insert in lieu thereof: *(D)*; and the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

IMPACT ON JOBS IN THE UNITED STATES

SEC. 599. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 599D. Humanitarian Assistance for Armenia.—" named in said amendment, insert:

HUMANITARIAN ASSISTANCE FOR ARMENIA

SEC. 599A.

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

REPORT ON RUSSIAN MILITARY EXPORTS

SEC. 599B. (a) REPORT.—Beginning 120 days after the date of enactment of this Act and 180 days thereafter, the President shall report to the appropriate congressional committees that the United States has entered into serious and substantive discussions with Russia to reduce exports of sophisticated conventional weapons to Iran and to prevent sales to Iran of any destabilizing numbers and types of such weapons.

(b) PROHIBITION.—Beginning 120 days after the date of enactment of this Act none of the funds made available under this Act may be made available for United States assistance (other than humanitarian assistance) for Russia unless the report required under subsection (a) has been made, or the provision of assistance is determined to be in the national interest.

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

(1) the term "appropriate congressional committees" means the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the term "humanitarian assistance" includes food, clothing and medicine.

And the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 599F." named in said amendment, insert:

PROHIBITION ON AIRCRAFT TRANSFER TO GUATEMALA

SEC. 599C.; and the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "Sec. 599G. Authority to Assist Bosnia-Hercegovina." named in said amendment, insert:

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 599D.; and the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of SEC. 599K." named in said amendment, insert:

AID BUDGET SUBMISSION

SEC. 599E.; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "599L." named in said amendment, insert: *599F.*

And in lieu of "not less than $5,000,000 shall" named in said amendment, insert: *up to $5,000,000 may*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 599N." named in said amendment, insert:

RESTRICTIONS ON ASSISTANCE TO MOROCCO

SEC. 599G.; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

PROHIBITION OF IMET FOR INDONESIA

SEC. 599H. Funds appropriated by this Act may not be used for assistance under the heading "International Military Education and Training" for Indonesia.

And the Senate agree to the same.

DAVID R. OBEY,
SIDNEY R. YATES
(except No. 101—military assistance),
MATTHEW F. MCHUGH,
WILLIAM LEHMAN,
CHARLES WILSON,
LAWRENCE J. SMITH,
PETER J. VISCLOSKY,
BILL ALEXANDER,
JAMIE L. WHITTEN,
MICKEY EDWARDS
(except for amendment No. 78),
BILL GREEN,
BOB LIVINGSTON
(except for amendment No. 78),
JOSEPH M. MCDADE
(except for amendment No. 78),
Managers on the Part of the House.

PATRICK J. LEAHY,
DANIEL K. INOUYE,
J. BENNETT JOHNSTON,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
BOB KASTEN,
MARK O. HATFIELD,
ALFONSE D'AMATO,
ARLEN SPECTER,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5368) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1993, and for other purposes submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 1: Inserts language proposed by the Senate which appropriates $30,000,000 for the Global Environment Facility and conditions such assistance to the Facility upon determination by the Secretary of the Treasury that the Facility has established clear procedures for ensuring public availability of project-related information and that affected peoples are consulted. The language also provides that if the determinations cannot be made by September 30, 1993, the funds shall be transferred to the Agency for International Development for similar types of activities associated with the Global Environment Facility and the Global Warming Initiative. Inserts language which requires that the Secretary, prior to making the funds available to the Facility, determine that the Facility governance process will provide for oversight by contributor countries and for participation of nongovernmental organizations in all phases of the project cycle. Inserts language which authorizes a $50,000,000 contribution to the Global Environment Facility.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

Amendment No. 2: Deletes House language making funds appropriated for the International Finance Corporation subject to authorization and inserts language authorizing a contribution of an additional $200,000,000.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

Amendment No. 3: Inserts the word "Multilateral" in the title as proposed by the Senate.

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Amendment No. 4: Inserts the word "Multilateral" in the text as proposed by the Senate.

Amendment No. 5: Inserts $90,000,000 for a contribution to the Multilateral Investment Fund administered by the Inter-American Development Bank instead of $75,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 6: Deletes House language making the funds subject to authorization and deletes Senate language concerning the Multilateral Investment Fund. Authorization for the Fund is provided in Amendment No. 148. Deletes House language withholding availability of funds for the Fund until the Secretary of Treasury determines and reports to the Committees that not less than one-third of the total sum contributed to the Fund will be used for the Human Resources Facility of the Fund. Inserts Senate language requiring the Secretary of the Treasury to use the voice and vote of the United States in the Donors Committee to seek one-third of contributed funds to be used for the Human Resources Facility. Inserts language requiring the Secretary of the Treasury to use the voice and vote of the United States in the Donors Committee to require that project funding only occur in countries which have democratically elected governments, do not harbor international terrorists, cooperate with the United States in narcotics matters and are not engaged in a consistent pattern of gross violations of human rights. Inserts language which provides that the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to vote against funding for any project if it is likely to cause a loss of jobs within the United States.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

Amendment No. 7: Inserts the phrase "to remain available until expended" as proposed by the Senate.

Amendment No. 8: Deletes House language making the funds for the Bank subject to authorization and inserts language which authorizes $212,000,000 for the Bank. Appropriates an additional sum of $12,500,000 for the paid-in share portion of the United States share of the increase in the capital stock of the Bank.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

Amendment No. 9: Appropriates $62,500,000 for the Fund instead of $75,000,000 as proposed by the House and the Senate. Deletes House language making the funds for the Fund subject to authorization.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Amendment No. 10: Permits subscription to the callable capital portion of the United States share of increases in the capital stock of the Asian Development Bank totalling $278,518,000, instead of $186,984,240 as proposed by the House and the Senate. Deletes House language making the callable capital subscriptions subject to authorization.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

Amendment No. 11: Deletes House language making the monies provided for the Fund subject to authorization and inserts authorization of $270,000,000 for the Fund.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 12: Appropriates $60,000,000 for the paid-in capital of the Bank instead of $68,986,000 proposed by the House. The Senate included no funds for the European Bank for Reconstruction and Development.

The conferees agree that several common criticisms of the bank have validity—that the pace of lending has been slow, that despite the Bank's private enterprise charge early lending favors the state sector, that the Bank needs to assist small businesses and start up companies, that a number of the early loans have gone to large multi-national corporations which have ready access to the international financial markets, and that the Bank has paid too little attention to addressing acute environmental problems. The conferees believe the Bank needs to address these matters.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Amendment No. 13: Provides $140,000,000 for subscription to callable capital stock in the European Bank instead of $160,966,000 as proposed by the House. The Senate included no callable capital subscriptions for the Bank.

INTERNATIONAL MONETARY FUND

Amendment No. 14: Appropriates the dollar equivalent of 8,608.5 million in Special Drawing Rights for the United States contribution to the Fund as proposed by the Senate, and deletes legislative language proposed by the Senate.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 15: Appropriates $310,000,000 for International Organizations and Programs as proposed by the House instead of $312,500,000 as proposed by the Senate.

Amendment No. 16: Provides not less than $2,500,000 for the AIDS Program of the United Nations Development Program from within funds made available to the UNDP instead of in addition to funds made available to the UNDP as proposed by the Senate.

TITLE II—BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

Amendment No. 17: Appropriates $1,037,480,000 as proposed by the Senate instead of $1,013,480,000 as proposed by the House for the Development Assistance Fund.

AIDS PREVENTION AND CONTROL PROGRAM

Amendment No. 18: Earmarks $34,000,000 within the AIDS Prevention and Control Program for the World Health Organization for its use in financing the Global Program on AIDS, including activities implemented by the Pan American Health Organization instead of $39,000,000 as proposed by the House and $30,000,000 as proposed by the Senate.

VITAMIN A DEFICIENCY PROGRAM

Amendment No. 19: Earmarks $25,000,000 for the Vitamin A Deficiency Program and activities relating to iodine deficiency and other micro-nutrients as proposed by the Senate, instead of $20,000,000 as proposed by the House.

RUSSIAN, EURASIAN AND EASTERN EUROPEAN RESEARCH

Amendment No. 20: Deletes provision proposed by the House earmarking $5,000,000 in development assistance related to Russian, Eurasian and Eastern European Research. The conferees have included a $5,000,000 earmark for this program under amendment number 147.

INTERNATIONAL STUDENT EXCHANGE PROGRAM

Amendment No. 21: Earmarks $20,000,000 for the International Student Exchange Program, of which $3,000,000 is for students from Poland, Hungary and Czechoslovakia. The Senate proposed an earmark of $23,000,000. The House had no similar language.

ASSISTANCE FOR BOSNIA—HERCEGOVINA, CROATIA AND KOSOVO

Amendment No. 22: Earmarks $20,000,000 for donations of fuel, construction materials, portable heating, dairy products, wheat and other urgently needed food for the peoples of Bosnia—Hercegovina, Croatia and Kosovo. Not less than $5,000,000 of the funds earmarked are for Kosovo. The conferees added Croatia to the areas included in the original Senate amendment. The House had no similar provision.

CANCER SCREENING PROGRAM

Amendment No. 23: Provides up to $10,000,000 as proposed by the Senate for preventive cancer services to include breast and prostate cancer screening. The House had no similar provision.

BASIC EDUCATION

Amendment No. 24: Inserts Senate language adding secondary education to the programs proposed by the House to be included under the earmark for basic education activities.

Amendment No. 25: Deletes language proposed by the House which included activities in support of early childhood and primary education under the programs to be included under the earmark for basic education activities.

POPULATION, DEVELOPMENT ASSISTANCE

Amendment No. 26: Appropriates $350,000,000 for Population, Development Assistance, as proposed by the Senate instead of $330,000,000 as proposed by the House.

Amendment No. 27: Inserts language proposed by the Senate requiring the submission of a report by the Agency for International Development on the Agency's strategy for having a global impact on the international population problem.

Amendment No. 28: Earmarks $800,000 only for the administration and planning of family planning assistance programs in addition to operating expense funds otherwise allocated for this purpose. The Senate had earmarked not less than $800,000 for these programs and the House had proposed up to $500,000.

Amendment No. 29: Deletes Senate language that stated that in determining eligibility for assistance from funds appropriated under Population, Development Assistance, the Agency for International Development is not to subject non-governmental and multilateral organizations to requirements more restrictive than requirements applicable to foreign governments for such assistance. The amendment also deletes language proposed by the House and the Senate earmarking not less than $20,000,000 for the United Nations Population Fund.

DEVELOPMENT FUND FOR AFRICA

Amendment No. 30: Earmarks $3,500,000 only in funds under the Development Fund for Africa to be used for administrative and planning costs associated with programs under the Development Fund in addition to operating expense funds otherwise allocated to AID's Bureau for Africa. The Senate proposed an earmark of not less than $3,500,000 and the House proposed providing up to $2,000,000 for administrative and planning costs.

Amendment No. 31: Deletes House and Senate language and inserts new language which provides that up to $15,000,000 may be transferred from the Development Fund for Africa

to the International Organizations and Programs account to be used only for the International Fund for Agricultural Development's Special Programme for sub-Saharan African Countries Affected by Drought and Desertification and provides that up to $5,000,000 may be made available for rural electrification in sub-Saharan Africa. The Senate proposed a provision providing up to $10,000,000 for the IFAD transfer. The House proposed an earmark of not less than $10,000,000 for the transfer. The Senate had included the funding for the rural electrification program as part of Amendment Number 102.

SUB-SAHARAN AFRICA DISASTER ASSISTANCE

Amendment No. 32: Appropriates $100,000,000 as proposed by the Senate instead of $80,000,000 as proposed by the House.

Amendment No. 33: Earmarks $25,000,000 in sub-Sahara disaster assistance funds for Somalia as proposed by the Senate. The conferees also agree to include a provision in the earmark which allows for the use of funds in the earmark in other sub-Saharan African countries if the funds cannot be used for disaster relief, rehabilitation, and reconstruction purposes in Somalia.

HUMANITARIAN ASSISTANCE FOR CAMBODIAN CHILDREN

Amendment No. 34: Restores language stricken by the Senate which earmarks $5,000,000 for humanitarian assistance through international relief agencies and United States private and voluntary organizations for children within Cambodia. The Senate included the earmark as part of Amendment Number 116.

ASSISTANCE FOR VICTIMS OF WAR

Amendment No. 35: Deletes House language on assistance to the blind.

Amendment No. 36: Inserts Senate language on assistance to the blind.

ASSISTANCE FOR DISPLACED BURMESE

Amendment No. 37: Deletes language as proposed by the House and inserts new language earmarking $1,000,000 within the Economic Support Fund account for assistance for Burmese, including students, who are displaced as a result of civil conflict and who are living in Burma or Thailand. The House earmarked $1,000,000 in development assistance for Burmese students. The Senate included an earmark of $1,000,000 in funds from the Economic Support Fund for displaced Burmese, including students, as part of Amendment Number 62.

APPROPRIATE TECHNOLOGY

Amendment No. 38: Earmarks $1,000,000 for Appropriate Technology International as proposed by the Senate instead of $2,000,000 as proposed by the House. The conferees agree to delete language proposed by the Senate related to percentages for project agreements and limitations on the use of funds. In fiscal year 1991, Congress earmarked a $1,000,000 fund for use by Appropriate Technology International to leverage additional resources from other donor organizations in support of its important technology and small enterprise development work. Thus far, in the aggregate, ATI has been able to leverage more than $10 for every $1 that Congress set aside for this fund. The managers commend ATI for its initial success in leveraging additional resources and have approved an additional $1,000,000 for this special leveraging fund.

The conferees intend that AID will make these additional funds available to ATI promptly, and that ATI will continue to leverage at least $10 for every $1 that the Congress is providing. The continued success of ATI in leveraging additional resources will be an important factor in determining whether the Committees recommend leveraging funds in the future.

The conferees also expect AID to comply with past Congressional directives to restore the $150,000 withheld by AID from cooperative agreement funds owed ATI in fiscal year 1991.

PRIVATE SECTOR LOANS PROGRAM ACCOUNT

Amendment No. 39: Appropriates $4,057,000 for the Private Sector Loans Program Account instead of $2,553,000 as proposed by the House or $5,665,000 as proposed by the Senate.

Amendment No. 40: Inserts language proposed by the Senate correcting a section reference.

Amendment No. 41: Provides a limitation of $81,319,000 on the principal amount of direct loans and total loan principal which may be guaranteed under the Private Sector Loans Program. The Senate had proposed a limitation of $118,574,000. The House bill contained no limitation provision.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

Amendment No. 42: Appropriates $28,571,000 for American Schools and Hospitals Abroad instead of $28,571,000 as proposed by the House and $35,000,000 as proposed by the Senate. The $30,000,000 recommended by the conferees is the amount requested by the Administration.

INTERNATIONAL DISASTER ASSISTANCE

Amendment No. 43: Appropriates $48,965,000 for International Disaster Assistance instead of $68,965,000 as proposed by the House and $40,000,000 as proposed by the Senate. The conference agreement also provides $100,000,000 in disaster assistance for sub-Sahara Africa, making a total of $148,965,000 available between the two disasters assistance accounts, an increase of more than $108,000,000 above the Administration's request. The conferees agree that, based on the drought and famine conditions in sub-Sahara Africa, needs in the Balkians and other disasters around the world, substantial funding will be required this year to meet disaster-related problems.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Amendment No. 44: Appropriates $512,000,000 as proposed by the House instead of $510,800,000 as proposed by the Senate.

Amendment No. 45: Inserts language proposed by the Senate requiring that at least one professional from the Agency for International Development be based at the Consulate General in Jerusalem and at least one professional at the United States Embassy in Tel Aviv.

Amendment No. 46: Deletes language proposed by the House requiring a notification on each capital project in excess of $5,000,000. The notification requirement was changed in Amendment Number 149 to each project exceeding an aggregate of $15,000,000.

OVERSEAS DEPENDENT SCHOOLS

The conferees are concerned that the Agency for International Development has reduced its payments to the overseas dependents school program. AID is encouraged to pay its appropriate share of program costs and to assure that sufficient payments are made to meet the needs of the children of AID employees.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

Amendment No. 47: Appropriates $39,316,000 for Operating Expenses of the Agency for International Development Office of Inspector General instead of $37,181,000 as proposed by the House and $41,456,000 as proposed by the Senate.

Amendment No. 48: Deletes House language which would allow for up to three percent of AID operating expenses to be transferred to the Operating Expenses account of the AID Inspector General.

