HOUSE OF REPRESENTATIVES—*Tuesday, August 16, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. KLINK].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
August 16, 1994.

I hereby designate the Honorable RON KLINK to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD] for 5 minutes.

THE CRIME BILL

Mr. MOORHEAD. Mr. Speaker, I rise today to urge the House to vote against the Clinton crime bill.

We need a crime bill in America very badly, but we do not need a bill that is more friendly to the criminal than to their victims in the United States. The American people will not accept a crime bill that protects criminal rights more than it protects victim's rights.

Nearly one-third of this $33 billion bill is to pay for over 30 new social spending programs. More Government programs are not the answer.

Our criminal justice system has become a revolving door, and this bill fails to address the loopholes and inadequacies that continue to allow violent criminals to operate freely on our streets after serving only a portion of their sentence. In fact, it greases the revolving-door system by relaxing mandatory minimum sentences and watering down truth-in-sentencing requirements for prison grants.

There are many difficulties with this legislation. There are some fine points in it that I would like to see enacted into law such as building up the Border Patrol and doing something about some of the death penalty issues, but in this bill, we have approximately 60 new death penalties, and I wonder, when you go into this particular subject that deeply, whether we are actually going to see more people executed or only more delays and more opposition from the American people.

The people we need to bring to justice are those people that are out willfully killing our citizens on the streets with thousands of people killed each year throughout the United States.

We need to bring those people to justice and to bring them to justice as rapidly as we can. I know that during this debate many people have been misled about what this legislation does. The legislation provides that we have social programs, midnight basketball for areas that have 2 percent or more HIV-positive people, it provides some social programs that perhaps in the long run will do some good. But to spend $33 billion on a piece of legislation that really does not address the crime problems of our Nation the way they need to be addressed is a travesty of justice.

We need more people on our police departments, but in this legislation we are told we have 100,000 new positions that are created. That is a total fallacy. There is actually going to be money for about 22,000, and we are taking the money from our Federal drug programs and from the FBI, from our ability as a Federal Government to stamp out crime on a Federal level.

Much of the money we give to local police departments will be used for salaries, but over half of the cost that our police departments have is the need to provide the automobiles, the technical equipment, the guns, the uniforms, and the other things that police officers need. When you mandate a program of this kind, many of our departments are not going to be able to use them. If you gave them the money to build up the programs they have, they could really fight crime, but if you tell them that they have to use them in an area where they do not have the money to supplement their use to really make them effective, you are wasting your money.

I have been told by the head of the FBI, who was in my office the other day, that much of this money is going to come from their ability to enforce the Federal laws and from the money for the DEA and their drug enforcement programs.

I want to do something about crime very, very badly, but I want to do something with legislation that meets the problems and not one that only misleads the American people that something is being done when we are passing a pork-barrel bill that helps some people's special projects, like giving a little money to colleges here and there, a little money for other social programs. We need to fight crime and not to build up pork-barrel programs.

Polly Klaas was kidnaped and murdered in California by a hardened criminal who was allowed to go free under our current system. This is the system we must change.

I cannot support a crime bill that ignores the rights of victims of violent crimes and continues to allow violent criminals to rule our streets.

Let us correct this legislation. Let us get a bill that does something to fight crime in America.

THE CRIME BILL IS WELL BALANCED

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of California. Mr. Speaker, Members of the House, the gentleman that preceded me in the well talked about the tragedy of Polly Klaas when our community in northern California was rocked by her kidnap and her violent death and how somehow this bill would not be helpful in that situation, and yet her father was at the White House yesterday supporting this legislation because he recognizes that this legislation has a very tough provision on three strikes and you are out for serious violent crimes.

It also recognizes, as does the President and as do the people of this country, this bill is a well-proportioned bill that provides some $13 billion for law enforcement, for the needs that the law enforcement community has told this Congress, told the President, and told others that it needs in response to the crime on our streets. It provides over $8 billion for construction of new prisons, so that we can start to keep people off the streets for a longer period of time that have engaged in violent activity against our citizens. It also provides money for States to help them construct some prisons if those States enter into an agreement to provide that people will serve at least 85 percent of their sentences, and it also provides some $8 billion for prevention programs.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I do not know what other Members of Congress have been doing, but I have been meeting with my district attorneys, with my chiefs of police, with my sheriffs, with other law enforcement individuals in the district that I represent, and they have demanded more prisons, they have demanded more resources for law enforcement, but they have also demanded that they be given additional tools where they can work in conjunction with recreational agencies, with our schools, with the boys' and girls' clubs to try to create activities to provide a diversion and to provide an outlet for young people in many communities where there simply are no resources for those people through most of the day. This is about prevention.

My colleagues on the other side of the aisle want to keep talking about the social workers. This is not about social workers. This is about coaches and teachers and recreational individuals that work in some of our toughest neighborhoods trying to provide some alternatives. Yes, it includes midnight basketball, which includes the requirements that you sign up to work for your high school equivalency, that you get engaged in a counseling program to try to help you find work, and you can also play basketball as the organizing principle to bring these young people together where we can start to provide and inform them of some alternatives to their life on the streets.

This legislation is tougher on crime, and it is tough on crime prevention. This bill provides that kind of balance. It recognizes the needs of our community.

Mayor Giuliani of New York was on TV today, and he made a very important point. He said he did not know a lot about the rhetoric surrounding this bill, but he knew the needs of his city and of most of the cities in this country, and what they needed was this legislation to provide them the tools of dealing with crime in our environment on a daily basis on the streets of America, not as we would like it to be in the Halls of Congress.

□ 1040

Not as we would like it to be in the Halls of Congress, not as we would like to see it as we trade facts back and forth between the two parties, but based upon his experience as a prosecutor and now his experience as mayor of our largest city; joined in by Mayor Riordan of Los Angeles, supporting this legislation, the mayor of Philadelphia saying we need these programs; the mayor of Chicago.

We need these programs to try and provide some opportunity, to extend our school hours, to take the school buildings of our Nation and expand them as a resource after hours. But schools do not have the money to do that. School boards do not have the money. But maybe we can knit that together out of some assistance from the Federal Government, the States and local agencies, so that those schools can remain open, as they did when I was a young person.

There was no question where I could go after school. I could hang out at my school, play kickball, volleyball, baseball, I could go to tutoring, I could go to study hall. It was available.

It is not available today. That is why this program addresses those who prey on our society, by lengthening prison terms, by building more prisons, by making sure they serve their sentence and making sure that those who choose to do it more than twice pay on "three strikes and you're out" with a life sentence.

That is why this bill goes to the issue of making room for violent criminals, by deciding that those who are in jail because of a nonviolent, minor drug arrest can be let out of jail so we can put a violent individual who threatens our neighborhoods, threatens our families, away for a long period of time.

I would hope the Congress, along with the American public, will support this legislation.

CAUGHT IN THE ACT; ARRESTED AT THE SCENE

The SPEAKER pro tempore (Mr. KLINK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Illinois [Mr. HYDE] will be recognized during morning business for 5 minutes.

Mr. HYDE. Mr. Speaker, on Sunday the President engaged in some rather unusual campaign strategy to pass his crime bill. He told us from a church in the District vicinity that God wants us to vote for this bill.

Now, if Pat Robertson had said that, or Jerry Falwell or even BOB DORNAN, I am sure that Mr. FAZIO and the other crusaders on the left against the religious right would not swing into high gear. But it is the President, and he, I suppose, by virtue of his office, has the right to tell us that God wants us to vote for a bill. And I just hope that Mr. FAZIO is not too tough on him, because he is the President.

Occasionally you encounter somebody who has written something that rings so true that it overwhelms your own idea of what to say. And I must say that that has happened to me on this crime bill.

Yesterday, Monday, in the Washington Times, Pat Buchanan, a favorite demon of the left, has a column on this crime bill. And when I read it, lights went on all over the room because it is so true. And I think the best thing I could do with my time is share it with you, parts of it anyway.

He says:

The degeneration and defeat of the crime bill raises a question. Why is Congress incapable of getting it right? Stopping crime, like educating children, is not horribly difficult. The old America used to do it rather well. What happened?

Well, some years ago, cultural and political power in America passed to a new elite that had come to believe the old America had to be made over. All the old notions had to go.

From our public schools they effected the expulsion of all Bible-based ideas about right and wrong. On the streets, brutal cops were thought to be the real social problem, and in need of constant oversight to keep their natural instincts under check. In the courts, the balance of power was shifted toward the criminally accused, in the name of fairness. In society at large, traditional views on morality, the permanence of marriage, the importance of families, the indispensable role that religion plays in character formation, were tossed out. The new elite had decided to replace the pastors and preachers of old with themselves as America's moral tutors.

Don't tear a fence down until you know why it was put up, Robert Frost wrote. Well, as we tore down the old fences with cheerful abandon, we forgot they had been erected over centuries as society's first line of defense against the return of barbarism.

And barbarism returned with a vengeance.

So, who is responsible for our crime crisis?

Go back and discover: Who did most to discredit the two-parent family and bring about its collapse? Who did the most to purge all religious ideas and moral instruction from the public schools upon which the poor so heavily depend? Who worked ceaselessly to make it ever more difficult to arrest, prosecute, convict and incarcerate criminals?

Those are some very important thoughts for people to think about as we grapple with the idea of what to do about crime in this world, in this country.

Now, one of the reasons why this was a bad bill was the incorporation of nearly $9 billion in social programs. Are all the social programs bad? No. I dare say many of them are good. Many of them would be useful if we knew which ones they are. The trouble is they did not have hearings. They just took a wish list of certain things that people wanted, all Democrats, I might add, and put together a list about $9 billion, and said "Let's do it."

Now, midnight basketball is one of the programs that is funded. Now, I have an open mind on midnight basketball. It is certainly while someone is playing midnight basketball they are not mugging you—at least there is a referee there to blow the whistle if they do. But how do they get up the next morning and go to work or go to school if they are all geared up at 3 in the morning after a game? I do not know. I would like to know.

I would like to know which of these programs duplicate other programs, because we already have 156 job training programs at a cost of $25 billion a year already in place. And this bill superimposes 30 new programs, many of which are duplicative, triplicative of existing programs.

Now, we all promised our constituents we were going to be frugal and cut

unnecessary spending. It is not responsible to vote for this bill as it is.

CRIME BILL EMPHASIZES PREVENTION

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am glad to have a little time on this floor to try to bring back something to the crime bill that has been lacking, and that is: facts and truth.

If you really look at what has happened, we in America won the cold war and we have lost the war on crime. And this crime bill does go a different direction. I think it is a very important direction. That is why we are having so much trouble getting it moving.

What do we have in this crime bill that we have not had in crime bills for the last 12 years? We have a prevention piece, a prevention piece. Why is it in this crime bill? Because even today, after 12 years of passing tougher and tougher and tougher and tougher crime bills, and this one also has even more tough provisions, believe me—the gentleman from California talked about those, they are there, they are real, "three strikes, you're out," all sorts of things. But we still know, after all of that, 95 percent of the crimes in America often there is no arrest for. The figures go between 91 percent and 95 percent.

So the idea is, if there is anything that could prevent the crime from happening in the first place, the average American citizen is much better off. In military terms we call that deterrence.

We looked around, we had all sorts of hearings. Midnight basketball was one of them. We had hearings on it. I am sorry it was named midnight basketball. Let us call it late-night. It can start at 8 in the evening if you want it to. There is nothing that says it has to be at midnight. But the reason that it was named that was because in order to get into the basketball league, you had to, A, be in school or a job training program and, B, come from the study hall first that lasted a couple of hours.

□ 1050

Mr. Speaker, I think to call it pork is really ridiculous because it is very targeted. It is only targeted to the neighborhoods that need it, the neighborhoods where they do not have a father presence, and that is what this is, coaches, volunteers, and study hall people trying to become a father presence. This program has been tried in both Chicago and Maryland. It had strong bipartisan support. In fact, it was unanimously supported by the Select Committee on Children, Youth, and Families.

And all this for $2,000; that is all of what it costs an average community to fund an eight-person team for midnight basketball, and that $2,000 just pays for the insurance, the rental of the place, and the kind of things that bother volunteers, so all the volunteers have to focus on is those kids, and get them to go the right way, and where it has been in effect we find there has not been the crime going on by these young people, many of whom had an arrest record, and had been in trouble and were doomed to do it again.

Mr. Speaker, I want to say to my colleagues, civilizations are known not by how many prisons they build, but by the next generation they build, and we have not been doing a very good job as a nation on this next generation.

So, yes, we put some prevention programs in there, and we have been tried and true, and we have had hearings, and they are so cost efficient that my colleagues may not be able to believe it because it is $2,000 for eight people on a basketball team versus $40,000 apiece for each of those kids per year if they go on to jail, not to even mention the crime costs.

What else did we put in this bill we have never done before? We put in things like assault weapon bans. Yes, those are military weapons. Those weapons do not belong in the hands of citizens out there. We do not even have them in the hands of our law enforcement officials. They are way overarmed. Again put it in cold war terms. The criminals are better armed than our policemen.

We need more policemen; we have it in this bill. We need more prevention because when we are only arresting people for about somewhere between 9 and 5 percent of the crimes committed, we got to do a better job of preventing it on the front end.

There is an old, wonderful Ben Franklin saying about an ounce of prevention is worth a pound of cure. That is what this bill is trying to tilt toward.

And we also have in there the Violence Against Women Act which is terribly important. When this bill left the House the people voted for, there was $500 million more in programs than when it came back, and people voted for it then. There was also a lot less money for violence against women that there is now.

Mr. Speaker, I think the excuses my colleagues are hearing are not based in fact. I think it is indeed criminal that we are having such a tragic factless debate on this, and I hope we get this crime bill back on track. America certainly needs it.

A BETTER CRIME BILL IS POSSIBLE

The SPEAKER pro tempore (Mr. KLINK). Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, the problem is not the GOP and five dozen Democrats. The problem is the crime bill. We can have a much better crime bill, one that is paid for, and one that will get tough on crime, and one that will fix some of the problems that the conferees wanted to be fixed. The conferees took out four or five get-tough measures that the Senate put in. The conferees ignored seven motions to instruct that this House of Representatives put in. The conferees did sneak in, or at least Members in the conference snuck in, projects that neither body, apparently, knew about, what we call pure pork, $10 million for a university somewhere in Texas. The conference report required a rule to protect parts of this bill that we do not even know what it said, or did not know at the time we voted, and the other thing is that most Members of this Congress; in fact I think I can say every Member of this House, had not read the crime bill we voted on because there was not time to do it under the rule we reported out.

Mr. Speaker, the crime bill, as we had a chance to look at it, that we voted on in the past 5 days, had some good and some bad parts. There is quite a list of social programs, about 9 billion dollars' worth. Part of the problem with those, they are not high priority, and they are paid through the patronage system; they are not paid through competitive grants. They are done on the who-you-know-in-Washington basis.

There is also no accountability for a great deal of that money. Nine billion dollars; we do not know whether it is going to work. There is no standard, there is no measure, there is no come back, and report, and find out if this worked. Nine billion dollars is a lot of money.

Mr. Speaker, that talk about getting tough on crime sort of goes pale when we see that we are going to let something like 10,000 people who have been convicted of drug crimes, who are in jail now, out because they are lower priority and we need those prison spaces for higher priority. I have already been asked by some constituents in my district if one of those 10,000 is going to be the son of Joycelyn Elders who was recently convicted of such a crime. I do not know the answer to that.

This supposed 100,000 policemen on the streets that are going to be put in that we have heard so much about from the White House, actually there is only funding in this bill for about 20,000 policemen on the streets, and, if we were to divide that into three 8-hour shifts, which is what we have to do when we are running a police department at any

given moment in America, right now that will be an additional 6,000 or 7,000 policemen. I say to my colleagues, "Well, when you divide that countrywide, you can see that's a help, but it's not going to be a gigantic help, and frankly most of those police are going to go into the urban areas that are decided by somebody else, and most communities are not going to get those policemen."

There is no habeas corpus reform in this bill, and this bill is not paid for. It is a budget buster. It is about $25 billion added to the deficit over the next 10 years or so, and we do not even know how much it will cost beyond that.

Nevertheless, Mr. Speaker, we need a crime bill, and we have the ability to get a crime bill and to deliver a crime bill, and, if we had, perhaps, little more help from the White House on focusing on a get-tough crime bill that would pass here instead of the demagoguery that is going on, I think we can accomplish it.

Some of the things that we are worried about is that my colleague and friend, the gentlewoman from Washington [Ms. DUNN], introduced an amendment for tracking sexually violent predators and community notification. Now, some of my colleagues may remember picking up a paper a few weeks ago and reading about a 7-year-old youngster in a town in New Jersey who was strangled is a sex crime by a known sexual offender who was living in that community, been no community notification. We wanted those requirements put in this bill so that that kind of thing cannot happen again, and I ask, "You know what? We instructed the conferees to put it in, and you know what? They left it out, and you know what? They're accountable-less to tell us why, and you know what? They didn't tell us." So, Mr. Speaker, that family was not invited to the Rose Garden yesterday by the White House, and I do not know why. I hope the President will correct that oversight. I feel very sorry for that family and all families in that situation, and we have the ability to fix that and make this crime bill right in this country.