Amendment No. 49: Inserts Senate language specifying that the Agency for International Development Inspector General, with concurrence of other agencies, will be in charge of all Inspector General activities in Eastern Europe and the former Soviet Union, and earmarking not less then $600,000 from the account for Assistance for the New Independent States of the Former Soviet Union to be used for additional operating expenses.

HOUSING GUARANTY PROGRAM ACCOUNT

Amendment No. 50: Appropriates $16,407,000 for subsidy costs for the Housing Guaranty Program as proposed by the House instead of $15,000,000 as proposed by the Senate.

Amendment No. 51: Provides a limitation of $150,000,000 on the amount of total loan principal that may be guaranteed by the Housing Guaranty Program instead of a limitation of $95,000,000 as proposed by the Senate. The House did not include a Housing Guaranty Program limitation.

Amendment No. 52: Appropriates $8,407,000 for administrative expenses for the Housing Guaranty Program as proposed by the Senate, instead of $7,000,000 as proposed by the House.

Amendment No. 53: Inserts Senate language waiving authorization requirements concerning commitments to guarantee loans under the Housing Guaranty Program.

Amendment No. 54: Restores language stricken by the Senate which requires notification to the Committees on Appropriations for funds obligated under the Housing Guaranty Program.

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

Amendment No. 55: Appropriates $50,000,000 for the costs of debt restructuring under the Enterprise for the Americas Initiative. The Senate proposed $100,000,000 for the debt restructuring program. The House provided no funding for the program.

ECONOMIC SUPPORT FUND

Amendment No. 56: Appropriates $2,670,000,000 for the Economic Support Fund instead of $2,739,000,000 as proposed by the House and $2,526,086,000 as proposed by the Senate.

EGYPT

Amendment No. 57: Inserts new language providing not less than the equivalent of $15,000,000 of local currencies generated by programs under the Economic Support Fund for Egypt be made available for projects and programs which promote the preservation and restoration of Egyptian antiquities.

Egypt's cultural heritage, one of the richest and most important in the world's history, is seriously endangered by pollution, decay, and the simple passage of time. The conferees have not included specific bill language as to whether or not the local currencies that have been earmarked should be set aside as a special account, or merged with existing local currency accounts controlled by the Embassy in Cairo for the same general purpose. The conferees recommend that decision be left, after full consultation with the Government of Egypt, in the hands of the Administration. The conferees expect

the Administration to fully consult with the Committees on Appropriations as programs are developed utilizing the funds that have been made available.

Amendment No. 58: Strikes language proposed by the House requiring notification concerning the cash transfer to the Government of Egypt. The conferees agree to delete this language because the notification to the Committees on Appropriations for cash transfer assistance to Egypt is already required under Section 572 of the General Provisions.

EL SALVADOR REPORT

Amendment No. 59: Strikes language proposed by the House concerning the withholding of funds for the El Salvador Special Investigative Unit until a report had been sent by the Secretary of State. The conferees note that the required report has been received and therefore the provision withholding funds is no longer necessary. However, the Committees on Appropriations will continue to monitor the Special Investigative Unit.

CYPRUS

Amendment No. 60: Deletes language proposed by the House and inserts Senate language requiring that funds earmarked for Cyprus must be used for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus. The House had restricted the use of such funds for scholarships or for bicommunal projects.

The conference agreement provides $15,000,000 in Economic Support Funds for Cyprus for scholarships, bicommunal projects and measures aimed at the reunification of Cyprus. The conferees believe this assistance should be provided for projects which are truly bicommunal and which are designed to promote cooperation and peace between the two communities on Cyprus.

MOROCCO AND TURKEY

Amendment No. 61: Earmarks $20,000,000 in Economic Support Funds for Morocco and $125,000,000 for Turkey. The Senate proposed an earmark of $25,000,000 for Morocco and no earmark for Turkey. The House did not include earmarks for either Morocco or Turkey.

ASSISTANCE FOR BURMESE

Amendment No. 62: Deletes language proposed by the Senate earmarking $1,000,000 in assistance for Burmese, including students. The conferees have included a $1,000,000 earmark for Burmese, including students, under Amendment Number 37.

SOUTH PACIFIC TUNA TREATY

Amendment No. 63: Inserts language proposed by the Senate requiring that $14,000,000 in the Economic Support Fund be made available for the South Pacific Tuna Treaty if the extension of the South Pacific Tuna Treaty is signed by September 30, 1993.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 64: Restores language stricken by the Senate which appropriates $19,704,000 for the International Fund for Ireland.

PHILIPPINES ASSISTANCE—MULTILATERAL ASSISTANCE INITIATIVE

Amendment No. 65: Inserts language proposed by the Senate which permit up to a total of $40,000,000 of development assistance and the Economic Support Fund to be transferred for the Multilateral Assistance Initiative for the Philippines. The language also requires that funds that are transferred have to be used in accord with the original purposes for which they were appropriated, and further requires notification to the Committees on Appropriations.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

Amendment No. 66: Appropriates $400,000,000 for Eastern Europe and the Baltic States as proposed by the House and the Senate. Deletes language as proposed by the House and Senate. Inserts language aimed at improving management of this assistance program and its sensitivity to country priorities, and at delegating authorities more broadly, while maintaining flexibility and a blended regional and country character for the program.

The conferees agree to provide $400,000,000 for assistance programs for Eastern Europe and the Baltic States. The conferees have included language permitting the use of Enterprise Fund interest income for program purposes and requiring expenditure at the minimum rate necessary for timely payment. The conferees have included language stating these funds shall be considered as economic assistance for administrative purposes. The conferees have included language requiring semiannual program reports.

The conferees have included language listing United States priorities as follows:

(1) private sector development, including support for Enterprise Funds, and with emphasis on technical assistance and training for development of market-oriented policies, restructuring and creation of financial institutions (such as stock markets, insurance companies, and banks), creation and management of private business organizations, and privatization of state enterprises;

(2) technical assistance and training, including such activities as support for the development of democratic trade unions, scholarship programs, medical assistance, and curriculum reform;

(3) democratic pluralism and the rule of law, including support, on a nonpartisan basis, for public administration, reform of legal codes and systems, development of free and independent media, and activities to strengthen the legislatures of Eastern European countries and the Baltic States;

(4) environment and energy, with emphasis on assistance in developing host country environmental policies and programs, and encouraging and providing incentives for end-use energy resources, and further activities including training, technical assistance for related energy and environmental investment or regulation, local production of environmental or energy-related equipment, promotion of United States technologies, and dealing with health problems directly associated with pollution;

(5) agriculture and agribusiness, with an emphasis on technical assistance and training for the development of market-oriented policies, agricultural financial institutions and marketing systems, agribusiness organizations, and the privatization of state agricultural organizations; and

(6) housing, with an emphasis on technical assistance and training for the development of market-oriented housing policies, including the privatization of state-owned housing and the promotion of private housing construction.

The conferees are concerned about poor management and poor coordination of the United States foreign assistance programs in Eastern Europe and the Baltic States. The conferees are reluctant to insist in law on particular organizational structures or on particular staffing levels; however,the conferees agree that massive improvement is needed in the management and coordination of these programs and in their responsiveness to host government priorities. The conferees have included language making the principle Agency for International Development officer in each country primarily responsible for coordination of all foreign assistance activities in that country, and for implementation, oversight and planning. The conferees have included language requiring that, no later than December 1, 1992, AID shall issue appropriate delegation of authority and other appropriate internal guidance for the principal AID officer in each Eastern European and Baltic State and that such delegation should include reasonable concurrence procedures necessary in order to avoid planning and contracting in Washington for specific activities without the concurrence of the people in the field who have more intimate knowledge of the particular country and the performance of existing programs, projects and activities.

The conferees agree that the employees of the Agency for International Development and other United States government agencies in Eastern Europe and the Baltic States shall coordinate the development and implementation of their respective assistance programs with appropriate designated foreign officials with responsibility for international assistance programs. Such coordination shall reflect the purposes and priorities of United States assistance, shall carefully consider host country programs and priorities for the uses of the United States assistance, and shall have as its purpose both the facilitation of United States program planning and the limiting of fluctuation in assistance levels which are not related to a country's performance or to new requirements which emerge in the region. United States assistance programs should be coordinated and implemented to the maximum extent feasible in accordance with host country priorities and programs where such priorities and programs are not inconsistent with United States priorities. Nothing under this heading shall be interpreted to limit the ability of United States officials from providing assistance to a broad spectrum of local programs.

The conferees have included language stating that 65 percent of appropriated funds shall be for country-specific activities or such activities within regional and multilateral projects. Exceptions to this restriction are allowed only through the notification process. Language has also been included which requires that the fiscal year 1994 AID Congressional Presentation Document publish planned or projected funds on a country-by-country and on a regional basis with not more than 50 percent of the funds planned or projected for regional programs. The conferees intend to maintain flexibility in the use of these funds so that the Administration will have the ability to respond to new opportunities as they arise. Planned or projected amounts contained in the Congressional Presentation Document should not be viewed as fixed funding commitments to the individual countries.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 67: Deletes language as proposed by the House and language proposed by the Senate and inserts language which appropriates $417,000,000 for the new independent states (NIS) of the former Soviet Union and inserts language addressing types of assistance for the NIS, requiring prior notification on obligations, requiring

semi-annual reporting, providing up to $12,000,000 for American Agri-business Centers, earmarking $50,000,000 for a broad spectrum of scholarship and exchange programs, and limiting assistance to Russia according to progress toward setting a negotiated timetable for troop withdrawal from the Baltics.

The conferees have included language providing that 75 percent of these funds shall be available for the purposes of sections 103 through 106 of the Foreign Assistance Act of 1961. In setting this requirement the conferees agree that this action conforms to the type of activities envisioned in the authorizing legislation.

The conferees note that Washington State University and its consortium partners have combined with Russian firms and government officials to create a Russian-American technical and economic development consortium. The consortium plans to use its resources to transform the existing Biological Research Center in Pushchino, Russia into a land-grant university. The center will train Russian farmers, conduct research, commercialize new technology and support joint ventures between Russian and United States businesses. The United States will benefit from collaborative research, assist the private sector in creating profitable partnerships with Russia, and contribute to the economic stability of the southern Moscow region by improving agricultural practices. The conferees urge AID to consider supporting the consortium's efforts.

The conferees support the promotion of free enterprise in the former Soviet Union. The conferees recommend that the Agency for International Development provide funding to support the efforts of Junior Achievement-Russia to conduct free enterprise education in the Russian public school system.

With regard to the funds appropriated for scholarships, exchanges and other such activities for the NIS, the conferees strongly encourage that not less than 40 percent of the available slots shall go for women.

With regard to the funds appropriated for scholarships, exchanges and other such activities for the NIS, the conferees note that there are many organizations with established programs and demonstrated competence. In the area of secondary school exchanges, the Close-up Foundation which includes a visit to Washington D.C. to observe the institutions of government and to interact with government officials is a logical potential recipient of funding. In awarding funds for graduate training activities, the administration should consider organizations with extensive experience in the processing, logistics, and placements of such individuals. The International Research and Exchanges Board (IREX), with nearly 25 years of experience in this type of activity, is a logical potential recipient of graduate training funds. The Academy for Intercultural Training (AIT) at Georgetown University is also experienced in these types of activities and is a logical potential recipient of funding.

The conferees note the potential of skills training oriented toward private sector enterprises and the potential of programs like those of Mansfield University.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

Amendment No. 68: Deletes language proposed by the Senate and inserts new language permitting individuals currently under negotiated contracts with the African Development Foundation to be employed by the Foundation. The conferees understand that there are approximately four people who for a long time have been contract employees of the Foundation that have been caught by a change in employment regulations. It is the understanding of the conferees that this provision is a one-time exemption to allow for the transition of these contract employees into the new system.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

Amendment No. 69: Appropriates $9,800,000 for the subsidy costs of direct and guaranteed loan programs of the Overseas Private Investment Corporation, instead of $8,945,000 as proposed by the House and $11,605,000 as proposed by the Senate.

Amendment No. 70: Deletes language as proposed by the Senate setting a limitation of $650,000,000 on direct loans and total loan principal of the Overseas Private Investment Corporation.

Amendment No. 71: Deletes language proposed by the Senate setting gross obligations for the amount of equity investment at $5,000,000.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 72: Earmarks $35,000,000 for refugees in Bosnia, Croatia and Slovenia instead of $25,000,000 as proposed by the Senate. The House did not include an earmarked amount.

ANTI-TERRORISM ASSISTANCE

Amendment No. 73: Appropriates $15,555,000 as proposed by the House for Anti-Terrorism Assistance instead of $11,848,000 as proposed by the Senate.

TITLE III—MILITARY ASSISTANCE FUNDS APPROPRIATED FOR THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Amendment No. 74: Inserts Senate language allowing members of national legislatures who are responsible for the oversight and management of the military to be eligible for civilian-related training programs.

Amendment No. 75: Inserts Senate language requiring that $3,660,000 be made available for expanded IMET programs initiated subsequent to enactment of this authority in 1991.

Amendment No. 76: Deletes Senate language which prohibited IMET funding for Indonesia pending certification that certain conditions have been met. The conferees agree to prohibit IMET to Indonesia. This issue is addressed further in Amendment Number 168.

FOREIGN MILITARY FINANCING PROGRAM

FUNDING LEVEL

Amendment No. 77: Appropriates $3,300,000,000 for Foreign Military Financing Program grants as proposed by the House instead of $3,840,000,000 as proposed by the Senate.

ASSISTANCE TO MOROCCO

Amendment No. 78: Deletes language proposed by the Senate which provided for a combined grant and loan program for Turkey, Portugal and Greece. Inserts language which earmarks $40,000,000 in Foreign Military Financing grants for Morocco. The conferees also included language clarifying that grants are nonrepayable notwithstanding section 23 of the Arms Export Control Act.

ASSISTANCE TO BASE RIGHTS COUNTRIES

Amendment No. 79: Deletes language proposed by the House. Inserts language which provides $149,000,000 for the subsidy costs for direct loans of not to exceed $855,000,000. Of the total amount of loans provided $450,000,000 only shall be for Turkey, $315,000,000 only shall be for Greece, and $90,000,000 only shall be for Portugal. The loans shall be made available at concessional rates of interest of not less than 5 percent. The House proposed appropriations for the subsidy cost of loans to these three countries in the same amounts, but at market rates of interest. The Senate proposed appropriations for the subsidy costs for a lesser amount of loans at concessional rates, and had provided that grant funds could be obligated upon apportionment.

Loan amounts for Greece and Turkey have been provided in a 7:10 ratio. Language included by the House required a 7:10 ratio.

With respect to the Greek Government's plans to procure electronic warfare equipment for the Hellenic Air Force's F-16 aircraft, the conferees believe that any procurement for such equipment financed through the FMF program should be from firms in the United States.

OBLIGATION OF FUNDS

Amendment No. 80: Inserts Senate language allowing funds made available for the FMF program to be obligated upon apportionment. The Defense Security Assistance Agency should be prepared to alter accounting and program procedures to enable greater clarity and consistency in its reporting in fiscal year 1994.

PERU

Amendment No. 81: Inserts Peru in the list of countries prohibited from receiving military assistance as proposed by the House.

LANDMINE CLEARING

Amendment No. 82: Inserts Senate language earmarking $1,000,000 for landmine clearing and related activities.

ADMINISTRATIVE EXPENSES

Amendment No. 83: Provides for a limitation of $300,000,000 for Department of Defense administrative expenses instead of $287,000,000 as proposed by the House and $310,000,000 as proposed by the Senate.

SPECIAL DEFENSE ACQUISITION FUND

Amendment No. 84: Provides $225,000,000 in obligational authority for the Special Defense Acquisition Fund instead of $150,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

Amendment No. 85: Inserts Senate language allowing obligational authority to remain in effect for three years.

Amendment No. 86: Inserts language providing that the Special Defense Acquisition Fund may be reimbursed for transfer of defense articles acquired under the Fund.

The proviso in prior year appropriations acts contemplated that the items should only be taken from the Special Defense Acquisition Fund to be provided on a grant basis under the MAP program where the Fund was reimbursed with MAP grant appropriated funds. Since the MAP program is no longer in existence, a technical change was desired to preserve the principle reflected in the original proviso that the Fund should be reimbursed where appropriate and to the extent possible.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

Amendment No. 87: Inserts a program limitation on the Export-Import Bank of $15,500,000,000 instead of $13,000,000,000 as proposed by the Senate and no limit as proposed by the House.

ADMINISTRATIVE EXPENSES

Amendment No. 88: Appropriates $45,683,000 as proposed by the Senate instead of $38,042,000 as proposed by the House.