We asked for $13.5 billion for prison funding by a vote of 338 to 81 in this Chamber, and do my colleagues know what? The conferees did not do that. They cut it by $5 billion, and they did not explain why. They just ignored the instructions of 338 Members of this House.

Mr. Speaker, it seems to me we can do better when everybody in America is saying, "Lock up the criminals. Please lock up the criminals. We want to be safe on the streets, in our houses, in our cars, when we go to the store, and, if you let those criminals out, we will not be safe."

Mr. Speaker, everybody in America understands that. Why did we chop out $5 billion? I do not know. We need to do better than that.

We had a provision to instruct the conferees for minimum sentences for crimes carried out with handguns. Now, my colleagues would think that would be pretty simple to do. We are having all this fuss about an assault weapons ban, but we cannot even get a provision in, in this crime bill, this supposedly get-tough-on-crime bill, that says, "If you carry out a crime with a handgun, that you get a severe minimum sentence." It seems to me that is pretty basic stuff if we are trying to do a bill on crime.

Mr. Speaker, we can do this better, and we will.

A LETTER IN SUPPORT OF THE CRIME BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from South Carolina [Mr. DERRICK] is recognized during morning business for 5 minutes.

Mr. DERRICK. Mr. Speaker, yesterday I received a faxed letter from Carlos and Sharon Luria of Salem, SC, a small town in my district. I would like to read it to you.

> Sharon and I would like to congratulate you on supporting the President's crime bill even though, as you were subsequently quoted as saying, there is little downside in saying "no" to him. You put the broader interests of the Nation ahead of narrow political concerns, and we admire you for it. I would also like you to know that I am a hunter who once supported the NRA but quit that organization in disgust over its obdurate stand on assault weapons.
>
> While so many seem to deride the social programs that are incorporated into the crime bill, we support these measures strongly. Building more prisons and putting more police officers on the street are necessary to stem the bleeding, but they don't keep the wounds from happening in the first place.
>
> We whole-heartedly support early intervention programs that work with kids when they first begin to evidence antisocial behavior. Sharon works with abused children in a local program called Helping Hands and sees the difference it makes at first hand.

It is good to hear from people like Sharon and Carlos, who understand the importance of hands-on community involvement and socially responsible action to prevent crime. I often hear from people opposing social programs that would fight crime. They do not see the use of such programs, or misunderstand their purpose.

Mr. Speaker, we need more prisons, more police, and stricter sentencing, but vengeance alone may be the least effective and most irresponsible method of stanching a crime epidemic. If we sanction the most excoriating punishments without addressing the cases of crime, we do no better than the most capricious despot.

In effect we will have abandoned any ideal of social redemption, the idea that men and women might improve themselves or their communities or that such things are even possible. We will have settled for writing off those who break our laws or might break them as redeemable human trash we can only rid ourselves of.

I cannot think of a more cynical approach. We would presuppose the worst human behavior, in which case we could only expect to get it. If we hope to stop crime in a socially responsible way that actually improves the daily lives of our communities, we must fight it with a judicious balance of punishment and prevention. The crime bill would have done that. We can do it still.

□ 1100

COMMENTS ON THE CRIME BILL

The SPEAKER pro tempore (Mr. KLINK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, there are many wonderful people in my Seventh Congressional District that stretches from Orlando to Daytona Beach, FL.

We have people who have lived there all their lives, and folks who just moved there recently. We have young and old working and retired and, like other parts of America, we have people looking for work and new opportunities.

After meeting with many of my constituents again this past weekend I know how smart the people of my district are. I know a little bit more about their hopes and dreams.

Like me, they want something done about crime. But also they realize that Congress could do a better job in crafting a crime bill that addresses the real problems of crime in this country.

The people in my district work hard to make a living, struggle to pay their bills, try to lead an honest life and strive to educate and raise their children. They want to live in peace and with personal security.

They want to feel safe in their homes and on their streets. They do not want to sleep, shop, go to work, or drive in fear. They want their children and grandchildren to be raised in safe neighborhoods.

Now let me tell you what they have told me they do not want. They are tired of supporting people who do not care to work or contribute to our society.

They are sick and tired of seeing their hard-earned money support fancy prisons and those who rip off the system.

They are tired of the revolving door system of justice—where they pay for the cost of crime, they pay for the criminals' legal counsel, and they pay for the criminals' fancy prison surroundings.

They pay to support the criminal's family while he's in prison, they pay for the halfway house, they pay for the parole and counseling, and then they pay all over again when the system produces a repeat offender.

They are tired of supporting the small numbers who commit the large numbers of crimes. They are tired of it, and I am tired of it.

We know that 40 years of social programs have bred welfare dependency, destroyed the traditional family unit, discouraged work and self respect, and killed self-reliance.

The NRA did not kill this rule to bring up the crime bill and neither did the Republican Party or 58 Democrats. The American people finally rebelled.

The American people know that carelessly throwing more money at the crime problem is not the answer.

The American people know that 40,000 more social workers is not the answer and the American people know that releasing 10,000 convicted drug dealers in our neighborhoods is not the solution.

Mr. Speaker, we need a crime bill that gets tough on crime. Let us send this bill back to conference committee because we can do a better job.

Let us restore the good provisions stricken in conference.

Restore the provision to notify neighbors of sexual predators. Restore minimum mandatory sentencing that keeps drug felons behind bars.

Restore minimum mandatory sentences for selling drugs to minors. Restore HIV testing for rapists. Restore a provision to require criminal restitution to victims.

Restore the provision to deport criminal aliens immediately after they leave prison. Restore minimum mandatory penalties for commission of crimes with firearms. Restore provisions to help convict prior rapists and child abusers.

Let us be honest with the American people and restore these tough measures.

Then, Mr. Speaker, after the conference committee has restored these provisions of substance that were stripped from the bill, we ask for your help.

Please cut some of the $9 billion added to this bill for a bigger social agenda. Leave billions for prisons, billions for police, and even billions for good treatment and enforcement programs.

But let us be honest and cut the social programs that have not worked in the past, do not work now, and will not work in the future. Also Mr. Speaker, we ask that you contact President Clinton and tell him the House voted on June 16, with a vote of 264 to 149, to instruct conferees to delete the racial quota provision from the conference report.

Remind him that we did not want President Clinton to promise to restore this deleted provision by executive order. Remind him that we wanted to strengthen, not weaken, the death penalty.

Finally, there is no one in this Congress that does not want a crime bill—what we want is truth in legislating and truth in sentencing.

Our hearts ache for those who have been the victims of crime. But we have a responsibility to legislate both with our hearts and our minds.

GOOD ASPECTS OF THE CRIME BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Maryland [Mr. HOYER] is recognized during morning business for 5 minutes.

Mr. HOYER. Mr. Speaker, there has been much said on this floor today about the crime bill and on days before. There will be much said hereafter, because we know that the American public is very concerned about the issue of safety in their communities, in their homes, on their streets, and in their schools. That is a concern that every Member of this House wants to respond to. It is a concern that the President of the United States wants to respond to. It is a concern, I suggest to my colleagues, that we have responded to in very handily passing a crime bill through this House of Representatives.

It had in it prevention; it had in it punishment; it had in it more cops on the beat, more police in our communities to respond, to be a presence.

Last week, however, we fell short. Not in voting on the crime bill, but in allowing this House to vote on the crime bill. The rule became an issue of great magnitude, because those who oppose now the bill were not sure that they could garner the votes to vote against the crime bill and defeat it. In point of fact, they felt the opposite, that a large number, a great majority of this House, would in fact have supported the crime bill, had it been allowed to come to a vote on the floor of this House.

My colleague who spoke before me talked of social programs that have not worked. There is prevention in this bill. Law enforcement officials that I talk to know, citizens know, that it is not enough to incarcerate, it is not enough to arrest. That is important and critical. And to keep people who continue to threaten our communities and persons in jail, in some cases, for life. I was the sponsor, Mr. Speaker, of the three-time-loser bill in this House which is a part of the crime bill.

In opposition to the crime bill, some have said this is a pork bill. And in fact on the Republican side of the aisle, the minority whip leading the charge, the accusation has been that there is money in there for midnight basketball, and some are saying we do not need kids playing basketball at midnight. They need to be at home in their beds with their families at midnight.

□ 1110

I think most of us would agree with that. But most of us would also readily admit that that is not always the case.

Mr. Speaker, today I rise to share with my colleagues a quote by our President on midnight basketball, a major topic of discussion these past few days.

I quote: "The last thing midnight basketball is about is basketball." I am quoting our President now.

"It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives. It's not coincidental that the crime rate is down 60 percent since this program began."

That was our President talking in Prince Georges County at our midnight basketball function. That was our President. He is not our President now. His name is George Bush. That is what he had to say about midnight basketball.

He said that in 1991, as he participated in recognizing the first midnight basketball program in the Nation in Glenarden, MD.

This crime bill, my colleagues, is not about midnight basketball. It is about 100,000 new cops on the beat to prevent crime. It is about three strikes, you're out, to punish repeat violent offenders and get them out of our communities so they can no longer threaten us. It is about programs to stem the violence against women.

As President Bush said, it is about providing opportunity for young adults to escape drugs and the streets by not only allowing them to play basketball but, between these games, providing academic seminars and vocational workshops and family counseling to keep them out of trouble.

Tonight, Mr. Speaker, I invite my colleagues to join me and the chief of police in Prince Georges County, David Mitchell, to the finals of our midnight basketball program, to see a successful crime reduction program in action; 8 p.m. tonight, my colleagues who would stand on this floor or have press conferences criticizing this program.

IN SUPPORT OF THE DUNN-DEAL MOTION TO INSTRUCT

The SPEAKER pro tempore (Mr. KLINK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Washington [Ms. DUNN] is recognized during morning business for 5 minutes.

Ms. DUNN. Mr. Speaker, with the recent national media attention given to the sexual predator language in the crime bill in the New York and LA

Times, I want to take this opportunity to reiterate my support for opening up the conference to include the original Dunn-Deal motion. The language instructs conferees on the crime bill to encourage States to establish registration and tracking procedures and community notification with respect to released sexually violent predators. This same language was accepted by unanimous consent as a part of the Senate crime bill and overwhelmingly supported in the House by a vote of 407 to 13.

Mr. Speaker, the House sent a precise message to conferees on the importance not only of registration and tracking provision, but of notification when a sexually violent predator has moved into a community. But the will of the U.S. Congress was ignored. I believe that American women and families deserve better.

Mr. Speaker, community notification is a proven approach. The legislative language is modeled after a successful Washington State law and will monitor sexually violent predators—including those convicted of stalking—wherever they may locate once they are released from prison, even if they move across State lines. Washington State leads the Nation in coping with this small group of criminals who terrorize primarily women in their neighborhoods, homes, and workplaces.

When rapists, women-beaters, or convicted violent stalkers are released into the community, the women in that community have a right to know. In fact, the Washington State Supreme Court already has ruled that this type of law is constitutional.

Already, both the House and Senate have passed legislation that requires law enforcement officials to notify communities when child molesters and others who pose a threat to children are released. That is right and good: a warning that society owes to parents and their children.

In the same way, our society owes to its women some notification that a predator is being released. And law enforcement officials should be encouraged to track their movements just as they do for those who have committed crimes against children.

By contrast, Mr. Speaker, the language that is being proposed in the conference report unacceptably weakens community notification, and instead protects the rights of criminals. Law-abiding citizens, especially women, have a right to know when a predator is being released into their community.

What is the point of registering and tracking these convicted predators if we are not going to share that information with the very citizens who are at risk? How can we justify knowing where a sexual predator has located, and not notify the women and families in that neighborhood, especially when so many of them move across State lines to settle next door to one of our constituents. The rate of recidivism for these crimes is astronomical because these people are compulsive. We know that. And that is why it is incumbent upon us to ensure that community notification is encouraged. Without the community notification, the effort is reduced to the simple collection of data.

I would hope the House would recognize this fact and open up the conference report to strengthen this important language.

The next time a young girl is attacked by one of these repeat offenders it should rest heavy upon the conscience for every conferee who voted to weaken this provision. The problem of sexually violent predators has unfortunately become too widespread in our society. We need only recall the recent tragic case of young Megan Kanka, of New Jersey, lured to her death by a repeat sexual offender, who told her he had a new puppy in his house or of Polly Klaas of Petaluma, CA, who was snatched from her home and brutally murdered. Yet, the conferees felt it necessary to protect the rights of criminals instead of protecting the rights of the citizens from a predator.

Mr. Speaker, on behalf of the women who work here on Capitol Hill, on behalf of the millions of women across the country and in every congressional district represented here, I respectfully ask that the House open up the conference and give us a bill that we would be proud to take back to our constituents.

THE CRIME BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I yield to the distinguished chairman of the caucus, the gentleman from Maryland [Mr. HOYER], to complete his very eloquent statement on the crime issue.

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

I had one additional quote I wanted to use of our President, Mr. Bush. As I said, he visited Prince Georges County, which inaugurated the midnight basketball. When he was there in Glenarden he said this, and I quote, "Here everybody wins, everybody gets a better shot at life," President Bush also said on that April evening in 1991.

That is what this crime bill is all about, a better and safer shot at life for our children and grandchildren.

Mr. Speaker, I hope that we can stop the partisan propaganda and pass a tough, strong crime bill. The crime bill that we failed to approve the rule on last week was such a bill. We need to pass it. We need to do what America sent us here to do, to act and respond to the problems that confront them every day.

Mr. RICHARDSON. Mr. Speaker, I thank my colleague for his eloquence. I want to echo it. We need to pass the crime bill this week. Politics wounded the crime bill last week. The Republican leadership and special interests and others have tried to kill this bill, but it is not dead yet.

It is our responsibility to bring it back, to stop the partisanship and to pass the crime bill. It is as simple as that.

I have never seen President Clinton get so mad as he did after the bill went down. I have never seen him so energized, as he crisscrosses the country trying to rally national support for the bill. He is energizing the country. He is using the bully pulpit and he has already changed some votes.

□ 1120

Most importantly, Mr. Speaker, he is sending a message that the National interest has to override parochial and special interests. There is no more important issue that the American people want us to deal with than crime. If we go home for our recess without a crime bill, I could not enter a town meeting in New Mexico with my head held high, because I know that I, for one, would be ashamed that we have not acted.

Mr. Speaker, let me make a comment about the social spending that some of my colleagues keep criticizing. The final passage of the crime bill, not the conference report, contained less social spending than the conference report. Why is that? Because in the conference report, the much-admired and positive program to fight violence against women was raised to $1.2 billion.

Again, this talk about too much social spending in the conference report rings very hollow when close to 260 Members of the House, including many on the other side, voted for some of these programs when it came to final passage of the bill.

Mr. Speaker, it is clear that politics killed this bill. Last week in my congressional district a 21-year-old woman was brutually strangled to death in her home in one of the smallest and most rural areas of my State. Years ago, shocking crimes such as this were unheard of in Portales, NM. Now these crimes are occurring in small towns like Portales throughout the country, without regard to race, population, or wealth.

The bottom line is that crime is everywhere, and I am amazed that some of my colleagues have not yet listened to the pleas of the American people, in big cities and small, that we do something about this.

How about those who say that this crime bill is not tough enough? With three-strikes-and-you're-out, death

penalty statutes, money for more prisons, which mandates that violent offenders serve at least 85 percent of their sentence, I think that this anticrime bill is very tough on criminals.

Mr. Speaker, let us end the politics. Let us pass this crime bill. Let us get it done this week.

THE PRESIDENT'S HEALTH CARE REFORM PLAN DETRIMENTAL TO FEDERAL EMPLOYEES HEALTH BENEFIT PLAN

The SPEAKER pro tempore (Mr. KLINK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Virginia [Mr. WOLF] is recognized during morning business for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise to discuss the detrimental effects of the Clinton-Gephardt health care bill on the Federal Employees Health Benefit Plan [FEHBP] and what Federal employees and retirees and the groups that represent them should be focusing on.

For most Federal employees and retirees, health care security is spelled FEHBP: the Federal Employee Health Benefits Plan. Over the past year of health care debate, the FEHBP has been threatened with abolishment, by the Clinton plan, or dramatic changes that would alter the benefits that Federal employees have negotiated over the years—Clinton-Gephardt and Clinton-Mitchell.