The conferees are aware of the electricity shortages in the Philippines and the great need to develop energy sources. The conferees are also aware that the Exim Bank is considering financing the upgrade of the Philippine Nuclear Power Plant (PNPP), and that there has been considerable controversy over this plant since its inception.

In light of the above, the conferees believe that before Exim Bank enters into any agreement to provide direct loans, loan guarantees, or insurance for any purpose related to PNPP, it must be demonstrated that PNPP will meet safety, health and environmental standards comparable to those that would apply to a similar and currently operating nuclear plant in the United States.

Further, the conferees also believe that there must be a process by which the Philippine public, including nuclear safety, environmental, and health experts, may be informed about, and have an opportunity to present information and views regarding, any plan to upgrade the PNPP before Exim Bank makes a final decision on financing.

Before the Exim Bank enters into any agreement to finance the upgrade of PNPP, the Committee on Appropriations shall be provided by the Bank with a report regarding the plant's positive compliance with safety, health, and environmental standards, as described above.

TITLE V—GENERAL PROVISIONS

HUMAN RIGHTS

Amendment No. 89: Deletes a House provision requiring certain country specific information related to Human Rights.

The conferees agree that the Department of State should consult with the Committees on Appropriations concerning language included in the bill requiring additional reporting on human rights violations concerning children.

Amendment No. 90: Inserts subsection designation as proposed by the Senate.

Amendment No. 91: Inserts subsection designation as proposed by the Senate.

Amendment No. 92: Inserts Senate language requiring the annual Human Rights report to include information on each country's military expenditures, and the environment of indigenous peoples in governmental decisions affecting them.

MILITARY COUPS

Amendment No. 93: Deletes Senate language requiring cutoff of assistance in the event of an unconstitutional interruption of the power of a democratically elected government.

Amendment No. 94: Deletes Senate language allowing resumption of assistance once an unconstitutional interruption of the power of a democratically elected government has ceased.

The conferees agree not to retain language proposed by the Senate to require the termination of U.S. assistance to nations that experience an unconstitutional usurpation of governmental power by means other than a military coup. This language would have modified the provision carried annually in Foreign Operations appropriated acts requiring the termination of U.S. assistance to nations suffering the overthrow of a democratic government by military coup or decree. The conferees conclude that there were deficiencies in the proposed language. However, the conferees recognize the importance of devising a workable policy for enforcing a cutoff of U.S. assistance in cases, such as occurred in 1992 in Peru, of an unconstitutional usurpation of power by means other than a direct military coup. The conferees agree that the Committees on Appropriations will continue to explore this issue next year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

Amendment No. 95: Inserts language allowing waivers of the requirements of section 620(q) of the Foreign Assistance Act of 1961 for certain countries for funds made available in this Act, or during the current fiscal year. The House had proposed a waiver for funds in this Act, and the Senate had proposed a waiver for funds made available during the current year.

The conferees acknowledge the progress made toward reconciliation, democratization, reform and economic development in Nicaragua since the election of Violeta Chamorro in 1990. Continued progress toward economic recovery depends upon prompt obligation of economic assistance funds. The conferees stress that concerted and continuing efforts must be made in several important areas. The conferees believe that the fiscal year 1992 funds appropriated for Nicaragua should be obligated. Once the fiscal year 1992 funds are made available, the following conditions should apply to the economic assistance for fiscal year 1993:

(1) A code of conduct on human rights should be formulated and implemented for military and police forces.

(2) Judicial reform is needed. Collaboration with other hemispheric organizations like the Organization of American States would be constructive.

(3) The conferees note the progress toward return or compensation for private property confiscated prior to the Chamorro government. Expeditious resolution of bona fide property claims is expected. Periodic reports on the implementation and satisfaction of bona fide claims are expected and should be provided to the Committees on Appropriations.

(4) The AID Inspector General and the GAO shall continue to monitor and audit expenditure of all U.S. assistance to ensure that it is not being misused or subject to corruption.

NOTIFICATION REQUIREMENTS

Amendment No. 96: Deletes Senate language expanding notification waiver.

Amendment No. 97: Deletes Senate language expanding emergency notification waiver.

Amendment No. 98: Restores House language on emergency circumstances.

Amendment No. 99: Deletes Senate language expanding emergency notification waiver.

Amendment No. 100: Deletes Senate language on waiver authority delegation and defining emergency circumstances.

EL SALVADOR

Amendment No. 101: Inserts language addressing assistance to El Salvador. The conferees agree to include the Senate language on assistance to El Salvador and to include a waiver of section 660 of the Foreign Assistant Act of 1961 for the Economic Support Fund. The provision restricting funds in the event of a coup has also been changed to clarify that it only affects funds in this Act.

ENVIRONMENT

Amendment No. 102: Deletes House and Senate language and inserts language addressing policies, funding levels, and earmarks for environmental programs of AID and the multilateral development banks.

The conferees agree that funds for the Parks in Peril project should be made available pursuant to an agreement that ensures that such funds will make up no more than 80 percent of the entire costs of the project.

MONTREAL PROTOCOL FACILITATION FUND

Amendment No. 103: Inserts Senate language earmarking $15,000,000 for the Montreal Protocol Facilitation Fund and transferring it to the United Nations Environment Program. The House had included a similar provision.

AFGHANISTAN-HUMANITARIAN ASSISTANCE

Amendment No. 104: Restores House language which allows assistance to be provided to the Afghan people. The Senate had allowed for assistance to the government of Afghanistan.

Amendment No. 105: Deletes Senate language providing certain objectives for assistance to Afghanistan.

SPECIAL NOTIFICATION REQUIREMENTS

Amendment No. 106: Inserts Senate language requiring that all funds for the Ivory Coast be provided through the regular notification procedures.

FAMILY PLANNING, CHILD SURVIVAL, AND AIDS ACTIVITIES

Amendment No. 107: Inserts "Family Planning" in title as proposed by the Senate.

Amendment No. 108: Inserts "family planning" activities for eligibility of earmarked funds in Section 542 as proposed by the Senate.

Amendment No. 109: Inserts "family planning activities" for eligibility under the contracting authority as proposed by the Senate.

AUTHORIZATION REQUIREMENT

Amendment No. 110: Inserts language waiving authorization requirement as proposed by the Senate. The House provided funds subject to authorization.

EARMARKS

Amendment No. 111: Inserts subsection designation as proposed by the Senate.

Amendment No. 112: Inserts "subsection" as proposed by the Senate.

Amendment No. 113: Inserts "subsection" as proposed by the Senate.

Amendment No. 114: Inserts Senate language granting additional authorities in the administering of earmarked funds.

NARCOTICS CONTROL PROGRAM

Amendment No. 115: Inserts Senate language allowing funds from both the administration of justice program and the IMET program to be spent for narcotics enforcement activities for law enforcement agencies in Colombia, Bolivia, Ecuador, and Peru as proposed by the Senate. The House had provided this authority only for administration of justice programs.

ASSISTANCE FOR CAMBODIA

Amendment No. 116: Deletes language proposed by the House and Senate and inserts language relating to assistance for Cambodia. The conferees include a prohibition on any assistance to the Khmer Rouge and recommend that $5,000,000 for children in Cambodia be included in Amendment No. 34.

ASSISTANCE FOR AFGHANISTAN

Amendment No. 117: Deletes language proposed by the House relating to the Soviet controlled Government of Afghanistan.

ELIGIBILITY FOR ASSISTANCE

Amendment No. 118: Inserts language allowing for delivery of development assistance through non-governmental organiza-

tions despite restrictions with respect to assistance for a given country. Before using this authority the President must notify the appropriate Committees of Congress. Assistance provided under Titles I and II of the Agricultural Trade and Development and Assistance Act of 1954 (Public Law 480) may also be provided despite aid restrictions. However, the appropriate Committees of Congress must be notified prior to any provision of assistance under Title I using this authority.

Amendment No. 119: Inserts Senate language prohibiting use of authority under this section for countries that support international terrorism and countries that violate internationally recognized human rights.

EL SALVADOR—ECONOMIC SUPPORT FUNDS

Amendment No. 120: Deletes language requiring that 25 percent of El Salvador's economic support funds be used for projects as proposed by the Senate. The conferees believe that 50 percent of El Salvador's economic support funds should be projectized, as is the current practice.

CONTRACTING FOR SERVICES

Amendment No. 121: Deletes Senate language which provided certain contracting authority to the Agency for International Development.

DEBT FOR DEVELOPMENT

Amendment No. 122: Inserts "endowments" as proposed by the Senate.

Amendment No. 123: Deletes House and Senate language and inserts language expanding debt for development authorities for the Agency for International Development.

Amendment No. 124: Deletes House language relating to establishment of endowments.

REPEAL OF FISCAL YEAR 1991 PROVISION

Amendment No. 125: Restores language repealing certain authorities of section 516(a) of the Foreign Assistance Act of 1961 as proposed by the House.

POW/MIA MILITARY DRAWDOWN

Amendment No. 126: Inserts Senate language granting drawdown authority to the President of not to exceed $15,000,000 for defense articles, services and training to be provided to Cambodia and Laos. This authority may be used at the President's discretion to support efforts to locate and repatriate members of the United States Armed Forces and civilians who remain unaccounted for from the Vietnam War. The conferees are concerned about the security and potential misuse of helicopters and other equipment which may be made available to the Government of Laos. The conferees stress that any equipment provided through this authority should be used only for the purposes specified. The Department of Defense is to rigorously monitor the end-use of this equipment, particularly helicopters.

KENYA

Amendment No. 127: Inserts Senate language restricting assistance to Kenya. The House had included similar restrictions.

ASSISTANCE FOR GUATEMALA

Amendment No. 128: Inserts subsection title as proposed by the Senate.

Amendment No. 129: Deletes House language containing notification requirement for Guatemala. The provision is duplicative, since notification of all obligation of funds to Guatemala is required under Section 540 of the General Provisions.

Amendment No. 130: Inserts new subsection designation as proposed by the Senate.

NUCLEAR NONPROLIFERATION POLICY IN SOUTH ASIA

Amendment No. 131: Inserts subsection designation as proposed by the Senate.

Amendment No. 132: Deletes House language on the impending bilateral conference.

Amendment No. 133: Inserts Senate language specifying a date for the report.

Amendment No. 134: Corrects printing error as proposed by the Senate.

Amendment No. 153: Inserts new subsection designation as proposed by the Senate.

Amendment No. 136: Deletes Sri Lanka in the reporting requirement as proposed by the Senate.

Amendment No. 137: Inserts new subsection designation as proposed by the Senate.

Amendment No. 138: Inserts new subsection designation as proposed by the Senate.

Amendment No. 139: Inserts new subsection designation as proposed by the Senate.

Amendment No. 140: Corrects printing error as proposed by the Senate.

RESCISSION

Amendment No. 141: Rescinds $45,750,000 in prior military assistance funds as proposed by the Senate instead of $75,000,000 as proposed by the House.

ANTINARCOTICS UPDATE

Amendment No. 142: Inserts Senate language allowing police training assistance for Panama to be used to improve penal institutions and to rehabilitate offenders.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

Amendment No. 143: Inserts Senate language granting waivers for the Peace Corps, the Inter-American Foundation and the African Development Foundation from the restrictions on assistance.

REPORT ON CREDIT PROGRAMS

Amendment No. 144: Inserts Senate language directing the General Accounting Office to conduct a study of credit programs. The conferees note that two years ago Congress requested the Administration to centralize their country credit rating systems into one central system. Having now accomplished that centralization, the Administration has decided not only to classify this previously unclassified material but also to refuse to allow its distribution or delivery even in classified form and on a request basis. The Administration has now instituted a system whereby access to this previously unclassified material is handled solely by allowing viewing by congressional staff without note taking in the physical presence of Executive Branch personnel. This situation is made even more unacceptable by the fact that similar economic documents of the International Monetary Fund are available to the Committee and are delivered quickly on request. The conferees strongly request that this policy be reversed. Failing its reversal, the conferees will consider legislative solutions during the next budget cycle.

Amendment No. 145: Inserts Senate language providing $500,000 in Polish currencies for certain programs for Jagiellonian University.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 146: Inserts Senate language earmarking $50,000,000 for provision of United States agricultural commodities to address food and nutrition needs of the new independent states of the former Soviet Union.

STATE DEPARTMENT RESEARCH AND TRAINING PROGRAM

Amendment No. 147: Inserts Senate language earmarking $5,000,000 for the Department of State's Title VII program on Russian, Eurasian, and Eastern European research and training.

DEBT RESTRUCTURING

Amendment No. 148: Inserts language authorizing debt reduction under the Enterprise for the Americas Initiative and authorizing funds for the Multilateral Investment Fund of the Inter-American Development Bank. The conferees also included a requirement that the United States oppose any use of the Multilateral Investment Fund that may have an adverse impact on the environment, unless an environmental impact assessment has been available 120 days before a vote on a given loan.

CAPITAL PROJECT AND CASH PAYMENTS

Amendment No. 149: Inserts language making certain funds available for developmentally sound and sustainable capital projects. Any capital project in excess of $15,000,000 shall be subject to the notification procedures of the Committees on Appropriations. The provision also includes a specific definition of developmentally sound and sustainable projects. The conferees expect this provision will be implemented in a manner consistent with the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development.

LIMITATION ON ASSISTANCE FOR PERU

Amendment No. 150: Deletes language proposed by the Senate placing conditions on assistance to Peru. The provision of assistance to Peru is addressed elsewhere in the bill.

FUNDING FOR MULTILATERAL DEVELOPMENT BANKS

Amendment No. 151: Deletes language proposed by the Senate cutting 8.3 percent from funds appropriated to various multilateral development banks.

MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK

Amendment No. 152: Inserts language requiring the Agency for International Development to study the feasibility of Project EDEN and to make a recommendation on implementation.

BUY AMERICAN PROCUREMENT REQUIREMENTS

Amendment No. 153: Inserts language amending certain procurement regulations related to purchase of American products.

The conferees did not include Senate language creating a Buy America Advocate and a rewrite of the Buy America Procurement section of the Foreign Assistance Act. Instead, the conferees included procurement-related language similar to that enacted in the Freedom Support Act and have applied that language worldwide. The conferees have taken this action largely because of objections from the authorizing committees that a rewrite of this portion of the Foreign Assistance Act is their responsibility.

However, the conferees are very concerned about the diminution of Buy America provisions as administered by the Agency for International Development. What little restrictions exist are routinely waived by low-level officials in Washington, D.C. and in the field. The conferees are aware of too many cases where American companies have been excluded from procurement, and some in-

stances where the United States government has simply written checks in order to finance foreign automobile operations in certain African countries. Both the House and Senate committees will be addressing this issue early in the next Congress, and hopefully, so will the authorizing committees. The result must be meaningful Buy America provisions.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

Amendment No. 154: Inserts Sense of the Congress language on the Arab League Boycott of Israel.

MORATORIUM ON ANTI-PERSONNEL LANDMINES

Amendment No. 155: Delete Senate language on a moratorium on the sale of antipersonnel landmines. This provision was included in other authorizing legislation.

IMPACT ON JOBS IN THE UNITED STATES

Amendment No. 156: Inserts language restricting use of assistance in this Act for various activities that are likely to cause a loss of jobs within the United States. Specifically the provision prohibits use of funds for: (1) financial incentives to enterprises within the United States to relocate outside the United States, if such inducement is likely to reduce the number of its employees within the United States (2) any assistance to establish or develop export processing zones in foreign countries unless the President determines and certifies that it is not likely to cause loss of jobs within the United States and (3) assistance for any project which contributes to the violation of internationally recognized workers' rights. The conferees expect the Agency for International Development and other applicable agencies to rigorously enforce the prohibitions contained in this section.

HUMANITARIAN ASSISTANCE FOR ARMENIA

Amendment No. 157: Inserts language earmarking $5,000,000 for Armenia, and changes the title and section number designation.

REPORT ON RUSSIAN MILITARY EXPORTS

Amendment No. 158: Inserts language requiring certain reports on Russian military exports. The Senate had proposed a similar provision.

PROHIBITION OF AIRCRAFT TRANSFER TO GUATEMALA

Amendment No. 159: Inserts language prohibiting transfer of aircraft from the Department of Defense to the Drug Enforcement Administration for activities in Guatemala, and changing the title and section number designation.

The conferees have carefully considered and strongly oppose the Drug Enforcement Administration's plans to deploy Blackhawk helicopters as a part of an expansion of Operation Cadence interdiction efforts in Guatemala. Several concerns compel this opposition.

In the context of ongoing human rights and political strains in U.S. relations with Guatemala, the creation of a new air wing would appear to send the wrong signal of support. Moreover, the conferees have strong reservations about the security, effectiveness and duplication of effort reflected in the operational plans.

In DEA briefings, representatives acknowledge there is no institutional experience in Guatemala with overseas airborne tactical missions nor operational experience with Blackhawks, an expensive, high maintenance, sophisticated helicopter. Currently, the Bureau of International Narcotics Matters at the Department of State maintains a small aviation unit in Guatemala to carry out both eradication and interdiction missions. Two helicopters are dedicated to DEA exclusively for use in Operation Cadence interdiction efforts. Despite almost continuous availability, these assets have only been used by DEA approximately 50 percent of the time.

Although there is strong support for international counternarcotics activities, the conferees view DEA's efforts to create and launch an independent air wing in Central America as an unnecessary duplication of effort.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

Amendment No. 160: Inserts language with congressional findings on the situation in the territory of the former Yugoslavia, granting certain authorities to the President pursuant to lifting of the United Nations arms embargo against Bosnia-Hercegovina, and changing the section number designation.

ZAIRE ASSISTANCE

Amendment No. 161: Deletes language proposed by the Senate which allows certain waivers for assistance to Zaire.

IMF LOANS TO RUSSIA

Amendment No. 162: Deletes Senate language addressing International Monetary Fund (IMF) loans to Russia. The conferees agree that expansion of the IMF quota is particularly important at this time due to developments in Eastern Europe and the new independent states of the former Soviet Union. In appropriating the IMF quota increase, the conferees remain concerned about IMF shortcomings in several aspects of its program to assist Russia and the former Soviet states to achieve economic reform. The IMF has failed to deploy adequate IMF personnel in Russia or to mobilize private sector economic and financial experts and make them available to the Russian government. The IMF has failed to catalyze adequate debt relief and a timely resolution of responsibility for the former Soviet Union's debt. Such relief should include significant forbearance by OECD creditors to insure that IMF assistance to Russia and the Commonwealth of Independent States is not "roundtripped" to pay the Soviet's Western European creditors. The IMF has failed to assist in resolving the ruble zone issues undermining Russia's anti-inflationary efforts. The IMF has failed to mobilize the overall financial package pledged by the G–7 nations in a timely fashion and to provide to the Government of Russia a clear description of the components of the package and reliable timetable for its implementation.

AID OPERATING EXPENSES

Amendment No. 163: Deletes Senate language limiting Agency for International Development Operating Expenses.

BUDGET SUBMISSION-AID

Amendment No. 164: Inserts Senate language directing that certain information be included in the annual budget submission of the Agency for International Development, and changes the title and section number designation.

KURDISH HUMANITARIAN ASSISTANCE

Amendment No. 165: Inserts new language to the language inserted by the Senate providing up to $5,000,000 for Kurdish humanitarian assistance, and changing section number designation.

FORMER YUGOSLAVIA

Amendment No. 166: Deletes Sense of the Senate language on the situation in the territories of the former Yugoslavia.

RESTRICTIONS OF ASSISTANCE FOR MOROCCO

Amendment No. 167: Inserts Senate language restricting assistance to Morocco.

The conferees agree to include language providing that no more than $52,000,000 may be made available for Morocco from the Economic Support and Foreign Military Financing accounts ($20,000,000 is earmarked in ESF and $40,000,000 is earmarked in FMF), until the Administration certifies and reports to Congress that Morocco is fully cooperating with the United Nations in implementation of the Settlement Plan for self determination for the people of the Western Sahara. The conferees believe that it would also be helpful to know whether the opposing side in this dispute, the Polisario, is fully cooperating with the United Nations, and therefore request that the Administration include in its report information on both sides.

The conferees are aware of the most recent report by the Secretary-General of the United Nations on the situation concerning the Western Sahara (August 20, 1992), and are encouraged by that report, which notes that cease-fire violations have dramatically decreased from 102 in the three month period between March and May, 1992, to six for the period June through August 1992. The conferees note the observation of the Secretary-General in his report that he is "encouraged by the progress achieved until now in my Special Representatives' talks with the parties".

PROHIBITION OF IMET FOR INDONESIA

Amendment No. 168: Restores House language prohibiting use of International Military Education and Training funds for Indonesia, and changing the title and section number designation.

TITLE VI—LOAN GUARANTEES TO ISRAEL

Amendment No. 169: Inserts Senate language providing loan guarantees to Israel. The language allows the President to issue up to $10,000,000,000 in loan guarantees between October 1, 1992 and September 30, 1997 to assist Israel in its efforts to resettle and absorb immigrants into Israel from the republics of the former Soviet Union, Ethiopia and other countries. All subsidy and fee costs associated with the loan guarantees are to be paid by the Government of Israel.

TITLE VII—CANCER REGISTRIES

Amendment No. 170: Deletes language on the Cancer Registries Amendment Act, and the Third World Development and Threat Reduction Act of 1992.

The conferees expect the Secretary of the Treasury to instruct the United States executive director to each international financial institution, to use United States voice and vote to vigorously advocate and promote policies within such institutions designed to encourage developing countries to significantly reduce military and military-related expenditures and increase resources for primary health care and basic education. The U.S. executive directors should develop procedures and mechanisms within the appropriate institutions to collect data on military and military-related expenditures, primary health care and basic education, and take into account such information in carrying out the aforementioned provisions. The U.S. executive director should oppose the extension of financial assistance or technical assistance, except for the purposes of defense conversion or demobilization of combatants, to a developing country whose military expenditures are judged to be excessive in comparison to their combined expenditures on health and education.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1993 recommended by the Committee of Conference, with comparisons to the fiscal year 1992 amount, the 1993 budget estimates, and the House and Senate bills for 1993 follow:

New budget (obligational authority, fiscal year 1992	$14,400,026,946
Budget estimates of new (obligational) authority, fiscal year 1993	27,426,655,602
House bill, fiscal year 1993	13,772,265,903
Senate bill, fiscal year 1993	26,419,000,134
Conference agreement, fiscal year 1993	26,257,377,903
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1992	+11,857,350,957
Budget estimates of new (obligational) authority, fiscal year 1993	−1,169,277,699
House bill, fiscal year 1993	+12,485,112,000
Senate bill, fiscal year 1993	−161,622,231

DAVID R. OBEY,
SIDNEY R. YATES
(except No. 101—military assistance),
MATTHEW F. MCHUGH,
WILLIAM LEHMAN,
CHARLES WILSON,
LAWRENCE J. SMITH,
PETER J. VISCLOSKY,
BILL ALEXANDER,
JAMIE L. WHITTEN,
MICKEY EDWARDS
(except for amendment No. 78),
BILL GREEN,
BOB LIVINGSTON
(except for amendment No. 78),
JOSEPH M. MCDADE
(except for amendment No. 78),
Managers on the Part of the House.

PATRICK J. LEAHY,
DANIEL K. INOUYE,
J. BENNETT JOHNSTON,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
BOB KASTEN,
MARK O. HATFIELD,
ALFONSE D'AMATO,
ARLEN SPECTER,
TED STEVENS,
Managers on the Part of the Senate.

REPORT TO ACCOMPANY CONFERENCE REPORT ON H.R. 5739, EXPORT-IMPORT BANK REAUTHORIZATION

Ms. OAKAR, from the committee of Conference, submitted a privileged report (Rept. No. 102–1010) on the conference report on the bill (H.R. 5739) to reauthorize the Export-Import Bank of the United States, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT (H. REPT. 102–1010)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5739), To reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

I lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export Enhancement Act of 1992".

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

TITLE I—REAUTHORIZATION OF EXPORT-IMPORT BANK

Sec. 101. Declaration of policy.
Sec. 102. Extension of authority.
Sec. 103. Tied aid credit fund extension.
Sec. 104. Use of loan guarantees.
Sec. 105. Expanded use of loan guarantees.
Sec. 106. Environmental policy.
Sec. 107. Insurance-related business stemming from Bank activities.
Sec. 108. Debt reduction; enterprise for the Americas initiative.
Sec. 109. Increase in aggregate loan, guarantee, and insurance authority.
Sec. 110. Limitation on financing for certain countries.
Sec. 111. Conditional allowance of assistance for exports to Angola.
Sec. 112. Financing of sales of defense articles or services.
Sec. 113. Increase in advisory committee membership.
Sec. 114. Financing of high technology exports to emerging democracies.
Sec. 115. Cooperation on export financing programs.
Sec. 116. Assistance for exports by small businesses.
Sec. 117. Compensation of employees.
Sec. 118. Report on regional offices.
Sec. 119. Report on financing of services.
Sec. 120. Report on demand for trade finance for the Baltic States, the independent states of the former Soviet Union, and Central and Eastern Europe.
Sec. 121. Elimination of outdated provisions.

TITLE II—EXPORT PROMOTION

Sec. 201. Trade Promotion Coordinating Committee.
Sec. 202. One-stop shops.
Sec. 203. Commercial Service cooperation in Federal financing and insurance programs.
Sec. 204. Environmental trade promotion.
Sec. 205. Rank of Commercial Service officers.
Sec. 206. Report on export policy.
Sec. 207. Provisional repeal of amendments.
Sec. 208. Export promotion authorization.

TITLE III—MISCELLANEOUS

Sec. 301. John Heinz Competitive Excellence Award.

TITLE I—REAUTHORIZATION OF EXPORT-IMPORT BANK

SEC. 101. DECLARATION OF POLICY.

The Congress finds that—

(1) as the world's largest economy, the United States has an enormous stake in the future of the global trading system;

(2) exports are a crucial force driving the United States economy;

(3) during 1991, the value of United States exports increased by 7.1 percent from the 1990 level to $421,600,000,000, supporting more than 7,000,000 full-time United States jobs, and affecting the lives of all of the people of the United States;

(4) exports also support the global strategic position of the United States;

(5) a significant part of a country's influence is drawn from the reputation of its goods, its industrial connections with other countries, and the capital it has available for investment, and trade finance is a critical component of this equation;

(6) the growth in United States exports has increased the demand for financing from the Export-Import Bank of the United States;

(7) during 1991, the value of exports assisted by the Export-Import Bank rose 28.7 percent, from $9,700,000,000 to $12,100,000,000, the highest level since 1981;

(8) the Export-Import Bank used its entire budget authority provided for 1991, and still could not meet all of the demand for its financing assistance; and

(9) accordingly, the charter of the Export-Import Bank, which is scheduled to expire on September 30, 1992, must be renewed in order that the Bank continue to arrange competitive and innovative financing for the foreign sales of United States exporters.

SEC. 102. EXTENSION OF AUTHORITY.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1992" and inserting "1997".

SEC. 103. TIED AID CREDIT FUND EXTENSION.

(a) IN GENERAL.—Section 15(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(c)(2)) is amended by striking "fiscal year 1992" and inserting "September 30, 1995".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 15(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(e)) is amended to read as follows:

"(e) AUTHORIZATION.—There are authorized to be appropriated to the Fund $500,000,000 for each of fiscal years 1993, 1994, and 1995. Such sums are authorized to remain available until expended.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 15 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3) is amended—

(1) by striking "predacious" each place such term appears and inserting "predatory";

(2) in subsection (a)(5)—

(A) by striking "temporary"; and

(B) by striking "existing arrangement" and inserting "existing Arrangement";

(3) in subsection (b)(1)—

(A) by striking "To carry out the purposes of subsection (a)(5), the" and inserting "The";

(B) in subparagraph (A), by inserting before the semicolon the following: "and with special attention to matching tied aid and partially untied aid credits extended by other governments—

"(i) in violation of the Arrangement; or

"(ii) in cases in which the Bank determines that United States trade or economic interests justify the matching of tied aid credits extended in compliance with the Arrangement, including grandfathered cases"; and

(C) in subparagraph (B), by striking "partially untied aid credits; and" and all that follows through the end of clause (ii), and inserting the following: "partially untied aid credits, and impedes negotiations or violates agreements on tied aid to eliminate the use of such credits for commercial purposes; or

"(ii) engages in predatory financing practices that seek to circumvent international agreements on tied aid; or";

(4) in subsection (b)(2)(A), by striking "of the Treasury";

(5) in subsection (b)(2)(B), by striking "private financial institutions or entities" and inserting "United States exporters and private financial institutions or entities, and in consultation with other Federal agencies";

(6) in subsection (b)(4), by adding at the end the following: "The Bank shall also request and take into consideration the views of the private sector on principal sectors and key markets of countries described in paragraph (1)(B).";

(7) by amending paragraphs (1) and (2) of subsection (g) to read as follows:

"(1) IN GENERAL.—On or before October 15, 1992, and every 6 months thereafter, the Bank, in consultation with the Secretary, shall submit a report on tied aid credits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(2) CONTENTS OF REPORTS.—Each report required under paragraph (1) shall contain a description of—

"(A) the implementation of the Arrangement restricting tied aid and partially untied aid credits for commercial purposes, including the operation of notification and consultation procedures;

"(B) all principal offers of tied aid credit financing by foreign countries during the previous 6-month period, including all offers notified by countries participating in the Arrangement, and in particular—

"(i) offers grandfathered under the Arrangement; and

"(ii) notifications of exceptions under the Arrangement;

"(C) any use by the Bank of the Tied Aid Credit Fund to match specific offers, including those that are grandfathered or exceptions under the Arrangement; and

"(D) other actions by the United States Government to combat predatory financing practices by foreign governments, including additional negotiations among participating governments in the Arrangement."; and

(8) in subsection (h)—

(A) by striking "For the purpose of this section—" and inserting "For purposes of this section, the following definitions shall apply:"; and

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

"(6) OFFERS GRANDFATHERED UNDER THE ARRANGEMENT.—The term 'offers grandfathered under the Arrangement' means—

"(A) financing offers made or lines of credit extended on or before February 15, 1992; or

"(B) financing offers extended for subloans under lines of credit referred to in subparagraph (A) made on or before August 15, 1992, or, in the case of Mexico, on or before December 31, 1992.".

SEC. 104. USE OF LOAN GUARANTEES.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the fifth sentence by inserting after the first semicolon the following: "that the Bank, in determining whether to provide support for a transaction under the loan, guarantee, or insurance program, or any combination thereof, shall consider the need to involve private capital in support of United States exports as well as the cost of the transaction as calculated in accordance with the requirements of the Federal Credit Reform Act of 1990;".

SEC. 105. EXPANDED USE OF LOAN GUARANTEES.

Section 2(c)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(3)) is amended—

(1) by striking "With" and inserting the following:

"(A) IN GENERAL.—With"; and

(2) by adding at the end the following new subparagraph:

"(B) GUARANTEE COVERAGE.—For the guarantee program provided for in this subsection, the Bank may provide up to 100 percent coverage of the interest and principal if the Board of Directors determines such coverage to be necessary to ensure acceptance of Bank guarantees by financial institutions for any transaction in any export market in which the Bank is open for business.".

SEC. 106. ENVIRONMENTAL POLICY.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

"SEC. 17. ENVIRONMENTAL POLICY AND PROCEDURES.

"(a) ENVIRONMENTAL EFFECTS CONSIDERATION.—

"(1) IN GENERAL.—Consistent with the objectives of section 2(b)(1)(A), the Bank shall establish procedures to take into account the potential beneficial and adverse environmental effects of goods and services for which support is requested under its direct lending and guarantee programs. Such procedures shall apply to any transaction involving a project—

"(A) for which long-term support of $10,000,000 or more is requested from the Bank;

"(B) for which the Bank's support would be critical to its implementation; and

"(C) which may have significant environmental effects upon the global commons or any country not participating in the project, or may produce an emission, an effluent, or a principal product that is prohibited or strictly regulated pursuant to Federal environmental law.

"(2) AUTHORITY TO WITHHOLD FINANCING.—The procedures established under paragraph (1) shall permit the Board of Directors, in its judgment, to withhold financing from a project for environmental reasons or to approve financing after considering the potential environmental effects of a project.

"(b) USE OF BANK PROGRAMS TO ENCOURAGE CERTAIN EXPORTS.—The Bank shall encourage the use of its programs to support the export of goods and services that have beneficial effects on the environment or mitigate potential adverse environmental effects. The Board of Directors shall name an officer of the Bank to advise the Board on ways that the Bank's programs can be used to support the export of such goods and services. The officer shall act as liaison between the Bank and other Federal Government agencies, including the agencies whose representatives are members of the Environmental Trade Promotion Working Group of the Trade Promotion Coordinating Committee, with respect to overall United States Government policy on the environment.