The FEHBP, however, is not broken and does not need the Clinton or the Clinton-Gephardt fix. In fact, it is a shining example of what is right in our health care system and should be a model for reform of those things that are wrong in the private sector. The FEHBP is built on two solid principles: consumer choice and market competition. These principles work in concert to provide the best possible health care plan and the most inexpensive cost. In 1994, the average premium increase in the FEHBP has been 3 percent, far outperforming private, employer-based insurance, where employees have little or no personal choice over benefits or price. Moreover, about 40 percent of FEHBP enrollees benefited from a reduction in premiums.

The FEHBP should be the model for reform and is a splendid example of how the private sector could work given the appropriate market reforms and incentives. The FEHBP does not have a huge bureaucracy managing the almost 400 plans which provide a wide array of choice in the FEHBP. The 34-year-old law creating the FEHBP is only 26 pages long, with 83 pages of rules in the Code of Federal Regulations, and another 93 pages of instructions in the Federal Personnel Manual. Most Government-run programs could fill a library. Furthermore, there are only 144 administrative staff that implement the program and only 1 percent of each plan's premium costs are set aside for OPM's administration of the system. Little redtape and low overhead result in lower health insurance premiums which saves money for Federal employees and retirees and the American taxpayer.

Consumer choice and market competition provide the following key features of the FEHBP:

The FEHBP permits Federal workers to choose different plans as well as very different benefit packages.

The FEHBP allows the consumer to decide whether a plan is a too expensive or a good value for their hard earned dollar.

Federal employees with preexisting conditions are not denied coverage.

Federal employees pick and keep their plans. Those decisions are not reserved to administrative personnel.

The FEHBP is not burdened by premium caps or price controls.

Federal employees around the country should ask their Representatives and Senators to reform America's health care system in the image and likeness of the FEHBP—a proved effective, market-based, consumer-oriented system. Feds should not settle for the untested Clinton-Gephardt or Clinton-Mitchell plan. I understand that the House bipartisan legislation, the so called Rowland-Bilirakis bill, which came out yesterday, preserves the FEHBP as does the Michel bill.

Feds have recently received assurances that FEHBP will be preserved and they will have as good a plan or better under the new government scheme. But those proposals still include dramatic changes to the FEHBP: a mandated benefits package that alters what many employees currently receive, a different risk pool that could raise rates, and reduced hospitalization coverage to name a few. The Capitol Hill newspaper, Roll Call, accurately noted, "FEHBP is more attractive than Mrs. Clinton's own proposal . . . federal employees will lose their breadth of choice if the Clinton plan is enacted."

Proposals for Federal employees to get supplemental packages to compensate for what they would lose by being included in the Clinton-Gephardt plan are a risky gamble that could result in reduced benefits. Office of Personnel Management Director James King wrote to the First Lady last year, "I think it is important to FEHBP population be given the opportunity to see that national health reform is working before they are transitioned into it."

There are a number of commonsense health care reforms that enjoy broad-based support such as making insurance plans portable between jobs, eliminating preexisting medical conditions, allowing medical savings accounts, providing small market insurance reforms and reforming medical malpractice. All of these are a part of the Republican health care bills, and apparently they are included in the House bipartisan approach, and they do not touch the FEHBP nor threaten Federal employee.

The real issue is that the Government should not be fixing what isn't broken. Remember it is the Clinton administration which is sending out RIF notices by the thousands and cutting back on Federal COLA's. How confident are you of the fix Federal employees will get on health care? Should Federal employees really risk buying into the Clinton-Gephardt plan? I do not think so.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly, at 11:28 a.m., the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

Teach us, we pray, to savor the moments of quiet when the intensity of the day is eased and the burdens of responsibility are laid aside. Teach us then, in the silence of meditation and reflection, to place before You our thoughts and ideas, our feelings and worries, so that You can forgive us and nurture us and strengthen us for the days ahead. O gracious God, as You have created the Heavens and the Earth and each of us, bless us this day and every day. 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.

Mr. SYNAR. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. SYNAR. 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. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance?

Mr. HUTCHINSON 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.

MESSAGE FROM THE SENATE

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

H.R. 4299. An act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 4554. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; and

H.R. 4650. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4299) "An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DECONCINI, Mr. METZENBAUM, Mr. GLENN, Mr. KERREY, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, Mr. WARNER, Mr. D'AMATO, Mr. DANFORTH, Mr. GORTON, Mr. CHAFEE, Mr. STEVENS, Mr. LUGAR, and Mr. WALLOP; and appoints from the Committee on Armed Services: Mr. NUNN and Mr. THURMOND; to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4554) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes," requests a new conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr. GORTON, and Mr. HATFIELD; to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4650) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Mr. STEVENS, Mr. D'AMATO, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. HATFIELD; to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 784. An act to amend the Federal Food, Drug, and cosmetic Act to establish standards with respect to dietary supplements, and for other purposes;

S.J. Res. 185. Joint Resolution to designate October 1994 as "National Breast Cancer Awareness Month";

S.J. Res. 192. Joint Resolution to designate October 1994 as "Crime Prevention Month"; and

S.J. Res. 198. Joint Resolution designating 1995 the "Year of the Grandparent."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S.J. Res. 153) entitled "Joint resolution to designate the week beginning on November 21, 1993 and ending on November 27, 1993, and the week beginning on November 20, 1994 and ending on November 26, 1994, as National Family Caregivers Week."

DISPENSING WITH CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the private calendar.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the private calendar be dispensed with today.

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

There was no objection.

TAXPAYERS SHOULD BE CONSIDERED INNOCENT UNTIL PROVEN GUILTY

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

Mr. TRAFICANT. Mr. Speaker, the IRS said that the Congress should not mess with the burden of proof in a tax case: Taxpayers are guilty until proven innocent. And they say they need that, and it is justified, because it is a "voluntary compliance" system.

Voluntary: The dictionary says voluntary means behaving without force, threat, or persuasion. If that is the case, tell me, Mr. Speaker, if you do not voluntarily pay your taxes, why does the IRS take your bank account? Why does the IRS take your house? Why does the IRS take your kids, your lawnmower, your goldfish, your dog?

It sounds to me, Mr. Speaker, that voluntary compliance sounds an awful lot like voluntary manslaughter, if you know what I mean.

A national poll says that this bill, changing the burden of proof, that a taxpayer is innocent until proven guilty, is the highest-rated supported bill in almost 10 years. And the American people, 95 percent, say they want the law changed; they say the taxpayers should be considered innocent until proven guilty.

I say, Congress would be wise to listen to the American people once in a while. Sign discharge petition No. 12. If it's good enough for the "Son of Sam"—it should be OK for Mom and Dad.

NOT A TOUGH CRIME BILL

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

Mr. EVERETT. Mr. Speaker, why is it that conservative Republicans and Democrats do not support the crime bill, but liberal Democrats do support it?

Does anyone believe if this was really tough anti-crime legislation that conservatives would not support the bill? Come on, let us get back to reality here. This crime bill is an ineffective response to an incredible problem.

Our criminal justice system does not work because criminals rarely face justice. And the frustration most Americans feel about that reality is what drives their desire for a tough crime bill. The liberal impulse on crime no longer resonates with the American people. It is not society's fault that criminals commit crimes: It is the criminals' fault.

But the crime bill perpetuates the myth that criminals are not at fault when they commit their heinous crimes. The crime bill seeks to build self-esteem. It gives social welfare workers more money for vague and poorly thought-out programs.

Write a good, tough bipartisan crime bill, Congress, and it will pass.

A PERFECT EXAMPLE

(Mr. BALLENGER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the battle over the crime bill is a perfect example of what is wrong with Democrat leadership in the Congress and in the country.

Instead of working with Republicans to craft a bill that would punish criminals, Democrat leaders ignored Republicans in the conference and produce a bill that would punish taxpayers. Instead of providing money to fund 100,000 new police officers, the conference report only provides enough money for 20,000. Instead of keeping tough language that would inform neighborhoods about sexual predators, the conference report radically weakened that language.

Mr. Speaker, President Clinton and House Democrat leaders have ignored, vilified, and condemned Republicans for trying to craft a real anticrime bill.

They have slapped away our efforts to work with them in an effort to find real punishments for criminals. They have politicized this issue for narrow partisan reasons, and that is a shame.

LET US PREVENT CRIME

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

Mrs. SCHROEDER. Mr. Speaker, I thought it might be fun to just come and put a few facts out here about the crime bill.

The fact is when the crime bill passed the House the first time, it had half a billion dollars more, more in prevention spending than it had when it failed last week. And 65 Members on the other side voted for that.

So it was out.

We were lower on the violence against women Act. Guess what? The bill we turned down last week had more money for that. We also passed in this House an assault weapons ban, which I think a reasonably prudent American would think belonged in a crime bill.

So we have a crime bill that I think makes an inordinate amount of sense, adds all sorts of new punishment—in fact, we have had Members say they could not take all that punishment—but it also deals with the prevention part because until you deal with the prevention part, you are not going to stop crime in America.

Of the crimes committed in America today, 91 percent they never make an arrest for. So if you can work on that end, we are going to have much safer streets.

That is why this was such a smart bill. How tragic it is we did not have it passed.

CONGRATULATIONS DUE CONGRESSMAN BOB INGLIS ON BIRTH OF DAUGHTER

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

Mr. HUTCHINSON. Mr. Speaker, I rise today to offer hearty congratulations to my dear friend and colleague, Congressman BOB INGLIS of South Carolina, the proud father of a baby girl born Sunday, August 14, at 7:05 am at Greenville Memorial Hospital in Greenville, SC. Mabel Andrews Inglis weighed in at 7 pounds 13 ounces and she and Mary Anne are doing fine. This is their fourth child, so I join my colleagues in wishing them best wishes.

SUPPORT THE GUARANTEED HEALTH INSURANCE ACT

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

Mr. DERRICK. Mr. Speaker, the health care status quo keeps 38 million Americans uninsured and millions more underinsured. If Congress does not reform the system, we can expect these people to stay that way.

That is why America supports comprehensive reform. It is becoming clear that alternatives to the plan will not work. Half-way insurance reforms and subsidies only lead to higher premiums and less coverage.

That is why these long time advocates for health care reform support the Gephardt bill:

The Lupus Foundation of America; the American Counseling Association; Eldercare America, Inc., the AIDS Action Council; the National Osteoporosis Foundation; the Foundation of Behavioral, Psychological, and Cognitive Sciences; the Alzheimer's Association; the National Psoriasis Foundation; the American Council for the Blind; the Human Rights Campaign Fund, and the Association of Maternal and Child Health Programs.

Give America serious reform. Support the Guaranteed Health Insurance Act.

□ 1210

NO HELP NEEDED FROM MEXICO ON SOS

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

Mr. CALVERT. Mr. Speaker, yesterday, Mexican Deputy Foreign Minister Andres Rozental denounced the Save Our State proposition on the California ballot.

He said his Government would work closely with those in our State who oppose the proposition in order to bring about its defeat.

Well, thank you very much, Mr. Rozental, but the people of California are perfectly capable of determining public policy without the help of a foreign government.

If the Mexican Government wishes to be helpful to our state, perhaps their public officials will consider making a greater effort to keep their citizens from violating the immigration laws of the United States.

Mr. Speaker, the Save Our State or SOS initiative in California is not an anti-Mexican or anti-anybody proposition. It is a pro-American initiative. And, that means a pro-Irish American; pro-Japanese American; pro-Vietnamese American, and yes, Mr. Speaker, it is a pro-Mexican-American proposition.

SOS is not aimed against anyone. It is aimed at protecting the economy of California so that it will continue to be a land of opportunity for past, present and future legal immigrants.

So, thank you for your interest, Mr. Rozental, but the people of California will decide this issue, not the public officials of our neighbor and friend to the south.

WHAT THE CRIME BILL IS AND IS NOT

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

Mr. ROHRABACHER. Mr. Speaker, the President's credibility is being stretched beyond the breaking point, far beyond the debate over the crime bill. Let us remember that this is the administration that began by calling a tax a contribution, by calling spending an investment, and now we see a social welfare bill being called an anticrime bill, and the message is getting out to the American people.

Eight billion dollars in this anticrime bill is for arts and crafts, midnight basketball and other social welfare spending, all in the name of being anticrime, this at the same time when we are being told a hundred thousand new policemen are going to be put on the streets, yet we realize that only 20,000 policemen will be put on the street temporarily by this bill when all of that social welfare spending that I just mentioned is permanent by this bill.

Mr. Speaker, the American people can see what is in this bill and what is not in this bill. They can see that the provisions I worked for strenuously to deport criminal illegal aliens once they have served their term, that was taken out of the bill, as were other very heavy law enforcement, strong law enforcement, issues. Instead what we have is a social welfare bill that is being mislabeled, and I say, "If you believe that taxation is nothing more than a contribution, you'll believe this is an anticrime bill."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TRAFICANT). 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 at the end of legislative business today, but not before 5 p.m.

SATELLITE HOME VIEWER ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1103) to amend title 17, United States Code, with respect to secondary transmissions of superstations and network stations of private home viewing, and with respect to cable systems, as amended.

The Clerk read as follows:

H.R. 1103

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 "Satellite Home Viewer Act of 1994".

SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended as follows:

(1) Subsection (a)(2)(C) is amended—

(A) by striking "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking "whichever is later,";

(C) by inserting "name and" after "identifying (by" each place it appears; and

(D) by striking ", on or after the effective date of the Satellite Home Viewer Act of 1988,".

(2) Subsection (a)(5) is amended by adding at the end the following:

"(D) BURDEN OF PROOF.—In any action brought under this paragraph, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is for private home viewing to an unserved household.".

(3) Subsection (b)(1)(B) is amended—

(A) in clause (i) by striking "12 cents" and inserting "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking "3" and inserting "6";

(4) Subsection (c) is amended—

(A) in paragraph (1) by striking "December 31, 1992,";

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "July 1, 1991" and inserting "January 1, 1996"; and

(ii) in subparagraph (D) by striking "December 31, 1994" and inserting "December 31, 1999, or in accordance with the terms of the agreement, whichever is later";

(C) in paragraph (3)—

(i) in subparagraph (A) by striking "December 31, 1991" and inserting "July 1, 1996";

(ii) by amending subparagraph (D) to read as follows:

"(D) ESTABLISHMENT OF FAIR MARKET RATES.—In determining royalty fees under this paragraph, the Arbitration Panel shall establish a rate, for the secondary transmission of network stations and superstations, that reflects the fair market value of such secondary transmissions. The Arbitration Panel shall base its decision upon economic, competitive, and programming information presented by the parties, and shall take into account the competitive environment in which such programming is distributed.";

(iii) in subparagraph (E) by striking "60" and inserting "180"; and

(iv) in subparagraph (G) by striking ", or until December 31, 1994".

(5) Subsection (a) is amended—

(A) in paragraph (5)(C) by striking "the Satellite Home Viewer Act of 1988" and inserting "this section"; and

(B) by adding at the end the following:

"(8) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (C), upon a challenge by a network station regarding whether a subscriber is an unserved household within the predicted Grade B Contour of the station, the satellite carrier shall, within 60 days after the receipt of the challenge—

"(i) terminate service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household.

"(B) EFFECT OF MEASUREMENT.—If the satellite carrier conducts a signal intensity measurement under subparagraph (A) and the measurement indicates that—

"(i) the household is not an unserved household, the satellite carrier shall, within 60 days after the measurement is conducted, terminate the service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) the household is an unserved household, the station challenging the service shall reimburse the satellite carrier for the costs of the signal measurement within 60 days after receipt of the measurement results and a statement of the costs of the measurement.

"(C) LIMITATION ON MEASUREMENTS.—(i) Notwithstanding subparagraph (A), a satellite carrier may not be required to conduct signal intensity measurements during any calendar year in excess of 5 percent of the number of subscribers within the network station's local market that have subscribed to the service as of the effective date of the Satellite Home Viewer Act of 1994.

"(ii) If a network station challenges whether a subscriber is an unserved household in excess of 5 percent of the subscribers within the network's station local market within a calendar year, subparagraph (A) shall not apply to challenges in excess of such 5 percent, but the station may conduct its own signal intensity measurement of the subscriber's household. If such measurement indicates that the household is not an unserved household, the carrier shall, within 60 days after receipt of the measurement, terminate service to the household of the signal that is the subject of the challenge and within 30 days thereafter notify the network station that made the challenge that service has been terminated. The carrier shall also, within 60 days after receipt of the measurement and a statement of the costs of the measurement, reimburse the network station for the cost it incurred in conducting the measurement.

"(D) OUTSIDE THE PREDICTED GRADE B CONTOUR.—(i) If a network station challenges whether a subscriber is an unserved household outside the predicted Grade B Contour of the station, the station may conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household.

"(ii) If the network station conducts a signal intensity measurement under clause (i) and the measurement indicates that—

"(I) the household is not an unserved household, the station shall forward the results to the satellite carrier who shall, within 60 days after receipt of the measurement, terminate the service to the household of the signal that is the subject of the challenge, and shall reimburse the station for the costs of the measurement within 60 days after receipt of the measurement results and a statement of such costs; or

"(II) the household is an unserved household, the station shall pay the costs of the measurement.

"(9) LOSER PAYS FOR SIGNAL INTENSITY MEASUREMENT; RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households as unserved households—

"(A) a network station challenging such eligibility shall reimburse the satellite carrier for any signal intensity measurement that is conducted by that carrier in response to a challenge by the network station and that establishes the household is an unserved household; and

"(B) a satellite carrier shall reimburse the network station challenging such eligibility for any signal intensity measurement that is conducted by that station and that establishes the household is not an unserved household.

"(10) INABILITY TO CONDUCT MEASUREMENT.—If a network station makes a reasonable attempt to conduct a site measurement of its signal at a subscriber's household and is denied access for the purpose of conducting the measurement, the satellite carrier shall within 60 days notice thereof, terminate service of the station's network to that household.".

(6) Subsection (d) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) a noncommercial educational broadcast station (as defined in section 397 of the Communications Act of 1934).";

(B) in paragraph (6) by inserting "and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations" after "Commission"; and

(C) by adding at the end the following:

"(11) LOCAL MARKET.—The term 'local market' means the area encompassed within a network station's predicted Grade B contour as that contour is defined by the Federal Communications Commission.".

SEC. 3. DEFINITIONS.

(a) CABLE SYSTEM.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "cable system" by inserting "microwave," after "wires, cables,".

(b) LOCAL SERVICE AREA.—Section 111(f) of title 17, United States Code, is amended in the

paragraph relating to the definition of "local service area of a primary transmitter" by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any modifications to such television market made, on or after September 18, 1993, pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (d), this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code (as added by section 2(2) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

(c) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—The provisions of section 119(a)(8) of title 17, United States Code (as added by section 2(5) of this Act), relating to transitional signal intensity measurements, shall cease to be effective on December 31, 1996.

(d) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The amendment made by section 3(b), relating to the definition of the local service area of a primary transmitter, shall take effect on July 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 1103, the Satellite Home Viewers Act of 1994.

House Resolution 1103 has several purposes. It extends until December 31, 1999, the compulsory license in section 119, Title 17, United State Code, which is now scheduled to expire at the end of this year. That license permits satellite carriers to deliver television programming to the public for private home viewing so long as they have complied with the conditions for the compulsory license.

The bill also clarifies that wireless cable television systems are entitled to avail themselves of the section 111 compulsory license. And, it amends the definition of "Local service area of a primary transmitter" in section 111(F) to correct an anomaly in the Copyright Act that has resulted in newer television stations being treated as distant signals while older stations in the same geographic area are treated as local signals, and I want to commend the particularly fine work of this committee's subcommittee on Intellectual Property and Judicial Administration. The chairman of that subcommittee the gentleman from New Jersey [Mr. HUGHES] has done an outstanding job, and I just want to say again that we deeply regret that he is retiring and we will no longer have the advantages of his fine service and his keen intellect. The gentleman from California [Mr. MOORHEAD], the ranking Republican, has worked tirelessly on this matter and deserves much credit as well. In addition subcommittee members, the gentleman from Oklahoma [Mr. SYNAR] and the gentleman from Virginia [Mr. BOUCHER], have played a very prominent role in developing a proper, workable policy in this area and will continue to do so, and I urge all Members to support passage of H.R. 1103.

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

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

Mr. Speaker, I would like to commend our subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES] for his hard work and leadership in this area; also the gentleman from New York [Mr. FISH] has been instrumental in drafting and moving this legislation to the floor. Also, the chairman, the gentleman from Texas [Mr. BROOKS] has been helpful.

Although the main purpose of this legislation is a 5-year extension of the Satellite Home Viewer Act which this subcommittee processed in 1988, this bill also contains a provision dealing with the definition of wireless cable which is very similar to a bill, H.R. 759, that the gentleman from Virginia [Mr. BOUCHER] and I introduced and which was part of the overall hearings on H.R. 1103. That bill was prompted by a 1992 ruling by the Register of Copyrights that would strip the industry of its compulsory license which it has enjoyed for a number of years under section 111 of the Copyright Act.

The bill before us today, provides that wireless and other cable-like systems will be made part of the compulsory license. I believe it is important to encourage these new technologies because they will become real competitors of cable TV in the marketplace. Competition is an important factor in keeping cable TV rates at a reasonable price. The consumer will be the ultimate benefactor of this increase in competition.

In 1988 when we drafted the original Satellite Home Viewer Act we intended that after 6 years the industry involved would be able to move into voluntary private contracts for the licensing of copyrighted programming. Although the act has worked very well we are not yet to that point where the marketplace can take over, so we still need the regulation provided in H.R. 1103. However, I am pleased to see that during the next negotiations that the arbitrators will at least be able to consider the fair market value of this copyrighted programming; that is, if the parties have been unable to come to an agreement on their own. But I think we have come a long way—it is important legislation, and I urge a favorable vote on H.R. 1103.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES] chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 1103, the Satellite Home Viewer Act of 1994. H.R. 1103 will extend the current compulsory license in section 119 of the Copyright Act until December 31, 1999. This extension ensures that millions of Americans who cannot receive over-the-air television signals or cable will have access to network signals.

At the same time, H.R. 1103 makes a number of improvements in the existing statute, including a voluntary system of testing households for unserved status, and establishment of fair market value as the benchmark by which arbitrators will set the midcourse rate adjustment. H.R. 1103 also requires that the names of subscribers be provided. In some cases, current contracts between satellite carriers and their distributors regard these names as proprietary to the distributor. For this reason, network stations should work with the carriers during an expected transition period while these contracts are being redone. I would like to take the balance of my time explaining this last provision.

The section 119 compulsory license is a government set fee for the unconsented to use of copyrighted television programming: It is not a free market rate; it is, basically, a government-mandated subsidy by copyright owners for the benefit of satellite carriers. Having paid a subsidized rate, satellite carriers sell copyright owners' programming to consumers at whatever the market will bear.

The difference between the compulsory license rate paid by satellite carriers to copyright owners, and the rate they charge consumers is eye opening: For the three network signals, satellite carriers pay copyright owners a total of $2.16 a year. One carrier charges consumers $50 a year for these same signals, a mark up of $47.84.

I have heard concerns that H.R. 1103, by requiring the arbitrators to set a fair market rate in late 1996, will discourage satellite carriers from competing with cable. I don't agree. In most cases, there are no cable systems to compete with. Most rural Americans have a single source—the satellite carrier—and we've seen what satellite carriers charge in the absence of competition.

As importantly, cable has invested heavily in satellite carriers. TCI, our

largest cable company, owns an 80-percent share in one of the two satellite carriers delivering network signals, and a 23-percent interest in the other.

This is not a dispute between copyright owners and rural dish owners. It is, instead, an understandable effort by cable companies and their satellite partners to hang on to a profitable government subsidy, a sibsidy they are receiving at the expense of copyright owners. If my colleagues are concerned about the prices home dish owners are being charged, and I believe there is reason for such concern, the source of that concern cannot be the meager $2.16 network copyright owners receive. One solution may be found in last Congress's Cable Act's price discrimination provisions. There may be others, and I will be pleased to explore any suggestions my colleagues may develop.

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Mr. Speaker, this is a good bill. I do not think there is any great controversy, although we do have to resolve some differences in conference.

Mr. Speaker, I want to commend the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the full committee, and his ranking Republican, the gentleman from New York [Mr. FISH]. I want to thank in particular the gentleman from California [Mr. MOORHEAD], who is my partner and colleague on the Subcommittee on Intellectual Property and Judicial Administration, for his work. I commend also the gentleman from Virginia [Mr. BOUCHER], as well as the gentleman from Oklahoma [Mr. SYNAR], who has worked very hard on this particular legislation.

The staff has worked very hard on this and on other bills that are pending on the Senate side. I am referring to Hayden Gregory, the chief counsel, and his counterpart, Tom Mooney, on the Republican side, along with Bill Patry on the majority side, and Joe Wolfe on the minority side. I commend them for their work also.

Mr. Speaker, it is a good bill, and I urge my colleagues to support it.

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

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia [Mr. BOUCHER], a member of the committee.

Mr. BOUCHER. Mr. Speaker, I want to express my appreciation to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of our committee, for yielding this time to me, and also I wish to commend him for his leadership. I commend also the gentleman from New Jersey [Mr. HUGHES] for his leadership in bringing the Home Satellite Viewer Act through the committee process and onto the House floor.

In 1988 we enacted the initial version of this legislation for the very important purpose of assuring that owners of backyard satellite dishes could receive unscrambled signals from the major networks. In the 1980's networks were beginning to scramble their signals, and millions of backyard dish owners found that they could no longer receive the popular programming provided by CBS, ABC, and NBC, the major networks. The 1988 act was a response to the need of dish owners to receive that programming.

At the same time, in 1988 we took into account the entirely legitimate concern of local broadcast stations that carried the networks that they not lose viewers due to dish owners subscribing to network signals over the satellite rather than picking up the signal over the air from local broadcast stations. In striking a balance between these competing interests, the 1988 act assured that dish owners could subscribe to satellite-delivered network signals but only if they could not receive that signal by some other means, namely, over the air from the local broadcast station or by means of cable TV.

During the past 6 years millions of primarily rural viewers have benefited by receiving network-delivered satellite signals from the major networks. There has, however, been controversy, as local stations charged that many dish owners who subscribed to network-delivered signals could have received those same signals by means of a local broadcast from the local affiliate. Local stations argued that this practice deprived them of viewers and, therefore, deprived them of advertising revenues, and they pointed out that the problem could worsen as direct broadcast satellite services that transmit from a very high-powered satellite to very small 18-inch dishes become available nationwide and, therefore, expand the number of viewers who receive signals generally by means of satellite delivery.

The bill that we consider today contains new provisions written with the assistance of the satellite carriers and the local network affiliates that will specify how to ascertain whether dish owners are eligible to receive satellite-delivered network signals. The controversy between local affiliates and the satellite networks had threatened the long-term viability of the satellite license and the ability of people who live beyond the reach of local stations to receive network signals.

We have structured a workable agreement, and I want to thank the parties to it for approaching this reform legislation in such a constructive manner. I also want to express thanks to the gentleman from California [Mr. MOORHEAD] with whom I was pleased to introduce legislation at the start of this Congress to renew the 1988 license. It is always a pleasure to work with him. I also want to commend the gentleman from Oklahoma [Mr. SYNAR] for his very fine work on this measure.

Mr. Speaker, I urge the adoption of H.R. 1103.

Mr. SYNAR. Mr. Speaker, H.R. 1103, the Satellite Home Viewer Act is necessary legislation that will amend the copyright law to extend the satellite compulsory license. Compulsory licenses, first enacted for the nascent cable industry, and later for an infant satellite broadcast industry, allow the transmission of copyrighted television programming in return for a statutorily determined fee. The compulsory license mechanism has been essential for the development of the cable and satellite broadcast industry by facilitating the clearance of the thousands of copyrights related to television programming thereby ensuring access to that programming by cable system operators and satellite broadcasters.

H.R. 1103, which extends the satellite compulsory license for a period of 5 years, will also reform the arbitration process used to arrive at the statutorily determined copyright royalty fee charged to satellite broadcasters for retransmitting copyrighted programming. Under the legislation, future adjustments of the royalty fees payable under section 119 of the Copyright Act for secondary transmissions by satellite carriers are to be determined by arbitration panels applying a fair market value standard.

This concept, strongly favored by the chief sponsor of H.R. 1103, Congressman HUGHES, is an attempt to embody a worthy policy goal—to direct the arbitration panel to come up with a royalty fee that replicates, as closely as possible, the price two private parties negotiating on their own behalf would agree to. Unfortunately, while it is an honest attempt, fair market value as contemplated in H.R. 1103, will not result in a fair outcome of the arbitration proceeding.

I fear such an outcome because the arbitration panels are given very little guidance in H.R. 1103 as to what fair market value means. Aside from the business uncertainty this will foster, without any real direction in the statute itself, Panel members will necessarily have to look elsewhere to divine what fair market value is supposed to mean. Unfortunately, there is virtually no other place for the panels to look for the guidance they will need to set a fair royalty fee rate. They cannot look to current law because there is no concept of fair market value anywhere else in the copyright code. They cannot look to an already established private market to set the fee for broadcast signals because there is no existing private market to look to. And finally, the little guidance H.R. 1103 does offer discourages the arbitration panel from doing what they have always done in the past—take into account the royalty fees paid by the satellite industry's chief competitor—the cable industry.

Which raises the other serious concern I have with the concept of fair market value. Because the compulsory license under which the cable industry operates does not look to fair market value to set the fees charged to cable for the retransmission of programming, I fear that fair market value will put satellite industry at a competitive disadvantage to cable by charging satellite carriers more in copyright fees for carrying the exact same programming

carried by cable. The satellite industry directly competes with cable right now.

Thirty to forty percent of all satellite dish households live in areas wired for cable. Already, satellite carriers pay higher copyright fees than cable for carrying the same exact programs carried by cable. If fair market value is enacted, I fear this gap will grow. For consumers who have a choice between satellite and cable, this will make satellite services a less attractive alternative to cable television, thus denying the benefits of effective video competition to consumers around the country.

Fair market value becomes even more troublesome when one considers the potential impact on the infant Direct Broadcast Satellite [DBS] industry which is expected to directly compete with cable in urban and suburban America in the coming years. DBS, whose copyright royalty fees will also be determined under the proposed arbitration reforms of H.R. 1103, could see its price of programming raised relative to the cost of programming for cable systems. This could immediately put this newborn industry at a competitive disadvantage to cable at a time when Congress is trying to encourage vigorous cable competition for the benefit of video consumers.

For these reasons, the Senate, in its consideration of similar legislation, rejected the concept of fair market value. Others, including the Consumer Federation of America and the House Rural Caucus have ratified the Senate's position by opposing H.R. 1103's ill-defined notion of fair market value.

It is my hope that if this bill reaches a House-Senate conference, the House will recede to the relevant Senate provisions and preserve the royalty fee arbitration process found in current law. While I agree with Mr. HUGHES that Congress must move this process in a direction that more closely resembles the negotiations of private parties, I cannot support the concept of fair market value currently found in H.R. 1103. It's lack of guidance for the Copyright Office's arbitration panels will ultimately hurt competition in the video programming distribution industry and that is bad public policy.

For these reasons I urge my colleagues to vote against this legislation.

Ms. LONG. Mr. Speaker, I rise today in support of H.R. 1103, legislation to extend satellite broadcast retransmission rights.

As Chair of the Congressional Rural Caucus, I strongly support the provisions of H.R. 1103 to ensure that rural home satellite dish consumers will be able to continue to receive retransmitted broadcast programming. This is essential because in many rural areas satellite technologies represent the only way that rural families can receive the kind of information and entertainment programming that many urban Americans take for granted.

However, I remain concerned with provisions in the legislation which could result in unfair discrimination against these same rural families. Specifically, this legislation would sever the link between cable and satellite fees and instruct an arbitration panel to determine these fees based on fair market value. I, along with many other members of the Rural Caucus, believe that this could lead to unfair, and increased rates for our rural constituents.

Mr. Speaker, rural satellite television consumers are already charged higher retransmission fees than cable subscribers. On behalf of my rural colleagues, I respectfully request that the House conferees recede to the Senate on this matter. In addition, I have included following my statement a letter signed by 32 members of the Rural Caucus on this matter.

The letter follows:

CONGRESSIONAL RURAL CAUCUS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 1994.

Hon. JACK BROOKS,
Chairman, Judiciary Committee, Washington, DC.

Hon. WILLIAM J. HUGHES,
Chairman, Judiciary Subcommittee on Intellectual Property and Judicial Administration, Washington, DC.

DEAR CHAIRMAN BROOKS AND CHAIRMAN HUGHES: As Members of the Congressional Rural Caucus, we write to thank Chairman Hughes and his Subcommittee for their hard work on H.R. 1103. This legislation is essential to the many rural Americans who are unable to receive either cable or clear off-the-air broadcast programming; and thus rely on satellite technologies to receive the popular news, information, entertainment and other video programming that many urban Americans take for granted.

While we are supportive of the intent of H.R. 1103, we have specific concerns with the legislation that we hope can be addressed in an appropriate manner. In particular, we are concerned that as currently written, this legislation could impose an unjustifiable and disproportionate rate increase on rural satellite home viewers.

As you know, rural satellite home viewers are able to receive network and superstation broadcast programming through the compulsory license provided by the Satellite Home Viewer Act (SHVA) of 1988—which expires at the end of 1994. While H.R. 1103 extends the SHVA compulsory license, we are concerned with the provisions of H.R. 1103 that would serve to (1) sever the link between the rates paid for satellite retransmission compared with rates paid by cable companies, and (2) establish a new pricing approach for satellite rates while continuing the statutory formula for determining cable rates.