"(c) INCLUSION IN REPORT TO CONGRESS.—The Bank shall provide in its annual report to the Congress a summary of its activities under subsections (a) and (b).

"(d) INTERPRETATION.—Nothing in this section shall be construed to create any cause of action.".

SEC. 107. INSURANCE-RELATED BUSINESS STEMMING FROM BANK ACTIVITIES.

Section 2(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)) is amended by striking paragraphs (2) and (3) and inserting after paragraph (1) the following:

"(2) COMPETITIVE OPPORTUNITY FOR INSURANCE COMPANIES.—In the case of any long-term loan or guarantee of not less than $10,000,000, the Bank shall seek to ensure that United States insurance companies are accorded a fair and open competitive opportunity to provide insurance against risk of loss in connection with any transaction with respect to which such loan or guarantee is provided.

"(3) RESPONSIVE ACTIONS.—If the Bank becomes aware that a fair and open competitive opportunity is not accorded to any United States insurance company in a foreign country with respect to which the Bank is considering a loan or guarantee, the Bank—

"(A) may approve or deny the loan or guarantee after considering whether such action would be likely to achieve competitive access for United States insurance companies; and

"(B) shall forward information regarding any foreign country that denies United States insurance companies a fair and open competitive opportunity to the Secretary of Commerce and to the United States Trade Representative for consideration of a recommendation to the President that access by such country to export credit of the United States should be restricted.

"(4) NOTICE OF APPROVAL.—If the Bank approves a loan or guarantee with respect to a foreign country notwithstanding information regarding denial by that foreign country of competitive opportunities for United States insurance companies, the Bank shall include notice of such approval and the reason for such approval in the report on competition in officially supported export credit required under subsection (b)(1)(A).

"(5) DEFINITIONS.—For purposes of this section—

"(A) the term 'United States insurance company'—

"(i) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized (or in the case of a holding company, subsidiaries of which are authorized) by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(ii) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in clause (i); and

"(B) the term 'fair and open competitive opportunity' means, with respect to the provision of insurance by a United States insurance company, that the company—

"(i) has received notice of the opportunity to provide such insurance; and

"(ii) has been evaluated for such opportunity on a nondiscriminatory basis.".

SEC. 108. DEBT REDUCTION; ENTERPRISE FOR THE AMERICAS INITIATIVE.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

"SEC. 18. DEBT REDUCTION; ENTERPRISE FOR THE AMERICAS INITIATIVE.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'eligible country' means a country designated by the President in accordance with section (b);

"(2) the term 'Facility' means the entity established in the Department of the Treasury by section 601 of the Agricultural Trade Development and Assistance Act of 1954; and

"(3) the term 'IMF' means the International Monetary Fund.

"(b) ELIGIBILITY FOR BENEFITS UNDER THE FACILITY.—

"(1) REQUIREMENTS.—To be eligible for benefits from the Facility under this section, a country must—

"(A) be a Latin American or Caribbean country;

"(B) have in effect, have received approval for, or, as appropriate in exceptional circumstances, be making significant progress toward—

"(i) an IMF standby arrangement, extended IMF arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility or, in exceptional circumstances, an IMF monitored program or its equivalent; and

"(ii) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association;

"(C) have put in place major investment reforms in conjunction with an Inter-American Development Bank loan or otherwise be implementing, or making significant progress toward, an open investment regime; and

"(D) if appropriate, have agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction.

"(2) ELIGIBILITY DETERMINATIONS.—The President shall determine whether a country is an eligible country for purposes of paragraph (1).

"(c) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any loan or portion thereof made before January 1, 1992, to any eligible country or any agency thereof pursuant to this Act, or, on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

"(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

"(B) a debt buy-back by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development activities, in a manner consistent with sections 607 through 612 of the Agricultural Trade Development and Assistance Act of 1954,

if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

"(3) TREATMENT UNDER SECURITIES LAWS.—The filing of a registration statement under the Securities Act of 1933 shall not be required with respect to the sale or offer for sale by the Bank of a loan or any interest therein pursuant to this section. For purposes of the Securities Act of 1933, the Bank shall not be deemed to be an issuer or underwriter with respect to any subsequent sale or other disposition of such loan (or any interest therein) or any security received by an eligible purchaser pursuant to any debt-for-equity swap, debt-for-development swap, or debt-for-nature swap.

"(4) ADMINISTRATION.—The Facility shall notify the Bank of purchasers that the President has determined to be eligible, and shall direct the Bank to carry out the sale, reduction, or cancellation of a loan pursuant to this section. The Bank shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(5) LIMITATIONS.—The authorities of this subsection may be exercised only to such extent as provided for in advance in appropriations Acts, as necessary to implement the Federal Credit Reform Act of 1990.

"(d) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"(e) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (c)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

"(f) DEBTOR CONSULTATION.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning, the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the sale, reduction, and cancellation of loans or portions thereof pursuant to this section, there are authorized to be appropriated to the President such sums as may be necessary, which are authorized to remain available until expended.".

SEC. 109. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

(a) FEES AND PREMIUMS.—Section 2(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(1)) is amended to read as follows:

"(1) The Bank shall charge fees and premiums commensurate, in the judgment of the Bank, with risks covered in connection with the contractual liability that the Bank incurs for guarantees, insurance, coinsurance, and reinsurance against political and credit risks of loss.".

(b) AGGREGATE AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by striking "SEC. 7. (a)(1)" and inserting the following:

"SEC. 7. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

"(a) LIMITATION ON OUTSTANDING AMOUNTS.—";

(2) in subsection (a)—

(A) by striking paragraph (3); and

(B) by striking "$40,000,000,000" and inserting "$75,000,000,000"; and

(3) in subsection (a)(2)—

(A) by striking "(2)(A)(i)" and inserting the following:

"(b) PRESIDENTIAL DETERMINATION.—

"(1) IN GENERAL.—";

(B) by striking "(I)" and inserting "(A)";

(C) by striking "(II)" and inserting "(B)";

(D) by striking "(III)" and inserting "(C)";

(E) by striking "(ii) Not later than" and inserting the following:

"(2) REPORT.—Not later than";

(F) by striking "(B)(i)" and inserting the following:

"(3) REQUEST FOR LEGISLATION.—

"(A) IN GENERAL.—"; and

(G) by striking "(ii)" and inserting the following:

"(B) CONTINUED AVAILABILITY OF AUTHORITY.—".

SEC. 110. LIMITATION ON FINANCING FOR CERTAIN COUNTRIES.

Section 2(b)(2)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)) is amended to read as follows:

"(B) MARXIST-LENINIST COUNTRY DEFINED.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'Marxist-Leninist country' means any country that maintains a centrally planned economy based on the principles of Marxism-Leninism, or is economically and militarily dependent on any other such country.

"(ii) SPECIFIC COUNTRIES DEEMED TO BE MARXIST-LENINIST.—Unless otherwise determined by the President in accordance with subparagraph (C), the following countries are deemed to be Marxist-Leninist countries for purposes of this paragraph:

"(I) Cambodian People's Republic.

"(II) Democratic People's Republic of Korea.

"(III) Democratic Republic of Afghanistan.

"(IV) Lao People's Democratic Republic.

"(V) People's Republic of China.

"(VI) Republic of Cuba.

"(VII) Socialist Federal Republic of Yugoslavia.

"(VIII) Socialist Republic of Vietnam.

"(IX) Tibet.".

SEC. 111. CONDITIONAL ALLOWANCE OF ASSISTANCE FOR EXPORTS TO ANGOLA.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended—

(1) by striking paragraph (11) and redesignating paragraph (12) as paragraph (11); and

(2) in paragraph (11), as redesignated, by striking "Notwithstanding any determination by the President under paragraph (2) or (11), the" and inserting "The".

SEC. 112. FINANCING OF SALES OF DEFENSE ARTICLES OR SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(6)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)) is amended—

(1) in clause (iv), by inserting "and" at the end;

(2) in clause (v), by striking "; and" and inserting a period; and

(3) by striking clause (vi).

(b) ADDITIONAL CRITERIA FOR NATIONAL INTEREST WAIVER.—Section 2(b)(6)(D)(i) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(D)(i)) is amended—

(1) by striking "and" at the end of subclause (I);

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following:

"(II) the President determines, after consultation with the Assistant Secretary of State for Human Rights and Humanitarian Affairs, that the purchasing country has complied with all restrictions imposed by the United States on the end use of any defense articles or services for which a guarantee or insurance was provided under subparagraph (B), and has not used any such defense articles or services to engage in a consistent pattern of gross violations of internationally recognized human rights; and".

(c) REPORT.—Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following new subparagraph:

"(H) Once in each calendar quarter, the Bank shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives on all instances in which the Bank, during the reporting quarter, guaranteed, insured, or extended credit or participated in an extension of credit in connection with any credit sale of an article, service, or related technical data described in subparagraph (G) that the Bank determined would not be put to a military use. Such report shall include a description of each of the transactions and the justification for the Bank's actions.".

(d) CONFORMING AMENDMENTS.—Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) in subparagraph (A), by striking "designated under" and all that follows through the end of the subparagraph and inserting a period;

(2) in subparagraph (B)—

(A) by striking ", and section 32 of the Arms Export Control Act,"; and

(B) in clause (v), by striking "and services" and inserting "or services";

(3) in subparagraph (D)(i)(III), as redesignated by subsection (b) of this section, by striking "determination has" and inserting "determinations have";

(4) in subparagraph (D)(ii), by striking "sentence" and inserting "clause"; and

(5) in subparagraph (G), by striking "and services" and inserting "or services".

(e) REPEAL.—Section 32 of the Arms Export Control Act (22 U.S.C. 2772) is repealed.

SEC. 113. INCREASE IN ADVISORY COMMITTEE MEMBERSHIP.

Section 3(d)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(A)) is amended by striking "twelve" and inserting "15".

SEC. 114. FINANCING OF HIGH TECHNOLOGY EXPORTS TO EMERGING DEMOCRACIES.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(H)(i) It is further the policy of the United States to foster the development of democratic institutions and market economies in countries seeking such development, and to assist the export of high technology items to such countries.

"(ii) In exercising its authority, the Bank shall develop a program for providing guarantees and insurance with respect to the export of high technology items to countries making the transition to market based economies, including eligible East European countries (within the meaning of section 4 of the Support For East European Democracy (SEED) Act of 1989).

"(iii) As part of the ongoing marketing and outreach efforts of the Bank, the Bank shall, to the maximum extent practicable, inform high technology companies, particularly small business concerns (as such term is defined in section 3 of the Small Business Act), about the programs of the Bank for United States companies interested in exporting high technology goods to countries making the transition to market based economies, including any eligible East European country (within the meaning of section 4 of the Support For East European Democracy (SEED) Act of 1989).

"(iv) In carrying out clause (iii), the Bank shall—

"(I) work with other agencies involved in export promotion and finance; and

"(II) invite State and local governments, trade centers, commercial banks, and other appropriate public and private organizations to serve as intermediaries for the outreach efforts.".

SEC. 115. COOPERATION ON EXPORT FINANCING PROGRAMS.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

"SEC. 19. COOPERATION ON EXPORT FINANCING PROGRAMS.

"The Bank shall, subject to appropriate memoranda of understanding—

"(1) provide complete and current information on all of its programs and financing practices to—

"(A) the Small Business Administration and other Federal agencies involved in promoting exports and marketing export financing programs; and

"(B) State and local export financing organizations that indicate a desire to participate in export promotion; and

"(2) consistent with the provisions of section 2301(f)(2) of the Export Enhancement Act of 1988, undertake a program to provide training for personnel designated in such memoranda with respect to such financing programs.".

SEC. 116. ASSISTANCE FOR EXPORTS BY SMALL BUSINESSES.

Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by inserting "directly" after "exports".

SEC. 117. COMPENSATION OF EMPLOYEES.

(a) IN GENERAL.—The Board of Directors of the Export-Import Bank of the United States may compensate not more than 35 employees of the Bank without regard to the provisions of chapter 51 or subchapter III or VIII of chapter 53 of title 5, United States Code.

(b) SUNSET.—Effective 2 years after the date of enactment of this Act, subsection (a) is hereby repealed.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Export-Import Bank of the United States shall submit a report to the Congress on—

(1) the recruitment and employee retention problems of the Bank;

(2) any relief from such problems afforded by the Office of Personnel Management;

(3) any use of the authority provided in subsection (a); and

(4) the conclusions and recommendations of the Bank with respect to—

(A) whether such problems have been satisfactorily addressed; and

(B) whether or not the authority of subsection (a) should be extended.

SEC. 118. REPORT ON REGIONAL OFFICES.

Not later than 1 year after the date of enactment of this Act, the Export-Import Bank of the United States shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the Bank's plan to establish and operate regional offices. In addition, the report shall consider the appropriateness of cooperating with other Federal agencies and State and local organizations in co-locating personnel of such agencies and organizations with personnel of the Bank in such regional offices.

SEC. 119. REPORT ON FINANCING OF SERVICES.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Export-Import Bank of the United States (in this section referred to as the "Bank") shall submit a report to the Committee on Banking, Finance and Urban Affairs and the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on ways of facilitating the export financing of high technology services.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of the current export financing needs of firms dealing in high technology services;

(2) an identification of the export financing support provided by commercial lenders to finance the sale of high technology services;

(3) an identification of the official export credit programs in support of such exports of countries that are major participants in the Organization for Economic Cooperation and Development; and

(4) a review of the programs of the Bank to determine how it can meet identified market needs of firms dealing in high technology services.

(c) DEFINITION.—For purposes of this section, the term "high technology services" means industries in which above average percentages of scientists and engineers are employed, and which have the highest direct research and development expenditures per dollar of sales, including—

(1) computer programming and software services;

(2) data processing services; and

(3) computer related services.

SEC. 120. REPORT ON DEMAND FOR TRADE FINANCE FOR THE BALTIC STATES, THE INDEPENDENT STATES OF THE FORMER SOVIET UNION, AND CENTRAL AND EASTERN EUROPE.

(a) FINDINGS.—The Congress finds that—

(1) United States export participation in the emerging markets in the independent States of the former Soviet Union, Central and Eastern Europe, and the Baltic States holds definite potential for preserving and creating jobs in the United States and strengthening the competitiveness of United States exports;

(2) export assistance for United States goods destined for emerging republics is an investment in the development and establishment of their market economies, a critical element in maintaining existing United States businesses which export to the regions in which such republics are located, and a significant factor in the economic future of the United States and such republics;

(3) the Export-Import Bank of the United States (in this section referred to as the "Bank") has a unique opportunity to play a leading role in assisting United States exporters to participate in the rapidly changing and highly competitive markets in the independent States of the former Soviet Union, Central and Eastern Europe, and the Baltic States; and

(4) it is in the interest of the United States for the Bank to—

(A) monitor carefully the export assistance programs and terms offered by foreign governments for competitive exports; and

(B) make every effort to offer United States business export assistance for transactions in the independent States of the former Soviet Union, Central and Eastern Europe, and the Baltic States, that is comparable to the assistance being provided by other governments.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Bank shall transmit to the Congress a report analyzing the present and future demand for loans, guarantees, and insurance for trade between the United States and the Baltic States, between the United States and the independent States of the former Soviet Union, and between the United States and Central and Eastern Europe, and shall make recommendations regarding the adequacy of financing for trade between the United States and such countries. As used in this section, the term "independent States of the former Soviet Union" includes all successor states (other than the Baltic States) to the Soviet Union.

SEC. 121. ELIMINATION OF OUTDATED PROVISIONS.

(a) AMENDMENTS TO SECTION 2.—Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended—

(1) in subsection (a)(3)—

(A) by striking "(A) IN GENERAL.—";

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(2) in subsection (b)(1)(A), by striking "The Bank shall also" and all that follows through the final period and inserting the following: "The Bank shall include in the annual report a description of its role in the implementation of the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.";

(3) in subsection (b)(1)(E)(v), by striking "not less than—" and all that follows through the end of clause (v) and inserting "not less than 10 percent of such authority for each fiscal year."; and

(4) by striking subsection (f).

(b) AMENDMENT TO SECTION 4.—Section 4 of the Export-Import Bank Act of 1945 (12 U.S.C. 635b) is amended by striking all after the first sentence and inserting the following: "Certificates evidencing stock ownership of the United States shall be issued by the Bank to the President of the United States, or to such other person or persons as the President may designate from time to time, to the extent of payments made for the capital stock of the Bank.".