Although H.R. 1103 would not alter the formula used for determining cable fees, it would fundamentally alter the criteria used for setting these fees for retransmission to home satellite dish consumers. Under current law, fees for broadcast retransmission for the satellite industry are determined by an arbitration panel (established by the SHVA) based on several factors, the first of which is the "approximate average cost to a cable system for the right to secondarily transit to the public a primary transmission made by a broadcast station."

Under H.R. 1103 these satellite fees would no longer be based on the average cost to cable operators—which are determined by a statutory formula—but instead on the "fair market value" of the retransmitted signals. We believe that this unprecedented "fair market value" determination could result in substantially higher rates for satellite carriers compared to their cable counterparts.

Our rural constituents should not be asked to pay more money to receive the same network and superstation programming commonly available in cable-wired urban areas simply because they utilize satellite technologies. Satellite carriers already pay substantially more than the average rates paid by cable companies for retransmission of broadcast signals—with no difference in the costs to broadcasters or copyright owners providing these signals.

With this in mind, we respectfully request that you amend H.R. 1103 to continue the criteria of current law—which was recently approved by the Senate in S. 1485. We believe that this is an essential step to ensure that our rural satellite television consumers are not unfairly disadvantaged or used to test a mew pricing approach from which the predominately urban cable industry is exempted.

Again, we appreciate the work so far, and are hopeful that we can fully support this bill as it moves through Congress. In advance, thank you for your serious consideration of our views.

Sincerely,

JILL LONG, Chair.
MARTIN LANCASTER, Vice Chair.
PAT ROBERTS.
BILL RICHARDSON.
COLLIN C. PETERSON.
CHARLES WILSON.
PETER A. DEFAZIO.
EARL POMEROY.
TIM JOHNSON.
CHARLES H. TAYLOR.
KARAN ENGLISH.
PETE PETERSON.
JAMES E. CLYBURN.
JIM CHAPMAN.
THOMAS J. BARLOW.
DAVID MINGE.
EVA M. CLAYTON.
IKE SKELTON.
STEVE GUNDERSON.
MICHAEL G. OXLEY.
FRED UPTON.
FLOYD SPENCE.
BARBARA F. VUCANOVICH.
CHARLIE ROSE.
JOHN M. SPRATT.
JIM COOPER.
PAT DANNER.
PAT WILLIAMS.
BILL ORTON.
DOUG BEREUTER.
JOHN M. MCHUGH.
MIKE PARKER.

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

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

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1103, 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.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1485) to extend certain satellite carrier compulsory licenses, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1485

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 "Satellite Compulsory License Extension Act of 1994".

SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)(2)(C)—

(A) by striking out "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking out "whichever is later,";

(C) by inserting "name and" after "identifying (by" each place it appears; and

(D) by striking out ", on or after the effective date of the Satellite Home Viewer Act of 1988,";

(2) in subsection (a)(5)—

(A) in subparagraph (C) by striking out "the Satellite Home Viewer Act of 1988" and inserting in lieu thereof "this section"; and

(B) by adding at the end thereof the following new subparagraphs:

"(D) BURDEN OF PROOF.—In any action brought under this subsection, the satellite carrier shall have the burden of proof (in the case of a primary transmission by a network station) that a subscriber is an unserved household.

"(E) SIGNAL INTENSITY MEASUREMENT; LOSER PAYS.—

"(i) GRADE B CONTOUR.—(I) Within the Grade B Contour, upon a challenge by a network affiliate regarding whether a subscriber is an unserved household, the satellite carrier shall—

"(aa) deauthorize service to that household; or

"(bb) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is unserved.

"(II) If the carrier conducts a signal intensity measurement under subclause (I) and the measurement indicates that—

"(aa) the household is not an unserved household, the carrier shall immediately deauthorize the service to that household; or

"(bb) the household is an unserved household, the affiliate challenging the service shall reimburse the carrier for the costs of the signal measurement, within 45 days after receipt of the measurement results and a statement of the costs.

"(III)(aa) Notwithstanding subclause (II), a carrier may not be required to test in excess of 5 percent of the subscribers that have subscribed to service before the effective date of the Satellite Compulsory License Extension Act of 1994, within any market during a calendar year.

"(bb) If a network affiliate challenges whether a subscriber is an unserved household in excess of the 5 percent of the subscribers within any market, the affiliate may conduct its own signal intensity measurement. If such measurement indicates that the household is not an unserved household, the carrier shall immediately deauthorize service to that household and reimburse the affiliate, within 45 days after receipt of the measurement and a statement of costs.

"(ii) OUTSIDE THE GRADE B CONTOUR.—(I) Outside the Grade B Contour, if a network affiliate challenges whether a subscriber is an unserved household the affiliate shall conduct a signal intensity measurement of the subscriber's household to determine whether the household is unserved.

"(II) If the affiliate conducts a signal intensity measurement under subclause (I) and the measurement indicates that—

"(aa) the household is not an unserved household, the affiliate shall forward the results to the carrier who shall immediately deauthorize service to the household, and reimburse the affiliate within 45 days after receipt of the results and a statement of the costs; or

"(bb) the household is an unserved household, the affiliate shall pay the costs of the measurement.

"(iii) RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households, a challenging affiliate shall reimburse a carrier for any signal intensity measurement that indicates the household is an unserved household.";

(3) in subsection (b)(1)(B)—

(A) in clause (i) by striking out "12 cents" and inserting in lieu thereof "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking out "3" and inserting in lieu thereof "6";

(4) in subsection (c)—

(A) in the heading for paragraph (1) by striking out "DETERMINATION" and inserting in lieu thereof "ADJUSTMENT";

(B) in paragraph (1)—

(i) by striking out "December 31, 1992, unless"; and

(ii) by striking out "After that date," and inserting in lieu thereof "All adjustments of";

(C) in paragraph (2)—

(i) in subparagraph (A) by striking out "July 1, 1991," and inserting in lieu thereof "January 1, 1996,"; and

(ii) in subparagraph (D) by striking out "until December 31, 1994" and inserting in lieu thereof "in accordance with the terms of the agreement"; and

(D) in paragraph (3)(A) by striking out "December 31, 1991," and inserting in lieu thereof "July 1, 1996,"; and

(5) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) any noncommercial educational station, as defined in section 111(f) of this title, that is a member of the public broadcasting service."; and

(B) in paragraph (6) by inserting "and operates in the Fixed Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations," after "Commission,".

SEC. 3. CABLE COMPULSORY LICENSE.

Section 111(f) of title 17, United States Code, is amended—

(1) in the paragraph relating to the definition of "cable system" by striking out "wires, cables" and inserting in lieu thereof "wires, microwave, cables"; and

(2) in the paragraph relating to the definition of "local service area of a primary transmitter"—

(A) by striking out "comprises the area" and inserting in lieu thereof "comprises either the area"; and

(B) by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any subsequent modifications to such television market made pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code, (as added by section 2(2)(B) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

MOTION OFFERED BY MR. BROOKS

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

The Clerk read as follows:

Mr. BROOKS moves to strike all after the enacting clause of the Senate bill, S. 1485, and insert in lieu thereof the provisions of H.R. 1103, as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "A bill to amend title 17, United States Code, with respect to secondary transmissions of superstations and network stations for private home viewing, and with respect to cable systems."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1103) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1485

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1485, and request a conference with the Senate thereon.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on S. 1485: Messrs. BROOKS, HUGHES, SYNAR, BOUCHER,

FRANK of Massachusetts, MOORHEAD, COBLE, and FISH.

There was no objection.

□ 1230

CONCURRING IN SENATE AMENDMENT TO H.R. 1305, MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1993, WITH AN AMENDMENT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 520) providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 1305.

The Clerk read as follows:

H. RES. 520

Resolved, That, upon adoption of this resolution, the bill (H.R. 1305) to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table, and the same hereby agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1994".

TITLE I—MINOR BOUNDARY ADJUSTMENTS

SEC. 101. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001-B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION BY DONATION.—(1) Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 102. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in Section 28 to the park and to exclude the 5.51 acres in Section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire two years after the date of the enactment of this Act.

SEC. 103. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on a map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore", numbered 625-80, 043A and dated July 1992.

SEC. 104. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 105. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131-80,008, and dated October 1987, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands, and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands, and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 106. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection:

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 107. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322-80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands, and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

TITLE II—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

SEC. 201. ADVISORY COMMISSIONS.

(a) KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK, HI.—

(1) This subsection may be cited as the "Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1994".

(2) Notwithstanding section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by subsection (b) of this section.

(3) Section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(7)), is amended by striking "this Act" and inserting in lieu thereof, "the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1994.".

(b) WOMEN'S RIGHTS NATIONAL HISTORICAL PARK, NY.—Section 1601(h)(5) of the Act of December 28, 1980 (16 U.S.C. 410ll(h)(5)), is amended by striking "ten years" and inserting in lieu thereof "twenty-five years".

SEC. 202. AMENDMENT OF BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z-1(b)) is amended by inserting "(1)" before the first sentence thereof and by adding the following at the end thereof:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the park and to the Freedom Trail.".

TITLE III—GENERAL AUTHORIZATIONS AND REPEALERS

SEC. 301. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", which appears under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 302. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j-2), is amended by adding at the end the following:

"(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 303. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this Act, or section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft and helicopters, or contract for such use, in furtherance of the management of the National Park System, and the provisions of section 47(a) of title 18, United States Code, shall not be applicable to such use.".

SEC. 304. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) FUNCTIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in paragraph (b) of the first section, by striking out "from such donations and bequests of money"; and

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

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) The Secretary shall ensure that museum objects and museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.".

(b) APPLICATION AND DEFINITIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

"(b) DEFINITIONS.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

SEC. 305. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000".

SEC. 306. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled "An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a-2), is amended—

(1) in paragraph (i), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

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

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, or private conservation organizations for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.".

SEC. 307. CARL GARNER FEDERAL LANDS CLEANUP DAY.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–169i–1 is amended by striking "Federal Lands Cleanup Day" each place it occurs and inserting in lieu thereof, "Carl Garner Federal Lands Cleanup Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] 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 on House Resolution 520.

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, House Resolution 520 is a measure to provide for House consideration of the bill, H.R. 1305, with the Senate amendment and to concur in the Senate amendment, with an amendment. H.R. 1305 is a noncontroversial housekeeping bill making minor boundary adjustments and other miscellaneous changes in programs and authorities of the National Park Service. It is a bipartisan bill which I introduced along with the ranking minority member of the Subcommittee on National Parks, Forests and Public Lands, Mr. HANSEN of Utah. The bill originally passed the House on July 19, 1993. The Senate passed an amendment in the nature of a substitute on May 3, 1994. The Action before the House today is to concur in the Senate amendment with an amendment.

H.R. 1305 as passed by the House makes seven minor park boundary adjustments, extends the advisory commissions at two park units, clarifies the authority for the National Park Service to enter into agreements regarding cooperative park study units, provide the National Park Service with greater flexibility in handling museum objects and makes several other miscellaneous authorizations that in the past had been carried in appropriations bills. Nearly all of the provisions of H.R. 1305 were drafted and presented to the committee by the National Park Service and most were passed by the House in the 102d Congress as part of another bill. Unfortunately, action on this earlier bill was not completed prior to adjournment of the 102d Congress.

The Senate amendment to H.R. 1305 keeps all of the House passed provisions of the bill except one minor provision relating to Fort Pulaski National Monument. The Senate added two new sections to the bill. The first is a provision supported by Senator BUMPERS to designate Carl Garner Federal Lands Cleanup Day. The second section is legislation authorizing the construction of a new visitor center to interpret the siege and Battle of Corinth, MS. The Subcommittee on National Parks, Forests and Public Lands recently held a hearing on the Corinth visitor center issue, which was the subject of freestanding legislation by Representative JAMIE WHITTEN and Senator TRENT LOTT. While the hearing demonstrated the historical importance of the events surrounding the battle at Corinth, questions were raised by the National Park Service

and others about the cost and precedent of building a new visitor center for an area not even in the National Park System. I will be working with the members of the Mississippi delegation to fashion a legislative initiative which addresses the historical resources of the Corinth area. However, the inclusion of such a proposal on this bill is not appropriate. H.R. 1305 is a bipartisan bill consisting of long delayed housekeeping measures proposed by the National Park Service, and the Corinth proposal, whatever its merit, is neither housekeeping nor a National Park Service initiative. The action we are taking today is supported by the minority and the National Park Service.

Mr. Speaker, H.R. 1305 as amended is a noncontroversial bipartisan bill which deserves our support and I urge the adoption of the resolution.

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

Mr. Speaker, the bipartisan effort which led to development of this measure actually began last Congress. The legislation was passed by the House last session, but was not acted on by the Senate because the long list of useful housekeeping measures included in this bill did not gather sufficient sponsorship in the Senate. My only concern today is that by sending this bill to the Senate a third time, there is a significant likelihood that time will run out before the Senate has another chance to consider the measure.

However, I do not intend to oppose the chairman's decision to modify this bill and return it to the Senate, and therefore I urge my colleagues to support this resolution today.

Mr. Speaker, I have no further 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 agree to the resolution, House Resolution 520.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENTS TO H.R. 2815, FARMINGTON WILD AND SCENIC RIVER ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2815) to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System.

The Clerk read as follows:

Senate amendments:

Page 4, strike out lines 4 to 23 and insert:

(6) the Colebrook Dam and Goodwin Dam hydroelectric projects are located outside the river segment designated by section 3, and based on the study of the Farmington River pursuant to Public Law 99-590, continuation of the existing operation of these projects as presently configured, including associated transmission lines and other existing project works, is compatible with the designation made by section 3 and will not unreasonably diminish the scenic, recreational, and fish and wildlife values of the segment designated by such section as of the date of enactment of this Act.

Page 6, strike out lines 2 to 4 insert:

(a) COMMITTEE.—The Director of the National Park Service, or his or her designee, shall represent the Secretary on the Farmington River Coordinating Committee provided for in the plan.

Page 6, line 5, strike out all after "ROLE.—" down to and including "(2)" in line 15 and insert: (1)

Page 7, line 7, strike out "(3)" and insert "(2)".

Page 7, line 10, strike out "(4)" and insert "(3)".

Page 7, line 21, strike out "Director" and insert "Secretary".

Page 8, strike out lines 23, and 24.

Page 9, line 1, strike out "(3)" and insert "(2)".

Page 9, line 7, strike out "(4)" and insert "(3)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] 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 on H.R. 2815, and the Senate amendments thereto.

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, H.R. 2815 is a bill introduced by Representative JOHNSON of Connecticut and cosponsored by the entire delegation from that State, including our colleague on the Natural Resources Committee, Mr. GEJDENSON.

It would designate a segment of the Farmington River, in Connecticut, as a component of the National Wild and Scenic Rivers System.

The House passed H.R. 2815 back in March. More recently, the Senate returned the bill to us with some amendments that make minor revisions to one finding and clarify the role of the National Park Service in connection with the local coordinating committee provided for in the bill. After a review, we have concluded that the bill as amended by the Senate remains completely consistent with the original purpose and intent of the House-passed bill, as explained in the report of the Natural Recourse Committee.

Therefore, we are seeking to concur in the Senate amendments and send the bill to President Clinton for signature into law.

The gentlewoman from Connecticut [Mrs. JOHNSON] should be congratulated for her hard work and leadership on this matter. This is a good bill that deserves enactment, and I urge the House to concur in the Senate's minor amendments, and send the bill to the President.

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

Mr. Speaker, I rise in support of H.R. 2815 as amended by the Senate. This legislation, which has been fully explained by Chairman VENTO, already passed the House by voice vote several months ago.

I would like to commend the gentlewoman from Connecticut [Mrs. JOHNSON] for her hard work on this legislation affecting her district. I believe she has worked nearly 8 years trying to broker a compromise with the many diverse groups along the Farmington River.

I urge my colleagues to support H.R. 2815.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of H.R. 2815 and commend the Committee on Natural Resources for bringing this legislation to closure.

It has been a long road for this bill, Mr. Speaker, and this glorious day would not have been possible without broad local support of my constituents, the 17-member Farmington River Advisory Committee, the local Watershed Association, the Metropolitan District Commission, the Connecticut Department of Environmental Protection, and the National Park Service.

With today's action, this bill is cleared for the President's signature.

But, more notably for my constituents back home, we will at long last have a federally recognized natural asset protected for all time in an area that my western colleagues might not consider wild but would surely honor as scenic. Further, I want to underscore the precedent-setting nature of this bill, Mr. Speaker, because it gives hope to other people who wish to protect remarkable rivers in relatively densely populated areas of America, and particularly, New England.