(c) REPEAL OF CERTAIN OUTDATED SECTIONS.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) by striking sections 5, 10, 12, 13, 14, and 16;

(2) by redesignating sections 6 through 9 as sections 5 through 8, respectively;

(3) by redesignating section 11 as section 9;

(4) by redesignating section 15 as section 10;

(5) by redesignating section 17, as added by section 106 of this Act, as section 11;

(6) by redesignating section 18, as added by section 108 of this Act, as section 12; and

(7) by redesignating section 19, as added by section 115 of this Act, as section 13.

TITLE II—EXPORT PROMOTION

SEC. 201. TRADE PROMOTION COORDINATING COMMITTEE.

Subtitle C of the Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

"SEC. 2312. TRADE PROMOTION COORDINATING COMMITTEE.

"(a) ESTABLISHMENT AND PURPOSE.—The President shall establish the Trade Promotion Coordinating Committee (hereafter in this section referred to as the 'TPCC'). The purpose of the TPCC shall be—

"(1) to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government; and

"(2) to develop a governmentwide strategic plan for carrying out Federal export promotion and export financing programs.

"(b) DUTIES.—The TPCC shall—

"(1) coordinate the development of the trade promotion policies and programs of the United States Government;

"(2) provide a central source of information for the business community on Federal export promotion and export financing programs;

"(3) coordinate official trade promotion efforts to ensure better delivery of services to United States businesses, including—

"(A) information and counseling on United States export promotion and export financing programs and opportunities in foreign markets;

"(B) representation of United States business interests abroad; and

"(C) assistance with foreign business contacts and projects;

"(4) prevent unnecessary duplication in Federal export promotion and export financing activities;

"(5) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations to the President based on its assessment; and

"(6) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

"(c) STRATEGIC PLAN.—To carry out subsection (b), the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall—

"(1) establish a set of priorities for Federal activities in support of United States exports and explain the rationale for the priorities;

"(2) review current Federal programs designed to promote the sale of United States exports in light of the priorities established under paragraph (1) and develop a plan to bring such activities into line with the priorities and to improve coordination of such activities;

"(3) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;

"(4) propose to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (2) and eliminates funding for the areas of overlap and duplication identified under paragraph (3); and

"(5) review efforts by the States (as defined in section 2301(i)) to promote United States exports and propose means of developing cooperation between State and Federal efforts, including colocation, cost-sharing between Federal and State export promotion programs, and sharing of market research data.

"(d) MEMBERSHIP.—

"(1) IN GENERAL.—Members of the TPCC shall include representatives from—

"(A) the Department of Commerce;

"(B) the Department of State;

"(C) the Department of the Treasury;

"(D) the Department of Agriculture;

"(E) the Department of Energy;

"(F) the Department of Transportation;

"(G) the Office of the United States Trade Representative;

"(H) the Small Business Administration;

"(I) the Agency for International Development;

"(J) the Trade and Development Program;

"(K) the Overseas Private Investment Corporation;

"(L) the Export-Import Bank of the United States; and

"(M) at the discretion of the President, such other departments or agencies as may be necessary.

"(2) CHAIRPERSON.—The Secretary of Commerce shall serve as the chairperson of the TPCC.

"(e) MEMBER QUALIFICATIONS.—Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as alternates designated by any members unable to attend a meeting of the TPCC, shall be individuals who exercise significant decisionmaking authority in their respective departments or agencies.

"(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto.".

SEC. 202. ONE-STOP SHOPS.

Section 2301(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(b)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting a semicolon; and

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

"(8) utilizing district and foreign offices as one-stop shops for United States exporters by providing exporters with information on all export promotion and export finance activities of the Federal Government, assisting exporters in identifying which Federal programs may be of greatest assistance, and assisting exporters in making contact with the Federal programs identified; and".

SEC. 203. COMMERCIAL SERVICE COOPERATION IN FEDERAL FINANCING AND INSURANCE PROGRAMS.

(a) IN GENERAL.—Section 2301(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(b)) is amended by adding at the end the following new paragraph:

"(9) providing United States exporters and export finance institutions with information on all financing and insurance programs of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration, including providing assistance in completing applications for such programs and working with exporters and export finance institutions to address any deficiencies in such applications that have been submitted.".

(b) TRAINING AND INFORMATION ASSISTANCE.—Section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) COOPERATION IN FEDERAL FINANCING AND INSURANCE PROGRAMS.—To assist the Commercial Service in carrying out subsection (b)(9), and consistent with the provisions of section 13 of the Export-Import Bank Act of 1945, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration shall each—

"(1) provide to the Commercial Service complete and current information on all of its programs and financing practices; and

"(2) undertake a training program regarding such programs and practices for Commercial Service Officers who are designated by the Assistant Secretary of Commerce and Director General of the Commercial Service.".

SEC. 204. ENVIRONMENTAL TRADE PROMOTION.

(a) TPCC ACTIVITIES.—Subtitle C of the Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

"SEC. 2313. ENVIRONMENTAL TRADE PROMOTION.

"(a) STATEMENT OF POLICY.—It is the policy of the United States to foster the export of United States environmental technologies, goods, and services. In exercising their powers and functions, all appropriate departments and agencies of the United States Government shall encourage and support sales of such technologies, goods, and services.

"(b) ENVIRONMENTAL TRADE WORKING GROUP OF THE TRADE PROMOTION COORDINATION COMMITTEE.—

"(1) ESTABLISHMENT AND PURPOSE.—The President shall establish the Environmental Trade Promotion Working Group (hereafter in this section referred to as the 'Working Group') as a subcommittee of the Trade Promotion Coordination Committee (hereafter in this section referred to as the 'TPCC'), established under section 2312. The purpose of the Working Group shall be—

"(A) to address all issues with respect to the export promotion and export financing of United States environmental technologies, goods, and services; and

"(B) to develop a strategy for expanding United States exports of environmental technologies, goods, and services.

"(2) MEMBERSHIP.—The members of the Working Group shall be—

"(A) representatives of the departments and agencies that are represented on the TPCC, who are designated by the head of their respective departments or agencies to advise the head of such department or agency on ways of promoting the export of United States environmental technologies, goods, and services; and

"(B) a representative of the Environmental Protection Agency.

"(3) CHAIRPERSON.—The Secretary of Commerce (hereafter in this section referred to as the 'Secretary') shall designate the chairperson of the Working Group from among senior employees of the Department of Commerce. The chairperson shall—

"(A) assess the effectiveness of United States Government programs for the promotion of exports of environmental technologies, goods, and services;

"(B) recommend improvements to such programs, including regulatory changes or additional authority that may be necessary to improve the promotion of exports of environmental technologies, goods, and services;

"(C) ensure that the members of the Working Group coordinate their environmental trade promotion programs, including feasibility studies, technical assistance, training programs, business information services, and export financing; and

"(D) assess, jointly with the Working Group representative of the Environmental Protection Agency, the extent to which the environmental trade promotion programs of the Working Group advance the environmental goals established in 'Agenda 21' by the United Nations Conference on Environment and Development held at Rio de Janeiro, and in other international environmental agreements.

"(4) REPORT TO CONGRESS.—The chairperson of the TPCC shall include a report on the activities of the Working Group as a part of the annual report submitted to the Congress by the TPCC.

"(c) TRADE INFORMATION.—In support of the work of the Working Group, the Secretary shall, as part of the regular market survey and information services activities of the Department of Commerce, make available—

"(1) information on existing and emerging markets and market trends for environmental technologies, goods, and services; and

"(2) a description of the export promotion programs for environmental technologies, goods, and services of the agencies that are represented on the Working Group.

"(d) OVERSEAS SERVICES FOR EXPORTERS.—

"(1) AUTHORIZATION.—The Secretary is authorized to designate a Foreign Commercial Service officer to serve as the Environmental Export Assistance Officer in any country—

"(A) whose companies are important competitors for United States exports of environmental technologies, goods, and services; or

"(B) that offers promising markets for such exports.

"(2) DUTIES.—The officer designated under paragraph (1) shall provide export promotion assistance to United States companies, including—

"(A) assessments of government assistance provided to producers of environmental technologies, goods, and services in such countries, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(B) assistance in identifying potential customers and market opportunities in such countries;

"(C) assistance in obtaining necessary business services in such countries;

"(D) information on environmental standards and regulations in such countries; and

"(E) information on all United States Government programs that could assist the promotion, financing, and sale of exports of United States environmental technologies, goods, and services in such countries.".

(b) REPORT ON INSURANCE FEASIBILITY.—Not later than 1 year after the date of enactment of this Act, the chairperson of the Trade Promotion Coordinating Committee, after consultation with the appropriate departments and agencies of the United States Government, shall submit a report to the Congress that analyzes—

(1) the extent to which Federal investment insurance and export financing programs sufficiently protect against business failures or default on obligations arising from changes by a foreign government in its environmental laws or regulations; and

(2) the advisability and feasibility of expanding the coverage of such programs, or creating new programs, to address such risks.

SEC. 205. RANK OF COMMERCIAL SERVICE OFFICERS.

Section 2301(d)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(d)(1)) is amended in the first sentence by striking "8" and inserting "16".

SEC. 206. REPORT ON EXPORT POLICY.

The Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

"SEC. 2314. REPORT ON EXPORT POLICY.

"(a) IN GENERAL.—Not later than May 31 of each year, the Secretary of Commerce shall submit to the Congress a report on the international economic position of the United States and, not later than June 30 of each year, shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives to testify on issues addressed in that report.

"(b) CONTENTS.—

"(1) IN GENERAL.—Each report required under subsection (a) shall address—

"(A) the state of United States international economic competitiveness, focusing, in particular, on the efforts of the Department of Commerce—

"(i) to encourage research and development of technologies and products deemed critical for industrial leadership;

"(ii) to promote investment in and improved manufacturing processes for such technologies and products; and

"(iii) to increase United States industrial exports of products using the technologies described in clause (i) to those markets where the United States Government has sought to reduce barriers to exports;

"(B) the report on the Trade Promotion Coordinating Committee strategic plan submitted to the Congress in accordance with section 2312(f);

"(C) other specific recommendations of the Department of Commerce to improve the United States balance of trade;

"(D) the effects on the international economic competitiveness of the United States of—

"(i) formal and informal trade barriers; and

"(ii) subsidies by foreign countries to their domestic industries;

"(E) the efforts of the Department of Commerce to reduce trade barriers; and

"(F) the adequacy of export financing programs of the United States Government and recommendations for improving such programs.

"(2) POLICY BASIS FOR REPORTS.—Portions of each report under this section may incorporate or be based upon relevant reports and testimony produced by the Department of Commerce or other agencies, but the policy views shall be those of the Secretary of Commerce.".

SEC. 207. PROVISIONAL REPEAL OF AMENDMENTS.

In the event of the enactment of title II of H.R. 3489, "An Act to reauthorize the Export Administration Act of 1979, and for other purposes", this title and the amendments made by this title are repealed, effective on the date of enactment of title II of H.R. 3489, "An Act to reauthorize the Export Administration Act of 1979, and for other purposes".

SEC. 208. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce—

"(1) to carry out export promotion programs—

"(A) $190,000,000 for fiscal year 1993; and

"(B) $200,000,000 for fiscal year 1994; and

"(2) to carry out section 2303 of the Export Enhancement Act of 1988, $5,500,000 for each of fiscal years 1993 and 1994.".

TITLE III—MISCELLANEOUS

SEC. 301. JOHN HEINZ COMPETITIVE EXCELLENCE AWARD.

(a) ESTABLISHMENT.—There is hereby established the John Heinz Competitive Excellence Award, which shall be evidenced by a national medal bearing the inscription "John Heinz Competitive Excellence Award". The medal, to be minted by the United States Mint and provided to the Congress, shall be of such design and bear such additional inscriptions as the Secretary of the Treasury may prescribe, in consultation with the Majority and Minority Leaders of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the family of Senator John Heinz. The medal shall be—

(1) three inches in diameter; and

(2) made of bronze obtained from recycled sources.

(b) AWARD CATEGORIES.—

(1) IN GENERAL.—Two separate awards may be given under this section in each year. One such award may be given to a qualifying individual (including employees of any State or local government, or the Federal Government), and 1 such award may be given to a qualifying organization, institution, or business.

(2) LIMITATION.—No award shall be made under this section to an entity in either category described in paragraph (1) in any year if there is no qualified individual, organization, institution, or business recommended under subsection (c) for an award in such category in that year.

(c) QUALIFICATION CRITERIA FOR AWARD.—

(1) SELECTION PANEL.—A selection panel shall be established, comprised of a total of 8 persons, including—

(A) 2 persons appointed by the Majority Leader of the Senate;

(B) 2 persons appointed by the Minority Leader of the Senate;

(C) 2 persons appointed by the Speaker of the House of Representatives; and

(D) 2 persons appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATION.—An individual, organization, institution, or business may qualify for an award under this section only if such individual, organization, institution, or business—

(A) is nominated to the Majority or Minority Leader of the Senate or to the Speaker or the Minority Leader of the House of Representatives by a member of the Senate or the House of Representatives;

(B) permits a rigorous evaluation by the Office of Technology Assessment of the way in which such individual, organization, institution, or business has demonstrated excellence in promoting United States industrial competitiveness; and

(C) meets such other requirements as the selection panel determines to be appropriate to achieve the objectives of this section.

(3) EVALUATION.—An evaluation of each nominee shall be conducted by the Office of Technology Assessment. The Office of Technology Assessment shall work with the selection panel to establish appropriate procedures for evaluating nominees.

(4) PANEL REVIEW.—The selection panel shall review the Office of Technology Assessment's evaluation of each nominee and may, based on those evaluations, recommend 1 award winner for each year for each category described in subsection (b)(1) to the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives.

(d) PRESENTATION OF AWARD.—

(1) IN GENERAL.—The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives shall make the award to an individual and an organization, institution, or business that has demonstrated excellence in promoting United States industrial competitiveness in the international marketplace through technological innovation, productivity improvement, or improved competitive strategies.

(2) CEREMONIES.—The presentation of an award under this section shall be made by the

Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives, with such ceremonies as they may deem proper.

(3) PUBLICITY.—An individual, organization, institution, or business to which an award is made under this section may publicize its receipt of such award and use the award in its advertising, but it shall be ineligible to receive another award in the same category for a period of 5 years.

(e) PUBLICATION OF EVALUATIONS.—

(1) SUMMARY OF EVALUATIONS.—The Office of Technology Assessment shall ensure that all nominees receive a detailed summary of any evaluation conducted of such nominee under subsection (c).

(2) SUMMARY OF COMPETITIVENESS STRATEGY.—The Office of Technology Assessment shall also make available to all nominees and the public a summary of each award winner's competitiveness strategy. Proprietary information shall not be included in any such summary without the consent of the award winner.

(f) REIMBURSEMENT OF COSTS.—The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives are authorized to seek and accept gifts from public and private sources to defray the cost of implementing this section.

And the Senate agree to the same.

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and Senate amendment, and modifications committed to conference:

MARY ROSE OAKAR,
STEVEN NEAL,
JOHN J. LAFALCE,
ESTEBAN E. TORRES,
GERALD D. KLECZKA,
CHALMERS WYLIE,
JIM LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 106, 108, and 206 of the House bill, and title II and section 109(a)(7) of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
SAM GEJDENSON,
MEL LEVINE,
EDWARD FEIGHAN,
HARRY JOHNSTON,
WM. S. BROOMFIELD,
TOBY ROTH,
JOHN MILLER,

As additional conferees from the Committee on Foreign Affairs, for consideration of section 301 of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
SAM GEJDENSON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Rules, for consideration of section 301 of the Senate amendment, and modifications committed to conference:

JOE MOAKLEY,
BUTLER DERRICK,
DAVID DREIER,

Managers on the Part of the House.

DON RIEGLE,
ALAN CRANSTON,
PAUL S. SARBANES,
JAKE GARN,
CONNIE MACK,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5739), To reauthorize the Export-Import bank of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

SECTION 1—SHORT TITLE

Present law

No provision.

House bill

The House bill entitles this Act the "Export-Import Bank Charter Renewal Act of 1992."

Senate amendment

The Senate amendment entitles this Act the "Export Enhancement Act of 1992."

Conference agreement

The conference agreement is the Senate title.

TITLE I—REAUTHORIZATION OF EXPORT-IMPORT BANK

SECTION 101—DECLARATION OF POLICY

Present law

No provision.

House bill

The House bill (sec. 101) sets forth a number of findings regarding the importance of exports to the United States economy, the increase in Eximbank activity and the need to renew the charter of Eximbank.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the House provision.