As I have noted in earlier remarks, this legislation develops a new model for the governance of wild and scenic rivers. The goals of our Federal preservation program will be achieved through cooperative efforts that honor the tradition of local power that is embodied in our town meeting form of government. This new model will enable many New England areas to participate in the Federal preservation effort embodied in our Wild and Scenic Rivers Act.

I deeply appreciate the committee's work and especially thank the chairman of the subcommittee, Mr. VENTO, and its ranking member, Mr. HANSEN, for their tireless efforts to bring a complex process to conclusion.

I yield back the balance of my time.

Mrs. KENNELLY. Mr. Speaker, we are considering today a bill to protect one of Connecticut's most treasured resources—the Farmington River. This bill, sponsored by my good friend, Mrs. JOHNSON and supported by all of us in the Connecticut delegation, will protect 14 miles of the west branch of the Farmington River by including it in the National Wild and Scenic Rivers System.

A wild and scenic designation is the only protection that can permanently guarantee that no federally licensed or funded water project be allowed to harm the river. It will protect the waterway's fisheries, wildlife, and recreation potential, and contribute significantly to our enjoyment of the river.

Today's legislation will not only protect the Farmington River, but has the potential to help rivers nationwide. The bill contains important language to promote local autonomy and self-determination, which will help local governments settle the sometimes difficult issues which arise during consideration of preservation status.

This local stewardship approach states that the Federal Government cannot pursue land acquisition or management, ensuring that local authorities will retain significant influence. This can be particularly important when rivers abut private property. It is an important distinction which should contribute to greater preservation efforts.

This legislation is the result of cooperation among many different parties—Governor Weicker, the Connecticut Department of Environmental Protection, the Metropolitan District Commission, the Farmington River Watershed Association, and local municipal authorities. Many people have worked together on this project—this bill is testimony to their efforts and to the merits of their project.

Mr. Speaker, I would like to commend my colleague, Mrs. JOHNSON, for her hard work and encourage this Chamber to quickly pass this bill.

Mr. Speaker, I have no further 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 suspended the rules and concur in the Senate amendments to H.R. 2815.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENTS TO H.R. 2947, COMMEMORATIVE WORKS ACT AMENDMENTS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2947) to amend the Commemorative Works Act, and for other purposes.

The Clerk read as follows:

SENATE AMENDMENTS:

Page 6, line 1, after "Administrator" insert "(as appropriate)".

Page 6, line 3, after "the" insert "Secretary or Administrator determines the fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States".

Page 6, strike out lines 4 to 13.

Page 6, lines 15 and 16, strike out "operations prepared" and insert "operations, including financial statements audited".

Page 6, line 18, strike out "work." and insert "work.".

Page 6, strike out lines 19 to 25.

Page 7, line 6, strike out "(1) Section" and insert "Section".

Page 7, strike out lines 12 to 16.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes of 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 on H.R. 2947, and the Senate amendments thereto.

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, H.R. 2947 as amended is legislation to extend for 3 years the authorization for the Black Revolutionary War Patriots Memorial, the National Peace Garden Memorial, and the Women in Military Service Memorial. It also makes several technical and conforming amendments to the Commemorative Works Act. The bill originally passed the House on November 23, 1993. It passed the Senate with several amendment on April 12, 1994. The action before the House today is to concur in the Senate amendments and send the bill to the President.

As originally introduced by Congresswoman NANCY JOHNSON, H.R. 2947 would have extended the authorization for the Black Revolutionary War Patriots Memorial, a memorial to those African-Americans who fought with the American Colonists for independence from Great Britain. As amended by the Committee on Natural Resources, the bill extends the authorization for two other commemorative works to be constructed here in the Nation's Capital. The Black Revolutionary War Patriots Memorial, the Women in Military Service to America Memorial, and the National Peace Garden have all been authorized under the Commemorative Works Act. All three obtained the initial site and design approvals as required by the law. But for various reasons, particularly because of the difficulty of fundraising, each of them has requested an extension for the completion of their commemorative works. This legislation extends their authorizations to 10 years—an additional 3 years for each. I support this extension with the understanding that there will be no further extensions.

H.R. 2947 also makes various changes to the Commemorative Works Act. Congress enacted the Commemorative Works Act in 1986 out of concern that numerous memorials were being proposed for the scarce public lands in the Nation's Capital and that a process for establishing those of the highest merit should be developed. The changes in H.R. 2947 were requested by the National Capital Memorial Commission and by those responsible for administering the act. The most significant changes are provisions to require an annual report including an audited financial statement and authorization for the Secretary of the Interior to suspend a memorial organization's activities if misleading fundraising tactics are used. These provisions were including to increase accountability and to ensure that the public's trust is not abused.

The Senate deleted a provision in the House-passed bill authorizing the Secretary to suspend a memorial organization's activity if there are excessive administrative and fundraising expenses. It is the committee's intent that the National Park Service develop guidelines which provide direction to memorial organizations on the subject of unreasonable or excessive administrative costs and fundraising fees. The committee believes that guidelines from the National Park Service would also be helpful to avoiding problems in the future. The committee expects the National Park Service to monitor the fundraising activities of the memorial organizations more closely and it intends that all of the provisions of H.R. 2947 apply to all commemorative works authorized under the Commemorative Works Act.

Mr. Speaker, H.R. 2947 as amended is a meritorious bill which will allow three important memorial efforts in our Nation's Capital to continue. It will also make needed changes to the general process used for evaluating and approving commemorative works. This bill has bipartisan support and is supported by the administration. I urge its passage today.

□ 1240

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

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

Mr. Speaker, I rise in support of H.R. 2947, the extension of the Black Revolutionary War Patriots Foundation. This legislation has been fully explained by Chairman VENTO and I support the changes made in the other

body. This side of the aisle urges the Foundation to complete their work within the time period we are granting in order to avoid such an extension 2 years from now.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to endorse H.R. 2947, my bill to extend the life of the Black Patriots Foundation so that it may gather the resources necessary to establish a memorial to black Revolutionary War patriots.

Mr. Speaker, several years ago, a constituent of mine, Maurice Barboza, brought me the forgotten story of the thousands of black Revolutionary War patriots who fought and died for the birth of this Nation. Shoulder to shoulder with white patriots, these 5,000 18th century heroes sacrificed mightily so that we can stand here today, a free people and a beacon of hope in today's world.

Though the Black Revolutionary War Patriots Foundation has worked hard to accomplish its important goal, fundraising is never easy. Through the public notice of this legislation and in a period of greater ecomonoic growth, I hope more people will take part in the journey to full recognition of the Black Revolutionary War Patriots Foundation by contributing to the cause.

Again, I appreciate the understanding and support of Chairman VENTO and Ranking Member HANSEN and look forward to a successful drive, and construction of a fitting memorial to the black Revolutionary War patriots.

As generations of children visit our Nation's capitol and walk the mall, they should have a concrete reminder that America was born as a result of blacks and whites fighting together for freedom and justice for all. We are one Nation because people of all races and ethnic origins have been willing to fight for and then build a new nation of free and equal citizens. If we fail to understand our past, we cannot assume a future worthy of our visionary ancestors. Mr. Speaker, this monument is about cherishing, affirming, and comprehending our past each day we build our future.

Mrs. KENNELLY. Mr. Speaker, I rise in support of H.R. 2947, a bill to extend the authorization for the construction of the Black Revolutionary War Patriots Memorial. I would like to thank the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, for his support of this legislation and the work he and his staff have done to make the extension possible.

It is a little known fact that in the Revolutionary War, approximately 5,000 African-American soldiers fought for the United States. It is a shame that these brave men have not yet received proper recognition, but now we have an opportunity to change that by allowing the completion of the black patriots memorial.

In addition, H.R. 2947 also provides for an extension in authorization for the Women In Military Service for America Memorial. This structure, which will be located at the gates of Arlington Cemetery, will serve as a monument to the approximately 1.8 million American women who have served their country in peacetime and in war, from the American Revolution to the Persian Gulf conflict. By extending the memorial's authorization, we allow the Women In Military Service for America Memorial Foundation to raise the rest of the funds needed to begin construction of this important monument. It is vital that this project be completed, because a comprehensive account of the contributions of servicewomen throughout our Nation's history has never been assembled. This is an oversight which must be corrected. We have had a long tradition of distinguished service by women and it is time they received due recognition. Once again, I stand in strong support of H.R. 2947, and I urge my colleagues to vote for this bill.

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

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

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and concur in the Senate amendments to H.R. 2947.

The question was taken.

Mr. VENTO. 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.

COMMUNICATION FROM THE HONORABLE J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable J. DENNIS HASTERT, Member of Congress:

HOUSE OF REPRESENTTIVES,
Washington, DC, August 10, 1994.

Hon. THOMAS FOLEY,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for the Sixteenth Judicial District, County of Kane, Illinois relating to a constituent casework matter.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

THE CRIME BILL

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

Mr. VENTO. Mr. Speaker, on Friday last I traveled with President Clinton to Minnesota as he addressed the National Organization of Police Officers and their association. I must say that the response at home with regards to the failure of the House to act on the crime bill was one of outrage. Universally, as I met with the police officers and other officials that were impacted by that decision, they and the general public in Minnesota were very concerned.

The fact is, that there has been a lot of complaints about the provisions of the bill referred to as being "porked up." I would suggest to my colleagues that this claim of pork is a cooked-up excuse to, in fact, disarm this bill, to take out the weapons ban, to, in fact, distort the provisions of the bill which has for sometime on regular basis been pushed forward.

I would suggest my colleagues ought to hit the books a little more in looking at what is in the bill; the design of the opponents is to defund the bill, taking out the important dollars for prevention, which goes for police training, for programs that have universal support in the Congress in terms of providing for prevention, small programs for sports that offer vision, that offer hope to youngsters and young people and others who live in troubled communities. The dollars that are spent for prevention in terms of eliminating or trying to prevent people that are incarcerated from using drugs and treatment afterwards and monitoring programs for individuals released.

Most of this criticism is simply a heat shield that is being put up in terms of suggesting these dollars are being wasted. These are noncontroversial programs, proven programs. They have been considered carefully.

Furthermore, each one of these programs are subject to be separately appropriated, although there is a trust fund, Congress would still have the right and responsibility to vote individually on those appropriations. Members would have the right to stand up on this floor and move to strike an appropriation in any appropriation bill that dealt with those particular topics over the next 5 or 6 years.

Mr. Speaker, I do not think it is asking too much to commit $30 billion over a period of 5 or 6 years in terms of fighting crime, which is a very important issue in this country. Twenty-two million people are affected each year by crime. There are provisions in that bill that each of us could look at and disagree with, the death penalty provisions I personally find objectionable and what the message is with regard to that issue and the dehumanization of how to address punishment and crime to resort to the death penalty. It illustrates to me the great frustration with crime in this Nation today. Members of this House could all find a basis to abandon or to rail against the crime bill. I think after 6 years of debate and failure to act the need persists. We need those 100,000 new police officers on the street. Sadly we need to construct the additional prison space to deal with the problems of overcrowding and the fact that there are mandatory minimum penalties that have been put in place by this Congress in recent years that have caused the overcrowding.

We need prevention dollars to provide hope, to offer vision, to offer alternatives, and to provide the special community-based organization assistance such as the Boys and Girls Clubs of America. We need those programs. I hope that after my colleagues have been home, after they have had a chance to read this crime conference report over more carefully, that we will rally together this week and finally pass this important new crime bill. All of us can find some things we disagree with in the crime bill, but I think the people we represent are telling us they want a crime bill, they want it to pass, they want the Congress to get on with its business and pay attention to the people, not just the special interests, the narrow special interest groups and partisan interests that rallied last week to prevent the crime bill consideration.

This tactic has backfired on Members that have tried to move in this negative direction and to oppose this particular bill last Thursday. I hope Members will come back this week with a different attitude and a changed vote.

□ 1250

SEMI-AUTOMATIC WEAPONS WITH EASE BECOME AUTOMATIC MACHINE GUNS

Mr. VENTO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mr. TRAFICANT). Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. VENTO. Mr. Speaker, on Saturday last, I had the opportunity to work with BATF special agents in charge of St. Paul Field Division, Bob Witzer and his colleague James Kuboushek who worked for the Bureau of Alcohol and Tobacco and Firearms, Department of Treasury, who helped me put on a demonstration of a number of the assault weapons that are included in the 19 weapons that are included in the proposed assault ban, and showing the power and danger of these particular weapons and the problem they pose.

Mr. Speaker, as my colleagues are aware with regard to this issue, very often when these weapons are sold as semiautomatic assault weapons they are, with ease and readily converted to an automatic weapon. Most of the assault models of weapons are produced abroad, and some were banned by President Bush under an executive order in 1989, banned in terms of the importation, they are, in fact, today being produced by U.S. manufacturers and-or sent into the United States as parts and than assembled.

I think the important point that is glossed over by opponents and what the public ought to understand is that many times they are sold as semiautomatic, but these weapons are, in fact, easily convertible and used as automatic weapons, so they literally can be turned into a machine gun. This is the normal mode of operation as an automatic weapon used in armed conflict by and for a military purpose.

It is surprising to me that this particular facet has not been well-recognized by the public, or even by some Members, because in the 1930's, when the then Thompson submachine guns were banned and other machine guns were banned in the mid-1980's in this country, and now in the 1990's we have these weapons that are brought in that have an automatic mode but are sold on a semiautomatic basis, they, in fact, are easily convertible, so we basically have circumvention of the law and the assault weapon present on the streets and rural routes across America.

That is why it is important, Mr. Speaker, to include this assault weapon ban in the new crime bill and finally in the law, so we can eliminate the future and prospective sale of these assault weapons and prevent these weapons from slipping into the hands of the naive or the hardened criminal.

CRIMINAL JUSTICE INFORMATION SERVICES PLACEMENT ASSISTANCE ACT

Mr. MCCLOSKEY. Mr. Speaker I move to suspend the rules and pass the bill H.R. 4884, to authorize noncompetitive, career or career-conditional appointments for employees of the Criminal Justice Information Services of the Federal Bureau of Investigation who do not relocate to Clarksburg, WV, as amended.

The Clerk read as follows:

H.R. 4884

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 "Criminal Justice Information Services Placement Assistance Act".

SEC. 2. NONCOMPETITIVE CAREER OR CAREER-CONDITIONAL APPOINTMENTS FOR NONRELOCATING EMPLOYEES OF THE CRIMINAL JUSTICE INFORMATION SERVICES OF THE FBI.

(a) IN GENERAL.—Except as provided in subsection (c), an individual described in subsection (b) may be appointed noncompetitively, under a career or career-conditional appointment, to a position in the competitive service if—

(1) the individual meets the qualification requirements prescribed by the Office of Personnel Management for the position to which appointed;

(2) the last previous Federal employment of the individual was as an employee of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(3) the individual is appointed to such position within two years after separating from the Criminal Justice Information Services Division.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) on the date of the enactment of this Act—

(A) is an employee of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) is serving in an appointed position (i) to be relocated from Washington, District of Columbia, to Clarksburg, West Virginia, and (ii) that is excepted by law or regulation from the competitive service; and

(2) has not relocated with his or her position in the Criminal Justice Information Services Division to Clarksburg, West Virginia.

(c) APPLICATION.—This section does not apply to an individual serving on the date of the enactment of this Act in an appointed position on a temporary or term basis.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] 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 H.R. 4884, as amended, which would grant competitive status to certain FBI employees. I want to commend my esteemed colleague, ELEANOR HOLMES NORTON, chair of the Subcommittee on Compensation and Employee Benefits for her hard work and leadership on this bill.

Due to disturbing trends which occurred in the Identification Division [ID] during the eighties, in 1989 the Federal Bureau of Investigation embarked on a plan to revitalize the Identification Division. In addition, a feasibility study was conducted on relocating the ID to address the attrition and hiring problems. In 1990, the Bureau identified a location in Clarksburg, WV, as the most feasible site to relocate the Identification Division.

Approximately 1,200 employees have been identified that do not wish to relocate to the new location in Clarksburg. Although the Bureau has been taking assertive steps to assist these employees in finding other jobs within the Bureau, an abysmal attrition rate, tight budgets, and the continued restructuring and downsizing of the Federal Government has led to problems in finding alternative employment. If further assistance is not provided, these 1,200 employees will be RIF'd by the end of fiscal year 1996.

However, all FBI employees are hired under the excepted service and do not have the ability to compete for jobs in the competitive service. Therefore, these employees cannot automatically apply for other Federal jobs.

This bill would authorize noncompetitive, career, or career conditional appointments in the competitive service for employees of the Criminal

Justice Information Services who do not wish to relocate.

H.R. 4884, as amended by the Post Office and Civil Service Committee, requires that each individual must meet the qualification requirements prescribed by Office of Personnel Management [OPM] for the position to which appointed. This authority would expire 2 years after the employee has been separated from employment with the FBI. OPM recommended replacing the September 30, 1999, deadline that was in the original Norton bill with a provision that the special appointment authority will expire 2 years from the date the employee is separated from the FBI. This would ensure that each employee have ample time to find a job in the competitive service.

The only other change that was made in committee is language clarifying that only permanent employees would be eligible for noncompetitive appointments. This change was also recommended by OPM.

I am interested in ensuring that the Bureau has every avenue available to assist its employees in finding other employment, and I urge my colleagues to support this bill.

Again, I want to commend Representative NORTON for her leadership and concern in this area.

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

Mr. Speaker, I rise in support of H.R. 4884, which was introduced by the chair of the Subcommittee on Compensation and Employee Benefits, the gentlewoman from the District of Columbia. As a cosponsor of the measure, I commend the gentlewoman for her unwavering support for Federal employees and her tenacity in bringing this measure to the floor.

I also commend the chairman of the Subcommittee on Civil Service, Mr. MCCLOSKEY of Indiana, the chairman of the Committee on Post Office and Civil Service, Mr. CLAY of Missouri, and the ranking member, Mr. MYERS of Indiana, for expediting passage of the legislation through the committee process.

The Committee on Post Office and Civil Service passed H.R. 4884 as amended on August 10. This measure grants competitive service to permanent employees of the Criminal Justice Information Services [CJIS], a division within the Federal Bureau of Investigation [FBI] which is being relocated from Washington to Clarksburg, WV. Presently, all employees of the FBI are employed under the expected service positions, because of the nature of their work.

The FBI plans to move the CJIS to West Virginia by 1999. There are many CJIS employees who cannot, or would opt not to, make the move. They would prefer to stay in the area and try to obtain work in the public or private sector. However, for these employees their years as excepted service employees would not transfer into the competitive service. This would affect them significantly if they were to apply for competitive service—it would not give them status. Many Federal jobs require status as a Federal employee in the competitive service to be considered for the position.

When this move was first contemplated, the gentlewoman from the District of Columbia got assurance from then-Director of the FBI, Mr. William Sessions, that these employees would be considered for jobs within the FBI. When Director Freeh took the helm at the FBI, there was concern that those promises could be rescinded because of changed circumstances, such as the austere budget conditions, low attrition rates resulting in nonavailability of jobs.

There has, additionally, been a downsizing within the FBI, rendering it difficult for all the 1,200 CJIS employees who decided to not relocate to West Virginia to be reemployed at their skill level within the Bureau. Though the Director gave assurance that he would seek to place these employees in vacancies which may occur in the FBI and that he would also provide training for them to increase their job skills to enter other jobs, he also sought legislative measures to assist in further placement of the CJIS employees. H.R. 4848 is a result of these concerns.

The measure before us, Mr. Speaker, provides the CJIS employees presently serving in a permanent position an opportunity to reenter Federal service noncompetitively without losing any of their Federal benefits if the employee reenters Federal service within 2 years after separating from the Criminal Justice Information Service Division position.

The Congressional Budget Office estimates that there would be no costs associated with this bill. During our subcommittee hearings, the Office of Personnel Management [OPM] and the FBI testified in support of the bill. I urge my colleagues to support this measure as well.

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

Mr. MCCLOSKEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON], the primary author of this bill.

□ 1300

Ms. NORTON. Mr. Speaker, I sincerely thank the chairman of the subcommittee, the gentleman from Indiana [Mr. MCCLOSKEY] for yielding me the time, and I thank him for much more.

I thank him for the skill and the expeditious treatment with which he has approached this bill, and I thank the ranking member of my own subcommittee, the gentlewoman from Maryland [Mrs. MORELLA], who has been an invaluable Member on this and other matters affecting Federal employees and fairness not only to them but to the Government.

I am grateful to the chair and the ranking member of the full committee as well for facilitating the rapid movement of this bill to the floor.

Mr. Speaker, it is seldom that a bill we pass has an immediate effect upon individuals. More than 1,200 people who simply cannot pick up, pull their roots up and leave their homes throughout this region are affected. Many of these are women heads of household. Almost none of them are highly paid. They are, Mr. Speaker, the mirror image of civil servants in the Federal Government. Through no fault of their own, the FBI, the agency for which they work, is expected from the civil service. At a time when they cannot move their homes, they literally have no place in the Federal Government to go, even though many have had considerable years of service in the Federal Government. By no means do most of these employees live within my district. Ten congressional districts are involved. My district, the District of Columbia, is not where the highest number come from.

This matter proceeds from a good-faith promise made by the former FBI Director, Director William Sessions, that he would find jobs for these employees in the FBI, a promise repeated before a congressional committee, and also a good-faith attempt on the part of his successor, Mr. Louis Freeh, to deliver on that promise.

Our own Federal Government downsizing, however, has confounded even his aggressive placing of these employees in what positions do in fact become vacant. I commend him as well for the skills training he has offered these employees to increase their opportunities for employment. The fact is, Mr. Speaker, that Mr. Freeh himself has suggested to us that he needs the legislative help we are seeking to provide. The bill before us is the response of the Committee on Post Office and Civil Service to his request that in addition to his own efforts a bill be passed to help him fulfill his own promise and that of his predecessor.

Mr. Speaker, what this bill would have the Federal Government do what most decent companies do, anyway. If by no fault of their own a number of employees have to be let go these days, companies pull out all stops and do all that is within their own power to find positions. That is what this bill and the Federal Government would be doing in this case.

I remind Members that this bill does not involve a relocation of some of these employees to the suburbs or from the suburbs to the District of Columbia. Where they would be required to go is not a car ride away or a Metro ride away. For them the move might

just as well be to California as to West Virginia.

I am pleased at the cooperation we have had from the other body as well. This bill will indeed find employment in the Federal Government. At the very least, they deserve an even chance. This bill grants them that even chance.

Mr. Speaker, I thank all who have been involved, especially the subcommittee chair, for facilitating the opportunity for that even chance.

Mr. Speaker, I want to express my sincere thanks to my good friend, Congressman FRANK MCCLOSKEY, chairman of the Subcommittee on Civil Service, for responding favorably and quickly to my request to take action on H.R. 4884, the Criminal Justice Information Services Placement Assistance Act. FBI employees are excepted from the competitive service by law. As a result, their years with the Government count for nothing when they seek consideration for competitive service positions at other agencies. H.R. 4884 would authorize noncompetitive career or career-conditional appointments in the competitive service for employees of the FBI's Criminal Justice Information Services Division [CJIS].

The CJIS Division is being relocated to Clarksburg, WV over the next 4 years. However, over half of its employees in this area either cannot or do not wish to move there. This bill would make it easier for these employees to find other jobs with the Federal Government in this area.

In 1991, I contacted former FBI Director William Sessions and expressed my concern about the fate of the employees who could not relocate. Director Sessions promised me personally that these employees would be afforded other jobs with the FBI in this area at a comparable rate of pay. This promise was not made lightly, but as a matter of elementary fairness to the employees, especially those not highly salaried whose personal and family position made it impossible to move. It was a promise repeated by Director Sessions and Deputy Assistant Director Stanley Klein in testimony before the House Subcommittee on Civil and Constitutional Rights in 1991 and 1992.

Last year, when it was first brought to my attention that Director Sessions was considering reneging on his commitment, thereby placing many employees at risk of losing their jobs, I immediately wrote him seeking assurance that his commitment still stood. Shortly thereafter, however, Director Sessions resigned and left his position without having replied. Once his successor, Director Louis Freeh, was in place, I wrote to him and sought assurance that Director Sessions' commitment would be honored. Director Freeh responded that due to the mandate to downsize and low attrition rates, it might not be possible for him to guarantee job security for Bureau employees, as promised by his predecessor.

Earlier this year, the Director and I corresponded further over this matter. I pointed out to him that I was unconvinced that the Bureau's commitment could not be met by using early-out authority along with buyouts to create openings to meet the employment needs of the CJIS employees. I further indicated to him that the House Report on the Commerce, Justice, State and Judiciary appropriations bill for fiscal year 1994 stated that the "Committee expects the Director to make every effort to fulfill this pledge to employees." He in turn wrote me in February and advised that there were 1,200 CJIS Division employees who do not desire to relocate, and that if they could not be placed in other positions, would be involuntarily separated beginning in fiscal year 1996.

Director Freeh indicated that he would aggressively seek to place these employees in vacancies occurring throughout the FBI, and offer skills enhancement training to increase their marketability. He is to be commended for these efforts. However, the Director also expressed an interest in pursuing further legislative remedies beyond buyouts and asked for my support in that regard. The CJIS Placement Assistance Act is our response.

Mr. Speaker, I believe it would be unconscionable to permit the Bureau to step back from a commitment which was not only made personally to me, but to a Subcommittee of the House. But present circumstances have constrained the Bureau's ability to fulfill the pledge. It cannot do it alone. Assistance from the Congress is needed, and, with the enactment of H.R. 4884, CJIS employees will get the additional help they need to continue their careers competitively in the Federal service.

Earlier this month, Chairman MCCLOSKEY held a hearing on H.R. 4884. Representatives from both the FBI and the Office of Personnel Management appeared and testified in strong support of this measure. Finally, Mr. Speaker, I would like to point out that the Congressional Budget Office has determined that H.R. 4884 is budget neutral. Again, I thank Chairman MCCLOSKEY for his prompt and very fair consideration of the needs of these employees. I urge the House to approve H.R. 4884.

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 bill, H.R. 4884, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 4884, as amended, the bill just passed.

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

There was no objection.

HIGH SPEED RAIL DEVELOPMENT ACT OF 1994

Ms. SCHENK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4867) to authorize appropriations for high-speed rail transportation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4867

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 "High-Speed Rail Development Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) high-speed rail offers safe and efficient transportation in certain densely traveled corridors linking major metropolitan areas in the United States;

(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

(3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States premiere high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

(4) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

(5) State and local governments should take the prime responsibility for the development and implementation of high-speed rail service;

(6) the private sector should participate in funding the development of high-speed rail systems;

(7) in some intercity corridors, Federal planning assistance may be required to supplement the funding commitments of State and local governments and the private sector to ensure the adequate planning, including reasonable estimates of the costs and benefits, of high-speed rail systems;

(8) improvement of existing technologies can facilitate the development of high-speed rail systems in the United States; and

(9) Federal assistance is required for the improvement, adoption, and integration of developed technologies for commercial application in high-speed rail service in the United States.

SEC. 3. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.

(a) AMENDMENTS.—(1) Part D of subtitle V of title 49, United States Code, is redesignated as part E, chapter 261 of such title is redesignated as chapter 281, and sections 26101 and 26102 of such title are redesignated as sections 28101 and 28102.

(2) Subtitle V of title 49, United States Code, is amended by inserting after part C the following new part:

"PART D—HIGH-SPEED RAIL

"CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE

"Sec.
"26101. Corridor planning.
"26102. High-speed rail technology improvements.
"26103. Safety regulations.
"26104. Authorization of appropriations.
"26105. Definitions.

"SEC. 26101. CORRIDOR PLANNING.

"(a) CORRIDOR PLANNING ASSISTANCE.—(1) The Secretary may provide under this section financial assistance to a public agency or group of public agencies for corridor planning for up to 50 percent of the publicly funded costs associated with eligible activities.

"(2) No less than 20 percent of the publicly funded costs associated with eligible activities shall come from State and local sources, not including funds from any Federal program.

"(b) ELIGIBLE ACTIVITIES.—(1) A corridor planning activity is eligible for financial assistance under subsection (a) if the Secretary determines it to be necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections preliminary to implementation of specific high-speed rail improvements. Eligible corridor planning activities include—

"(A) environmental assessments;

"(B) feasibility studies emphasizing commercial technology improvements or applications;

"(C) economic analyses, including ridership, revenue, and operating expense forecasting;

"(D) assessing the impact on rail employment of developing high-speed rail corridors;

"(E) assessing community economic impacts;

"(F) coordination with State and metropolitan area transportation planning and corridor planning with other States;

"(G) operational planning;

"(H) route selection analyses and purchase of rights-of-way for proposed high-speed rail service;

"(I) preliminary engineering and design;

"(J) identification of specific improvements to a corridor, including electrification, line straightening and other right-of-way improvements, bridge rehabilitation and replacement, use of advanced locomotives and rolling stock, ticketing, coordination with other modes of transportation, parking and other means of passenger access, track, signal, station, and other capital work, and use of intermodal terminals;

"(K) preparation of financing plans and prospectuses; and

"(L) creation of public/private partnerships.

"(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

"(c) CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

"(1) the relationship of the corridor to the Secretary's national high-speed ground transportation policy;

"(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

"(3) the integration of the corridor into metropolitan area and statewide transportation planning;

"(4) the potential interconnection of the corridor with other parts of the Nation's transportation system, including the interconnection with other countries;

"(5) the anticipated effect of the high-speed rail service on the congestion of other modes of transportation;

"(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.);

"(7) the past and proposed financial commitments and other support of State and local governments and the private sector to the proposed high-speed rail program, including the acquisition of rolling stock;

"(8) the estimated level of ridership;

"(9) the estimated capital cost of corridor improvements, including the cost of closing, improving, or separating highway-rail grade crossings;

"(10) rail transportation employment impacts;

"(11) community economic impacts;

"(12) the extent to which the projected revenues of the high-speed rail service, along with any financial commitments of State or local governments and the private sector, are expected to cover capital costs and operating and maintenance expenses;

"(13) whether a specific route has been selected, specific improvements identified, and capacity studies completed; and

"(14) whether the corridor has been designated as a high-speed rail corridor by the Secretary.

"SEC. 26102. HIGH-SPEED RAIL TECHNOLOGY IMPROVEMENTS.

"(a) AUTHORITY.—The Secretary may undertake activities for the improvement, adaptation, and integration of developed technologies for commercial application in high-speed rail service in the United States.

"(b) ELIGIBLE RECIPIENTS.—In carrying out activities authorized by subsection (a), the Secretary may provide financial assistance to any United States private business, educational institution located in the United States, State or local government or public authority, or agency of the Federal Government.

"(c) CONSULTATION WITH OTHER AGENCIES.—In carrying out activities authorized by subsection (a), the Secretary shall consult with such other governmental agencies as may be necessary concerning the availability of appropriate technologies for commercial application in high-speed rail service in the United States.

"SEC. 26103. SAFETY REGULATIONS.

"The Secretary shall promulgate such safety regulations as may be necessary for high-speed rail.

"SEC. 26104. AUTHORIZATION OF APPROPRIATIONS.

"(a) FISCAL YEAR 1995.—There are authorized to be appropriated to the Secretary $29,000,000 for fiscal year 1995, for carrying out sections 26101 and 26102.

"(b) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1996, for carrying out section 26101.

"(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 1996, for carrying out section 26102.

"(c) FISCAL YEAR 1997.—(1) There are authorized to be appropriated to the Secretary $45,000,000 for fiscal year 1997, for carrying out section 26101.

"(2) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1997, for carrying out section 26102.

"(d) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

"SEC. 26105. DEFINITIONS.

"For purposes of this chapter—

"(1) the term 'financial assistance' includes grants, contracts, and cooperative agreements;

"(2) the term 'high-speed rail' has the meaning given such term under section 511(n) of the Railroad Revitalization and Regulatory Reform Act of 1976;

"(3) the term 'publicly funded costs' means the costs funded after April 29, 1993, by Federal, State, and local governments;

"(4) the term 'Secretary' means the Secretary of Transportation;

"(5) the term 'State' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

"(6) the term 'United States private business' means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.".

(b) CONFORMING AMENDMENTS.—(1) The table of chapters of subtitle V of title 49, United States Code, is amended by striking the items relating to part D and inserting in lieu thereof the following:

"PART D—HIGH-SPEED RAIL

"261. HIGH-SPEED RAIL ASSISTANCE 26101

"PART E—MISCELLANEOUS

"281. LAW ENFORCEMENT ..... 28101".

(2) The table of sections of chapter 281 of title 49, United States Code, as such chapter is redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "26101" and inserting in lieu thereof "28101"; and

(B) by striking "26102" and inserting in lieu thereof "28102".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California [Ms. SCHENK] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from California [Ms. SCHENK].

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

GENERAL LEAVE

Ms. SCHENK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4867, as amended.

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

There was no objection.

Ms. SCHENK. Mr. Speaker, I rise in support of H.R. 4867, the High-Speed Rail Development Act of 1994.

I introduced this bill on August 1 with the most distinguished chairman of the full Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], and the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, the gentleman from Washington [Mr. SWIFT].

Mr. Speaker, high-speed rail is an idea whose time has arrived. H.R. 4867 represents the first commitment in the history of this great Nation to the development and implementation of a high-speed rail transportation network.