SECTION 102—EXTENSION OF AUTHORITY

Present law

The current charter of Eximbank expires September 30, 1992.

House bill

The House bill (sec. 102) extends the charter of Eximbank for five years through September 30, 1997.

Senate amendment

The Senate amendment (sec. 101) has a similar provision.

Conference agreement

The conference agreement provides a five-year reauthorization for Eximbank.

SECTION 103—TIED AID CREDIT FUND EXTENSION

Present law

The Export-Import Bank Act of 1945 (Eximbank Act) in section 15 authorizes the Tied Aid Credit Fund, known as the WarChest, through fiscal year 1992. Section 15(b)(1)(A) of the Eximbank Act authorizes Eximbank "To supplement the financing of a United States export when there is a reasonable expectation that predacious financing will be provided by another country for a sale by a competitor of the United States exporter with respect to such export." Under section 15(b)(1)(B) of the Eximbank Act, Eximbank is also authorized "To supplement the financing of United States exports to foreign markets which are actual or potential markets for any country which the Bank determines (i) engages in predacious official export financing through the use of tied aid or partially untied aid credits and (ii) impedes negotiations to eliminate the use of such credits for commercial purposes." Section 15 further provides that the tied aid credit program shall be administered by Eximbank in cooperation with private financial institutions or entities, as appropriate, and requires Eximbank to submit a semi-annual report to the Congress on tied aid credits.

House bill

The House bill (sec. 103) provides for an authorization level for the WarChest of $500 million per fiscal year, its current level, through FY1997.

Senate amendment

The Senate amendment (sec. 102) reauthorizes the WarChest for three years, through September 30, 1995, at $500 million a year. In addition, it amends sections of the Eximbank Act with respect to the defensive and positive use of the WarChest to (a) make clear that Eximbank has the authority to match tied aid credits extended by other governments in violation of the OECD Arrangement or in compliance with the Arrangement in those cases in which Eximbank makes a determination that it is in the trade or economic interests of the United States to do so, particularly cases grandfathered under the recently concluded OECD agreement, and (b) provide Eximbank authority to use tied aid credits to respond to situations in which other governments attempt to gain competitive advantage in foreign markets without formally violating tied aid credit agreements, for example, the use of aid that is not formally tied to domestic procurement but is in fact tied. The Senate amendment also provides for the administration of the tied aid credit program in cooperation with U.S. exporters as well as financial institutions, provides that Eximbank shall request and take into consideration the views of the private sector on principal sectors and key markets of countries described in Section 15(b)(1)(B), and revises Eximbank's semiannual report to Congress denied aid credits.

Conference agreement

The conference agreement is the Senate provision with an amendment providing that the tied aid credit program shall be administered in consultation with other Federal agencies, as appropriate.

SECTION 104—USE OF LOAN GUARANTEES

Present law

No provision.

House bill

The House bill (sec. 105) requires that Eximbank, in determining whether to provide support for a transaction under its loan, guarantee, or insurance program, shall consider the need to involve private capital in support of U.S. exports as well as the budgetary (subsidy) cost of the transaction under credit reform.

Senate amendment

The Senate amendment (sec. 103) has an identical provision.

Conference agreement

The conference agreement contains the requirement for Eximbank, in determining support under its programs, to take into account not only the subsidy cost of a transaction but also the need to involve private capital.

SECTION 105—EXPANDED USE OF LOAN GUARANTEES

Present law—

No provision.

House bill—

The House bill has no comparable provision.

Senate amendment—

The Senate amendment (sec. 104) provides that Eximbank, under its guarantee pro-

gram, shall provide up to 100 percent coverage of interest and principal if Eximbank determines such coverage to be necessary to ensure acceptance of Eximbank guarantees by U.S. financial institutions for any transaction in any export market in which Eximbank is open.

Conference agreement

The conference agreement is the Senate provision with an amendment replacing the directive "shall provide" with "may provide."

SECTION 106—ENVIRONMENTAL POLICY

Present law

No provision.

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment (sec. 105) provides for Eximbank procedures to take into account the potential beneficial and adverse environmental effects of goods and services for which long-term support of $10,000,000 is requested from the Bank. This provision authorizes Eximbank to withhold financing for environmental reasons or to approve financing after considering potential environmental effects. It directs Eximbank to encourage the use of its programs for environmental exports and requires Eximbank to submit in its annual report to the Congress a summary of its activities.

Conference agreement

The conference agreement is the Senate provision.

SECTION 107—INSURANCE-RELATED BUSINESS STEMMING FROM BANK ACTIVITIES

Present law

Section 2(d)(1) of the Eximbank Act provides that Eximbank shall work to ensure that U.S. companies are afforded an equal and nondiscriminatory opportunity to bid for insurance in connection with transactions assisted by Eximbank. Section 2(d)(2) requires the Chairman of Eximbank to review Eximbank's policies and programs in regard to this issue, and in coordination with the U.S. Trade Representative and the Departments of State, Treasury, and Commerce, undertake actions designated to promote equal and nondiscriminatory opportunities. Section 2(d)(3) provides for a one-time report to the Congress on insurance.

House bill

The House bill (sec. 109) amends sections 2(d) (2) and (3) to provide that, in any long-term loan or guarantee of at least $10 million, Eximbank shall seek to ensure that the foreign country accords U.S. insurance companies a fair and open opportunity to provide insurance against risk of loss in connection with such loan or guarantee. If Eximbank becomes aware that a fair and open competitive opportunity is not available to any U.S. insurance company, Eximbank may approve or deny the transaction after considering whether such denial would be likely to insure that the foreign country accords fair and open competitive opportunities to U.S. insurance companies. If Eximbank approves a transaction notwithstanding information confirming denial of such competitive opportunities, the U.S. Trade Representative shall include notice of and the reason for any Eximbank approval in the annual report on significant foreign barriers. Eximbank is also required to forward information regarding any foreign country that denies U.S. insurance companies a fair and open competitive opportunity to the Secretary of Commerce and the U.S. Trade Representative for consideration of a recommendation to the President to restrict access by such country to U.S. export credit.

Senate amendment

The Senate amendment (sec. 107) contains a similar provision, except it provides for Eximbank, rather than the U.S. Trade Representative, to include notice of and the reason for any Eximbank approval in Eximbank's annual report on competitiveness.

Conference agreement

The conference agreement is the Senate provision.

SECTION 108—DEBT REDUCTION; ENTERPRISE FOR THE AMERICAS INITIATIVE

Present law

No provision.

House bill

The House bill (Title III) provides authority for the Eximbank component of the Enterprise for the Americas Initiative (EAI). The provision sets forth the purpose and objectives of the EAI. It authorizes the President to sell to eligible purchasers loans made before January 1, 1992 to eligible countries or agencies thereof, pursuant to the Eximbank Act, and on receipt of payment from eligible purchasers, to reduce or cancel such loans, for the purpose of facilitating debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps, or debt buy-backs by an eligible country to support activities that link conservation with local community development. It also requires an annual Presidential report to the House Banking Committee and the President of the Senate on the operation of the EAI Facility. Under the provision, EAI authority may be exercised beginning in fiscal year 1992 and only to the extent provided for in appropriations Acts.

Senate amendment

The Senate amendment (sec. 108) contains a similar provision, but covers loans made before January 1, 1991. It does not provide for debt buy-backs or for an annual Presidential report. EAI authority may be exercised beginning in fiscal year 1993, to the extent provided for in appropriations Acts.

Conference agreement

The conference agreement is the Senate provision with an amendment. The amendment deletes language setting forth the purpose and objectives of the EAI, provides for debt buy-backs to support activities that link conservation with local community development, and child survival and other child development activities, changes the date of eligible debt to January 1, 1992, and stipulates that EAI authority may be exercised only to such extent provided for in appropriations Acts.

SECTION 109—INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY

Present law

The Eximbank Act provides for a ceiling of $40 billion on the total amount of support that may be outstanding under Eximbank's programs at any one time. Up to $25,000,000,000 of guarantees and insurance may be counted against this ceiling at 25 percent of their face value.

House bill

The House bill (sec. 104) provides for a graduated increase in the ceiling from $40,000,000,000 to $69,166,666,666, at the rate of $5.8 billion per year through 1997.

Senate amendment

The Senate amendment (sec. 109(d)(2)) increases the ceiling from $40 billion to $75 billion. The Senate amendment (sec. 109(a)(8)) also provides for guarantees and insurance to be counted at their full face value against this ceiling, the same as direct loans.

Conference agreement

The conference agreement is the Senate provisions.

SECTION 110—LIMITATION ON FINANCING FOR CERTAIN COUNTRIES

Present law

The Eximbank Act prohibits Eximbank support for exports to Marxist-Leninist countries unless the President determines that such support is in the national interest. It sets forth a list of countries deemed to be Marxist-Leninist countries, subject to effective removal of a country from the list if the President determines that such country has ceased to be a Marxist-Leninist country. The President is required to make a separate national interest determination for transactions of $50,000,000 or more.

House bill

The House bill (sec. 203) deletes from the list of Marxist-Leninist countries twelve nations in Central and Eastern Europe and the territory of the former Soviet Union. The House bill (sec. 110) also deletes Angola from this list.

Senate amendment

The Senate amendment (sec. 109(a)(4)(5)(6)) repeals the list of Marxist-Leninist countries, but retains the current requirement that the President make a national interest determination to enable Eximbank to support exports destined for Marxist-Leninist countries. It also modifies the definition of a Marxist-Leninist country in the Eximbank Act to eliminate reference to the former Soviet Union in that definition and deletes the current requirement for a separate national interest determination for any Eximbank loan of $50 million or more.

Conference agreement

The conference agreement is the House provisions with an amendment also deleting any other country previously removed from such list by a Presidential determination that such country has ceased to be a Marxist-Leninist country. It modifies the definition of a Marxist-Leninist country as provided for in the Senate amendment but retains current determination requirements.

SECTION 111—CONDITIONAL ALLOWANCE OF ASSISTANCE FOR EXPORTS TO ANGOLA

Present law

Sections 2(b)(11) of the Eximbank Act prohibits Eximbank financing of exports to Angola until the President certified to the Congress that no Cuban or other Marxist-Leninist forces remain in Angola. Section 2(b)(12) further prohibits Eximbank support for exports to Angola until the President certifies that free and fair elections have been held in Angola and that the Government of Angola has taken steps to implement various human rights reforms.

House bill

The House bill (sec. 110) deletes the requirement for a Presidential certification that no Cuban or other Marxis-Leninist forces remain in Angola, and, as previously mentioned, strikes Angola from the list of Marxist-Leninist countries set forth in the Eximbank Act.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the House provision.

SECTION 112—FINANCING OF SALES OF DEFENSE ARTICLES OR SERVICES

Present law

Current law prohibits Eximbank from financing the export of defense articles and services to less developed countries. In addition, as a matter of policy, Eximbank has refrained from financing sales of defense article to developed countries. For purposes of the prohibition, the definition of a defense article and service is determined by Eximbank based on the identity of the enduser, the nature of the item, and the use to which it will be put. Section 2(b)(6)(B) of the Eximbank Act provides an exception to this prohibition to permit Eximbank to guarantee or insure, under certain circumstances, the sale of defense articles or services for anti-narcotics purposes. The authority to finance defense articles or services for anti-narcotics purposes expires September 30, 1992.

House bill

The House bill (sec. 206) prohibits Eximbank from financing the export of any defense articles or service to developed as well as developing countries, except under the exception for Eximbank financing of defense articles or services to be used for anti-narcotics purposes. The provisions extends for two years, until September 30, 1994, the exception authorizing Eximbank to finance defense articles or services for anti-narcotics purposes, but adds the requirement that the President must determine, after consultation with the Assistant Secretary of State for Human Rights and Humanitarian Affairs, that the purchasing country has complied with all end-use restrictions and has not used defense articles or services to violate internationally recognized human rights.

Senate amendment

The Senate amendment (sec. 109(a)(7)) extends Eximbank's authority to finance defense articles or services for anti-narcotics purposes to coincide with the expiration of the charter of Eximbank.

Conference agreement

The conference agreement is the House provisions with an amendment. The amendment require Eximbank to submit to the Congress a quarterly report on all instances in which Eximbank financed any sale of an article, service, or related technical data described in subparagraph 2(b)(6)(G) of the Eximbank Act that Eximbank determined will not be put to a military use. Eximbank's authority to finance defense articles or services for anti-narcotics purposes would be extended for five years and would expire when Eximbank's charter expires in 1997.

SECTION 113—INCREASE IN ADVISORY COMMITTEE MEMBERSHIP

Present law

Eximbank's Advisory Committee currently has 12 members.

House bill

The House bill (sec. 202) increased the size of the Advisory Committee from 12 to 15 members.

Senate amendment

The Senate amendment has an identical provisions.

Conference agreement

The conference agreement increases membership of the Advisory Committee from 12 to 15.

SECTION 114—FINANCING OF HIGH TECHNOLOGY EXPORTS TO EMERGING DEMOCRACIES

Present law

No provision.

House bill

The House bill (sec. 204) amends the Eximbank Act to authorize an initiative by Eximbank of up to $125 million to facilitate U.S. high technology exports to emerging democracies, primarily to SEED eligible countries, with particular attention to small business.

Senate amendment

The Senate amendment has no comparable provisions.

Conference agreement

The conference agreement is the House provisions with an amendment removing the limit of $125 million on total support. The committee of conference intends the Eximbank provide substantial support for high technology exports to emerging democracies but does not wish to limit those effort if financing opportunities in excess of $125 million arise.

SECTION 115—COOPERATION ON EXPORT FINANCING PROGRAMS

Present law

No provision.

House bill

The House bill (sec. 108, in part) requires Eximbank, subject to memoranda of understanding, to provide information on its programs and financing practices to the Small Business Administration, other federal export promotion and financing agencies, and state and local organizations and undertake a training program for personnel of these agencies.

Senate amendment

The Senate amendment (sec. 203) requires Eximbank to provide information on its programs and financing practices to the United States and Foreign Commercial Service (US&FCS) and undertake a training program for US&FCS officers.

Conference agreement

The conference agreement is the House bill with an amendment requiring that the training program undertaken by Eximbank be consistent with section 203 of the conference agreement.

SECTION 116—ASSISTANCE FOR EXPORTS BY SMALL BUSINESSES

Present law

Section 2(b)(1)(E)(v) of the Eximbank Act provides for a 10 percent set aside requirement for Eximbank support for small business.

House bill

The House bill (sec. 209) provides that, effective October 1, 1992, the 10 percent set aside requirement shall be calculated on support provided directly to small business concerns.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the House provision with an amendment deleting the specific effective date of October 1, 1992. It is the intent of the Managers that this calculation should take into account of Eximbank support for small business under its insurance program.

SECTION 117—APPOINTMENT AND COMPENSATION OF BANK PERSONNEL

Present law

No provision.

House bill

The House bill (sec 201) authorizes Eximbank to fix the compensation of employees without regard to the provision of Chapter 51 or certain subchapters of chapter 53 of title 5 of the U.S. Code, and to provide additional compensation and benefits to Eximbank employees if the same type of compensation or benefits are then being provided by any Federal bank regulatory agency.

Senate amendment.

The Senate amendment (sec. 106) contains a similar provision.

Conference agreement.

The conference agreement authorizes Eximbank to fix the compensation of not more than 35 employees of the Bank without regard to the applicable provisions of title 5 of the U.S. Code. This will allow the Bank to provide overall compensation comparable to other agencies for designated personnel that is sufficient to retain and recruit such personnel necessary for its highly specialized operations. The agreement provides a two-year sunset, and requires the Bank to submit a report to Congress not later than 1 year after the date of enactment on whether the personnel needs of the Bank are being satisfied and whether this authority should be extended.

It is the view of the conferees that the Eximbank has presented a strong case for greater flexibility in compensating Bank personnel. Particularly in light of the critical role played by the Eximbank in supporting U.S. export policy, the two-year sunset given this provision is not intended to imply that this is a one-time only authorization. Rather the intent is for the Bank to come back to Congress to describe its experience utilizing the authority of this provision and inform Congress whether the provision should be extended and whether authority to fix the compensation of employees in addition to the 35 provided in this section is needed.

SECTION 118—REPORT ON REGIONAL OFFICES

Present law

No provision.

House bill

The House bill (sec. 108, in part) requires Eximbank, subject to memoranda of understanding, to cooperate with the Small Business Administration, other federal export promotion and financing agencies, and state and local organizations in co-locating personnel at the same offices throughout the U.S. so that potential exports may obtain, through a "one-stop shop," working capital and export financing and insurance.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement has no comparable requires Eximbank to submit to the Congress within one year a report on Eximbank's plan to establish and operate regional offices. The report would also consider the appropriateness of cooperating with other federal agencies and state and local organizations in colocating personnel in such regional offices.

SECTION 119—REPORT ON FINANCING OF SERVICES

Present law

No provision.

House bill

The House bill (sec. 107) provides for the establishment of the Financing and Marketing Committee, comprised of the President of Eximbank, as Chair, and six individuals from

depository institutions, State and local offices, small firms, and consultants, to conduct a study to identify policies which, if implemented, would facilitate the export of intangible goods and services. The provision requires the Financing and Marketing Committee to submit to the Congress within two years a report on the results of such study that would include an analysis of the foreign market potential for products and services of U.S. high technology firms and other firms capable of exporting intangible goods and services and the export financing needs of such firms, identification of the practices of commercial lenders to finance the sale of intangible goods and services in the U.S. evaluation of OECD programs for financing exports of such goods and services, review of Eximbank lending guidelines to determine if appropriate for meeting the needs of such firms, and recommendations on how Eximbank can market assistance to such firms.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement provides for Eximbank to submit to the Congress within one year a report on ways of facilitating the export financing of high technology services, including such items as computer programming and software services, data processing services, and computer related services. The report would analyze the current export financing needs of firms dealing in these services, identify export financing support provided by commercial lenders to finance the sale of these services, identify the official export credit programs of major OECD countries in support of such exports, and review Eximbank programs to determine how Eximbank can meet identified market needs of such firms.

SECTION 120—REPORT ON DEMAND FOR TRADE FINANCE FOR THE BALTIC STATES, THE INDEPENDENT STATES OF THE FORMER SOVIET UNION, AND CENTRAL AND EASTERN EUROPE

Present law

No provision.

House bill

The House bill (sec. 205) contains certain findings regarding the importance of U.S. export financing support to the evolving economies of eastern and central Europe, the Baltic states, and the former Soviet Union. It requires Eximbank to submit to the Congress by December 31, 1992, a report analyzing the present and future demand for loans, guarantees, and insurance in these areas and making recommendations for the promotion of trade between the U.S. and these countries.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the House provision, but extends the date for submission of the report until one year after enactment and provides for Eximbank recommendations regarding the adequacy of financing for trade between the U.S. and the subject countries. The report shall be transmitted to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs of the House and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SECTION 121—ELIMINATION OF OUTDATED PROVISIONS

Present law

No provision.

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment (sec. 109(a)(1)(2)(3)(9), (c), (d)(1), (e)(1)) repeals a number of provisions contained in the charter of Eximbank which have become outdated or obsolete.

Conference agreement

The conference agreement in the Senate provision.

GAO STUDY OF THE PARTICIPATION OF THE EXPORT-IMPORT BANK IN SALES OF DEFENSE ARTICLES AND SERVICES TO FOREIGN COUNTRIES

Present law

No provision.

House bill

The House bill (sec. 207) requires the General Accounting Office to submit to the Congress within six months a report on Eximbank participation in financing sales of defense articles and services that summarizes such Eximbank participation, assesses whether foreign countries purchasing Eximbank-supported defense articles have complied with end-use restrictions or have used articles to violate internationally recognized human rights, and assesses the pros and cons of such Eximbank participation.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the Senate provision.

STUDY ON COMPETITIVE EFFECTS OF REQUIRING EXPORTS FINANCED BY THE EXPORT-IMPORT BANK TO BE CARRIED ON UNITED STATES FLAGGED VESSELS

Present law

No provision.

House bill

The House bill (sec. 208) requires Eximbank to submit to the Congress within three months a report on the competitive effects of requiring exports financed by Eximbank to be shipped on U.S. flagged vessels.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the Senate provision.

EFFECTIVE DATE FOR TITLE II

Present law

No provision.

House bill

The House bill (sec. 210) provides for an effective date of October 1, 1991 for Title II of the House bill.

Senate amendment

The Senate amendment has no comparable provision.

Conference agreement

The conference agreement is the Senate provision, thereby making the entire bill effective upon enactment.

TITLE II—EXPORT PROMOTION

SECTION 201—TRADE PROMOTION COORDINATING COMMITTEE

Present law

No provision.

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment (sec. 201) establishes in statute the Trade Promotion Coordinating Committee (TPCC) and directs it to coordinate the export promotion and financing activities of the federal government and to develop a governmentwide strategic plan for carrying out federal export promotion and financing programs. The plan is required to establish a set of priorities for federal activities in support of U.S. exports and explain the rationale for the priorities; review current federal programs in light of the priorities and develop a plan to bring such activities in line with the priorities and improve coordination of such activities; identify areas of overlap and duplication among federal activities and propose means of eliminating them; in conjunction with the Director of OMB, propose to the President annually a unified federal trade promotion budget that supports the plan for priority activities and improved coordination and eliminates funding for the areas of overlap and duplication; and review state efforts to promote U.S. exports and propose means of developing cooperation between state and federal efforts. The Chair of the TPCC is required to submit an annual report to the Congress describing the strategic plan developed by the TPCC, the implementation of the plan, and any revisions thereto.

Conference agreement

The conference agreement is the Senate provision, with an amendment deleting the reference to the Director of OMB in the annual unified federal trade promotion budget that must be proposed to the President.

SECTION 202—ONE-STOP SHOPS

Present law

No provision.

House bill

As previously mentioned, the House bill (sec. 108) requires Eximbank, subject to memoranda of understanding, to provide information on its programs and financing practices to the Small Business Administration, other federal export promotion and financing agencies, and state and local organizations, undertake a training program for personnel of these agencies, and cooperate with these agencies in co-locating personnel at the same offices throughout the U.S. so that potential exporters may obtain, through a "one-stop shop," working capital and export financing and insurance.

Senate amendment

The Senate amendment (sec. 202) requires the US&FCS to utilize its domestic and foreign offices as "one-stop shops" for U.S. exporters by providing information on all federal export promotion activities, assisting in identifying federal programs of greatest assistance, and assisting in making contact with such programs.

Conference agreement

The conference agreement is the Senate provision, reflecting the one-stop shop concept contained in the House bill.

SECTION 203—COMMERCIAL SERVICE COOPERATION IN FEDERAL FINANCING AND INSURANCE PROGRAMS

Present law

No provision.

House bill

As previously discussed, the House bill (sec. 108) requires Eximbank to provide information on its programs and financing practices to SBA, other federal export promotion and financing agencies, and state and local

organizations, as well as to undertake a training program for personnel of these agencies.

Senate amendment

The Senate amendment (sec. 203) requires the US&FCS to provide U.S. exporters and export finance institutions with information on all financing and insurance programs of Eximbank, including providing assistance in completing applications for Eximbank programs, and working with exporters and export finance institutions to address any deficiencies in such applications. It also amends the Eximbank Act to require Eximbank to provide information on its programs and financing practices to the US&FCS and undertake a training program for US&FCS officers.

Conference agreement

The conference agreement requires (1) the Eximbank, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration—consistent with section 116 of the conference agreement—to provide information on their programs and financing practices to the US&FCS and undertake a training program for US&FCS officers and (2) the US&FCS to provide U.S. exporters and export finance institutions with information about the programs of Eximbank, OPIC, TDP, and SBA, assistance in completing applications for assistance from these agencies, and assistance in addressing any deficiencies in such applications. It is the intent of the conferees that US&FCS officers be knowledgeable about agency programs when they assist exporters and export finance institutions in addressing any deficiencies in applications submitted to the four agencies listed above, and that if they are not already knowledgeable, they should become so as soon as possible.

SECTION 204—ENVIRONMENTAL TRADE PROMOTION

Present law

No provision.

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment (sec. 204) establishes the Environmental Trade Promotion Working Group within the TPCC, consisting of representatives of TPCC member agencies and a representative of the Environmental Protection Agency. It provides several directives to the Chair of the Working Group, including that such Chair assess the effectiveness of U.S. programs for the promotion of exports of environmental technologies, goods, and services, recommend improvements to such programs, and ensure the members of the Working Group coordinate their environmental trade promotion programs. A report on the activities of the Working Group is to be included in the annual TPCC report to the Congress. The provision also sets forth that it is the policy of the U.S. to foster environmental exports and that, in exercising its powers and functions, the Department of Commerce shall encourage and support such sales. It also authorizes the Secretary of Commerce to designate a FCS officer to serve as the Environmental Export Assistance Officer in any country whose companies are important competitors for or that offers promising markets for U.S. environmental exports.

Conference agreement

The conference agreement is the Senate provision with an amendment. The amendment states that in exercising their powers and functions, all appropriate departments and agencies of the U.S. Government shall encourage and support sales of environmental exports. It also adds a provision requiring the Chair of the TPCC to submit to the Congress within one year a report evaluating federal insurance programs with respect to risks arising from changes by a foreign government in its environmental laws and regulations.

SECTION 205—RANK OF COMMERCIAL SERVICE OFFICERS

Present law

The Secretary of Commerce is authorized to designate 8 FCS positions as Minister-Counselors.

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment increases from 8 to 12 the number of Minister-Counselors.

Conference agreement

The conference agreement increases the number of Minister-Counselors to 16.

SECTION 206—REPORT ON EXPORT POLICY

Present law

No provision.

House bill

The House bill (sec. 106) requires Eximbank to submit to the Congress an annual report on the relationship of export financing to the strategic position of U.S. exports and to testify on such report. This report would address (a) the state of the competitiveness of U.S. export financing, focusing on the efforts of Eximbank and other U.S. export financing agencies, (b) the implementation of the governmentwide strategic plan developed by the TPCC, (c) recommendations of Eximbank to improve the U.S. balance of trade, and (d) the adequacy of U.S. Government export financing programs and recommendations for improvement.

Senate amendment

The Senate amendment (sec. 206) requires the Secretary of Commerce to submit to the Congress an annual report on the U.S. international economic position and to testify on such report. The report would address (a) the state of U.S. international economic competitiveness, focusing on the efforts of the Commerce Department to promote research and development of and investment in technologies and products deemed critical for industrial leadership and increase exports thereof, (b) the implementation of the governmentwide strategic plan developed by the TPCC, (c) recommendations of the Commerce Department to improve the U.S. balance of trade, (d) the effects of trade barriers and foreign subsidies on the international economic competitiveness of the U.S., (e) the efforts of the Commerce Department to reduce trade barriers, and (f) the adequacy of U.S. Government export financing programs and recommendations for improvement.

Conference agreement

The conference agreement is the Senate provision. The Eximbank Act is also amended to provide that Eximbank shall include in its annual report on competitiveness a description of Eximbank's role in the implementation of the strategic plan of the TPCC.

SECTION 207—PROVISIONAL REPEAL OF AMENDMENTS

The conference agreement provides for repeal of Title II in the event of enactment of Title II of H.R. 3489, "An act to reauthorize the Export Administration Act of 1979."

SECTION 208—EXPORT PROMOTION AUTHORIZATION

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment authorizes to be appropriated to the Department of Commerce $182,000,000 for fiscal year 1993 and $190,000,000 for fiscal year 1994 for export promotion activities and $6,000,000 for each of fiscal year 1993 and 1994 for the Market Development Cooperator Program.

Conference agreement

The conference agreement provides $190,000,000 for fiscal year 1993 and $200,000,000 for fiscal year 1994 for export promotion activities and $5,500,000 for each of fiscal years 1993 and 1994 for the Market Development Cooperation Program.

TITLE III—MISCELLANEOUS

SECTION 301—JOHN HEINZ COMPETITIVE EXCELLENCE AWARD

Present law

No provision.

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment (sec. 302) establishes in memory of Senator John Heinz two awards each year for excellence in promoting U.S. industrial competitiveness, to be presented by the Majority and Minority Leaders of the Senate.

Conference agreement

The conference agreement is the Senate provision with an amendment clarifying the role of the Secretary of the Treasury, specifying the size and material of the medals, and making it a congressional award involving participation by the Leadership and members of both Houses.

INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

Present law

No provision

House bill

The House bill has no comparable provision.

Senate amendment

The Senate amendment places a limitation on use of the International Emergency Economic Powers Act (IEEPA) in situations in which an international emergency is declared in order to extend or reinstate provisions of law that have lapsed due to inaction by the Congress or a veto by the President, by requiring that the use of emergency authority for routine extensions of law must be ratified by the Congress within 180 days or the authority expires.

Conference agreement

The conference agreement is the House provision.

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and Senate amendment, and modifications committed to conference:

MARY ROSE OAKAR,
STEPHEN NEAL,
JOHN J. LAFALCE,
ESTEBAN E. TORRES,
GERALD D. KLECZKA,
CHALMERS WYLIE,
JIM LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 106, 108, and 206 of the House bill, and title II and section 109(a)(7) of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
SAM GEJDENSON,
MEL LEVINE,
EDWARD FEIGHAN,
HARRY JOHNSTON,
WM. S. BROOMFIELD,
TOBY ROTH,
JOHN MILLER,

As additional conferees from the Committee on Foreign Affairs, for consideration of section 301 of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
SAM GEJDENSON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Rules, for consideration of section 301 of the Senate amendment, and modifications committed to conference:

JOE MOAKLEY,
BUTLER DERRICK,
DAVID DREIER,
Managers on the Part of the House.

DON RIEGLE,
ALAN CRANSTON,
PAUL S. SARBANES,
JAKE GARN,
CONNIE MACK,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEMENT (at the request of Mr. GEPHARDT) for today and the balance of the session on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mr. JAMES, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, on October 5.

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. FISH, for 60 minutes, on October 5.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. LAFALCE, for 5 minutes, today.

Mr. HAYES of Illinois, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GREEN of New York.

Mr. GILMAN in two instances.

Mr. RHODES.

Mr. RIDGE.

Mr. JAMES.

(The following Members (at the request of Mr. HAYES of Illinois) and to include extraneous matter:)

Mr. DARDEN.

Mr. TRAFICANT in three instances.

Ms. OAKAR.

Ms. LONG.

Mr. BONIOR.

Mr. DORGAN of North Dakota.

Mr. SERRANO in four instances.

Mr. FORD of Michigan.

Mr. GUARINI.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5488. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

ADJOURNMENT

Mr. MCDERMOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 1 o'clock and 55 minutes a.m.) under its previous order, the House adjourned until Monday, October 5, 1992, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 599. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes, and against the consideration of such conference report (Rept. 102–1008). Referred to the House Calendar.

Mr. ROE: Committee on Public Works and Transportation. H.R. 1246. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; with an amendment (Rept. 102–1009, Pt. 1). Ordered to be printed.

Ms. OAKAR: Committee of conference. Conference report on H.R. 5739 (Rept. 102–1010). Ordered to be printed.

Mr. OBEY: Committee of conference. Conference report on H.R. 5368 (Rept. 102–1011). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RIDGE (for himself, Mr. BARNARD, and Mr. MORAN):

H.R. 6131. A bill to improve economic opportunity and access to credit and stimulate the development of a secondary market for commercial loans by establishing the Federal Commercial Credit Corporation, to establish the Office of Secondary Commercial Credit Market Examination and Oversight in the Department of the Treasury, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TOWNS:

H.R. 6132. A bill to amend title IV of the Social Security Act to provide for comprehensive substance abuse treatment programs for pregnant women and caretaker parents; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. LLOYD:

H. Con. Res. 375. Concurrent resolution commending the designation by Central High School in Chattanooga, TN, of the high school's football stadium and football field as "Central Memorial Stadium" and "Etter-Farmer Field," respectively; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEPHARDT introduced a bill (H.J. Res. 560) waiving certain enrollment requirements with respect to any appropriation bill for the remainder of the 102d Congress; considered and passed.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Ms. MOLINARI.

H.R. 1300: Mr. BUSTAMANTE.

H.R. 3058: Mr. CHAPMAN.

H.R. 3059: Mr. CHAPMAN.

H.R. 4094: Mr. DARDEN.

H.R. 5484: Mr. LEWIS of Georgia.

H.R. 5842: Mr. GEJDENSON and Mr. ROYBAL.

H.R. 5850: Mr. FAWELL, Mr. BRYANT, Mr. STUMP, Mr. RHODES, and Mr. DORNAN of California.

H.J. Res. 552: Mr. BONIOR.

H. Con. Res. 358: Mrs. COLLINS of Michigan.