As any schoolchild studying American history can tell us, this country was shaped and built by its rail systems. However, over the decades, we have largely abandoned rail for autos, trucks, and airplanes. Decades have passed and we have begun to realize that our skies are becoming congested and our highways have become rivers of slow-moving red lights. Meanwhile, the booming economies of Europe and Asia were investing in, of all things, rail. No, not the trains of our nostalgia but new, high-tech, high-speed equipment zooming along cleanly, safely, quietly, and efficiently at speeds of over 125 and 150 miles per hour.

In this country, across the spectrum, transportation experts, public officials, and average citizens were beginning to think about and talk about high-speed rail for the United States. In the early

1980's, I was California's Secretary of Business, Transportation, and Housing. At that time I started to learn about the potential of high-speed rail. We were just breaking ground for our then newest and most expensive freeway, the Century Freeway. In 1980 dollars it was to cost $100 million a mile for 17 miles. For those who always stopped the discussion about high-speed rail at the dollar amounts involved, we now had some comparisons.

At the start of the Clinton administration and this 103d Congress, some old and new hands came together to provide the first real steps needed to bring about high-speed rail in this Nation. Long-time supporters such as our distinguished and esteemed full committee chairman, the gentleman from Michigan [Mr. DINGELL], and our distinguished subcommittee chairman, the gentleman from Washington [Mr. SWIFT], joined with newcomers such as me, with the ranking minority member, the gentleman from California [Mr. MOORHEAD], with our subcommittee ranking member, the gentleman from Ohio [Mr. OXLEY], and with our colleague, the gentleman from Michigan [Mr. UPTON], and we began to work on this issue.

The administration, especially Secretary of Transportation Peña, also gave us strong support. In April of last year, the adminstration's original high-speed rail proposal was introduced. That legislation, H.R, 1919, was reported out of the Committee on Energy and Commerce in late July. Meanwhile, we were visited here in Washington and across the country by the tilt train of Sweden and the ice train of Germany, two high-speed rail marvels.

Unfortunately, following our full committee markup, it became very clear that we could not provide the funding levels specified in that bill. There were also other problems.

For the past several months, we on the Committee on Energy and Commerce have worked with the Department of Transportation and the Federal Railroad Administration to resolve the funding and other issues and to forge a consensus bill that reflects the realities of a tight budget. H.R. 4867 is the product of those efforts. This is a very different bill from the one originally reported out.

Our ultimate goal is the construction of a safe, fast, efficient, and environmentally sound high-speed rail transportation system. H.R. 4867 establishes the policy framework and takes the first steps toward achieving that goal. It authorizes total appropriations of $29 million in fiscal year 1995, $70 million in fiscal year 1996, and $85 million in fiscal year 1997 for two primary purposes.

It is important to underscore again that these dollar amounts are vastly different than the original $1.8 billion in H.R. 1919.

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Section 26101 of the bill specifics criteria for Federal assistance to States for purposes of corridor planning.

In 1992, the Department of Transportation identified five high priority, high-speed rail corridors, including from my hometown of San Diego to Los Angeles, and San Francisco and Sacramento via the San Joaquin Valley. In addition to the five corridors specified, the existing New York State high-speed corridor is also eligible for Federal assistance.

Under H.R. 4867 the Federal Government can provide up to 50 percent in matching funds to States for a variety of corridor activities, including environmental assessments, economic analysis, feasibility studies, preliminary engineering and the acquisitions of rights of way.

Section 26102 authorizes the Secretary to provide funding for the adaptation and integration of developed technologies for commercial application in this country. This type of commitment to technology development is long overdue. High-speed innovations such as maglev and the tilt train are U.S. technologies that have been commercialized and applied overseas.

It is my hope that this bill will jump-start the efforts of private industry and help create thousands of jobs in our country. For States and localities such as my own home State of California, high-speed rail can be one of the most important modes of transporting people and goods into the future. So today it is a special, indeed a momentous occasion for me, and I feel privileged to offer H.R. 4687.

Mr. Speaker, I would like to offer my most heartfelt appreciation to both Chairman DINGELL and Chairman SWIFT for moving with me on this issue and for providing me the privilege of offering the bill today. They and their outstanding staffs have been extremely generous. In particular I want to commend Chairman SWIFT for his tireless leadership on these issues. He is an inspiration to us all and his pending retirement is this body's loss. I also want to thank and commend our ranking member, the gentleman from California [Mr. MOORHEAD], and our subcommittee ranking member, the gentleman from Ohio [Mr. OXLEY], for their support, efforts, and cooperation.

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

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

Mr. Speaker, I rise to support approval of this legislation to advance the development of high-speed rail passenger service in the United States. This bill is a modest first step in a long-term process: It is aimed at assisting State and local governments with the costs of pre-construction activities such as planning, environmental assessments, and refinement of developed technologies for use in high-speed rail corridors.

Although I had hoped for broader legislation in this area, H.R. 4867 will help lay the foundation for actual construction of the various infrastructure improvements needed for future high-speed rail passenger service.

I want to commend Chairman DINGELL, Subcommittee Chairman SWIFT, and the subcommittee's ranking member, MIKE OXLEY, for their work on this legislation.

We in California are particularly conscious of the benefits of high-speed rail as part of our overall transportation strategy. It is energy-efficient, environmentally benign, and it helps alleviate traffic congestion and meet our Clean Air Act air quality standards.

We know that the Nation's freight railroads will be key players in the ultimate operation of high-speed rail passenger service, because they own most of the rights-of-way which will have to be used for high-speed corridors. In California, we have so far been successful in obtaining the cooperation of the freight carriers in making rights—of-way available for our conventional passenger and commuter service. As we move on to high-speed rail, it is quite clear that suitable liability arrangements will have to be made to assure access to needed facilities. I believe that this is an area where the Department of Transportation can perform a vital service in its planning processes-both under current law and under this legislation. DOT can help to suggest approaches to addressing the liability problem as part of the planning and other pre-construction preparations provided for in this bill.

Ms. SCHENK. Mr. Speaker, I yield such time as he may consume to our distinguished full committee chairman, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from California for yielding me the time.

Mr. Speaker, I commend the chairman of the Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership regarding this legislation. I also want to thank the ranking Republican member of the Committee, Mr. MOORHEAD, and the ranking member of the subcommittee, Mr. OXLEY, for their help and support. Finally, I want to offer special thanks to the author of this legislation, Ms. SCHENK, and to Mr. UPTON.

H.R. 4867 is not the same bill the Committee on Energy and Commerce passed last year. Due to budget constraints, this legislation has been scaled back significantly.

Given available resources, this is the best we can do at this time. H.R. 4867 is a corridor planning and technology development bill which authorizes activities to assist in the implementation of

steel-wheel high-speed rail transportation. It focuses on practical and efficient use of limited resources.

High-speed rail transportation is a field of great potential public benefit. It is recognized increasingly as an economically viable and socially acceptable solution to problems facing many intercity corridors. Changes need to be made in our transportation priorities by encouraging interested State and local governments to facilitate the development of needed high-speed rail corridors.

Although H.R. 4867 contains no construction or corridor implementation, it does contain important provisions to provide the framework for future high-speed rail corridors. It allows the Secretary of Transportation to provide financial assistance to States or public agencies for eligible high-speed rail corridor planning activities. It also allows the Secretary to provide financial assistance for developed technology improvements to assist in the implementation of high-speed rail service in the United States.

H.R. 4867 is a modest step forward in the development of steel-wheel high-speed rail activities, but it is at least a step in the right direction.

I would like to thank FRA and DOT for their help and guidance in crafting this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 4867.

Mr. SWIFT. Mr. Speaker, H.R. 4867, the High-Speed Rail Development Act of 1994, has been a long time in the making. It is the second piece of high-speed rail legislation that has been considered by the Committee on Energy and Commerce in this Congress. Last year, the committee passed very ambitious legislation which would have provided substantial funding for high-speed rail corridor implementation and technology development. Unfortunately, due to budget constraints, we were unable to proceed with that piece of legislation. However, the importance of high-speed rail and its potential role in our Nation's transportation system should not be ignored. The fact that rail passenger transportation is cost-effective, energy efficient, and environmentally friendly are just a few of the reasons why Congress should encourage States to include high-speed rail as part of their transportation mix.

H.R. 4867 authorizes preconstruction activities through appropriate Federal financing assistance for corridor planning activities and technology improvements. In providing financial assistance, the bill requires the Secretary of Transportation to consider a broad range of criteria including whether the corridor has been designated as a high-speed rail corridor. The legislation sends an important message that the Federal Government is going to be a partner with the States that desire to include high-speed rail in their transportation program. And that message will be welcomed in many States, including my own State of Washington, which has committed significant State resources for its rail passenger program.

I would like to commend the author of the legislation, Congresswoman LYNN SCHENK, who has been an ardent supporter and tremendous advocate for high-speed rail. Additionally, the leadership of Chairman DINGELL and the efforts of the ranking member on the Subcommittee on Transportation and Hazardous Materials, Congressman MIKE OXLEY, allowed for the expeditious consideration of this legislation. I urge my colleagues to support the High-Speed Rail Development Act of 1994.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, let me just say I rise in opposition to this bill. We have not been able to make our passenger rail system in this country work after 50 years of desperately trying to get it to work and still it does not work. It continually requires a subsidy. The gentleman from Michigan [Mr. DINGELL] and I come to the floor and debate every year on whether or not we ought to privatize the Amtrak system, and so far I have not prevailed in that.

But to throw $184 million at this kind of a concept when we are losing money like crazy just does not make any senses to me. The reality is in America no one wants to ride the train. I will not say no one. Some people do, particularly in the eastern corridor. Here the trains are used, but by and large across the country people do not want to ride the train. Why do we not accept that? In fact, even small percentages do in foreign countries where they consider it a great success.

We cannot make it work now, so we are throwing this money after somebody's idea, after a theoretical concept that we ought to make it work. I just do not think that is correct.

Yes, this is a scaled down version. This is not the $140 million in fiscal 1994 to $355 million in fiscal 1998 that was proposed by the committee last year. This is only $184 million.

Let us look at what we get for the $184 million. We get some planning. We do not get 1 mile of rail. We do not get a single car; we do not get a station. We get some planning for a high-speed rail system in this country that we do not even have a very good concept of whether we need it or want it.

So, Mr. Speaker, I would hope we would defeat this measure, save the $184 million.

Ms. SCHENK. Mr. Speaker, I would like to thank our extraordinary full committee chairman for his remarks.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington [Ms. CANTWELL], with thanks for her hard work on this particular bill in an area that I think our speaker will particularly appreciate.

Ms. CANTWELL. Mr. Speaker, I rise today in support of this bill.

Let me begin by commending Chairman DINGELL and Chairman SWIFT for their tireless efforts to improve and upgrade rail transportation in this country and the gentlewoman from California [Ms. SCHENK] for her hard work over many months in the development of this legislation. This legislation moves us one step closer to implementation of a high-speed rail system.

The development of a nationwide high-speed rail network is a critical component of our work to create an integrated and efficient national transportation system.

Mr. Speaker, I would like to specifically highlight the positive impact that the development of a high-speed rail system should have on jobs and the work force. The report accompanying this bill:

> * * * directs the Secretary of Transportation to work closely with other governmental agencies to maximize the use of domestic workers in the implementation of developed high-speed rail technologies. The Committee believes that development of high-speed rail technologies offers increased opportunities for U.S. manufacturers workers.

I believe that the committee is correct. We have talented, skilled workers around this country who are ready and able to be partners with the government and industry in the development and manufacture of high speed transportation. We need not look any further than our domestic workforce to develop, build and maintain high-speed rail.

Today, the House can take an important step toward making a high-speed rail network a reality in this country. I look forward to working with my colleagues in Congress and in the administration to implement this legislation and keep our work force on track with the development of high-speed rail.

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

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 4867, the High-Speed Rail Development Act of 1994 and commend my colleague, Ms. SCHENK of California, for her hard work on this important piece of legislation.

This bill would allow the Federal Government to fund up to 50 percent of the costs of corridor planning and other preconstruction activities, thus allowing States to proceed forward on important high-speed rail planning initiatives. Such planning is crucial if our Nation is to proceed forward into the 21st century. Many of our Nation's transportation corridors are in need of updated technology to ensure economic growth, ease of travel, and a better standard of living.

As a Representative from New York I support high-speed rail initiatives as well as rail technology such as maglev. I believe that both of these projects can and should proceed forward in the hopes of providing New York as

well as the rest of the Nation with a transportation corridor that is second to none.

Accordingly, I urge all of my colleagues, including those from New York to support this important legislation as well as maglev opportunities.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 4867, a bill to move forward the process of selecting and planning high-speed rail corridors around the United States. This legislation is structured to assist State and local governments in planning and other preconstruction activities at eventual construction of high-speed rail rights-of-way. It provides for a matching program under which the Federal Government will assist the State and local governments in funding planning, feasibility studies, and the refinement of already developed technologies for use in high-speed rail passenger service.

One of these developed technologies that may well prove crucial to high-speed rail in corridors of lower population density is high-speed nonelectric locomotives, such as those powered by turbine. Amtrak has utilized first-generation locomotives of this type on certain routes outside the Northeast corridor, and improved versions hold the promise of allowing true high-speed operation on other routes where construction of a complete overhead electrical catenary system is not cost-effective. Under H.R. 4867, DOT is authorized to assist in the funding of improvement and adaptation of developed technologies for high-speed rail use, and turbine-powered high-speed locomotives should clearly be considered as one of these key technologies.

I want to commend Chairman DINGELL, subcommittee Chairman SWIFT, and our committee's ranking member, Mr. MOORHEAD, for their diligent work in moving this legislation forward. The bill is only a first step toward future rail service, but it is at least a beginning. We know that high-speed rail service must be part of any balanced national transportation policy.

One of the concerns that I raised with regard to the much more elaborate predecessor bill, H.R. 1919, and with respect to this bill as well, is the problem of the tort liability exposure of freight railroads who make their rights-of-way and facilities available for high-speed passenger service. This is a serious obstacle to actually getting high-speed trains up and running. The bill we are considering today is limited to planning and pre-construction activities, and so does not contain any direct solution to the liability problem. But any sound planning process must recognize the liability issue and deal with it.

To that end, I want to stress the importance of the Department of Transportation's focusing on the liability problem even in the planning phase of high-speed rail. Under section 1036(c) of the Intermodel Surface Transportation Efficiency Act—known as ISTEA—DOT is required to complete a commercial feasibility study of high-speed rail by mid-1995. That law already lists availability of rights-of-way as one of the key issues DOT is supposed to address. I want to emphasize that dealing with the liability issue is an essential prerequisite to obtaining the use of any right-of-way, and therefore should be prominently featured in the DOT study, and in DOT's policy when it implements H.R. 4867.

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

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

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion offered by the gentlewoman from California [Ms. SCHENK] that the House suspend the rules and pass the bill, H.R. 4867, as amended.

The question was taken.

Mr. HEFLEY. 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.

RAILROAD UNEMPLOYMENT INSURANCE AMENDMENTS ACT OF 1994

Ms. SCHENK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4868) to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4868

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 "Railroad Unemployment Insurance Amendments Act of 1994".

SEC. 2. WAITING PERIOD FOR UNEMPLOYMENT BENEFITS.

Section 2(a)(1)(A) of the Railroad Unemployment Insurance Act is amended to read as follows:

"(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—

"(i) GENERALLY.—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of unemployment in excess of 4 during any registration period within a period of continuing unemployment.

"(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.—Benefits shall be payable to any qualified employee for each day of unemployment in excess of 7 during that employee's first registration period in a period of continuing unemployment if—

"(I) such registration period includes more than 4 days of unemployment; and

"(II) such period of continuing unemployment is the employee's initial period of continuing unemployment in the benefit year.

"(iii) STRIKES.—

"(I) INITIAL 14-DAY WAITING PERIOD.—If the Board finds that a qualified employee has a period of continuing unemployment that includes days of unemployment due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which such employee was last employed, no benefits shall be payable for such employee's first 14 days of unemployment due to such stoppage of work.

"(II) SUBSEQUENT DAYS OF UNEMPLOYMENT.—For subsequent days of unemployment due to the same stoppage of work, benefits shall be payable as provided in clause (i) of this subparagraph.

"(III) SUBSEQUENT PERIODS OF CONTINUING UNEMPLOYMENT.—If such period of continuing unemployment ends by reason of clause (v) but the stoppage of work continues, the waiting period established in clause (ii) shall apply to the employee's first registration period in a new period of continuing unemployment based upon the same stoppage of work.

"(iv) DEFINITION OF PERIOD OF CONTINUING UNEMPLOYMENT.—Except as limited by clause (v), for the purposes of this subparagraph, the term 'period of continuing unemployment' means—

"(I) a single registration period that includes more than 4 days of unemployment;

"(II) a series of consecutive registration periods, each of which includes more than 4 days of unemployment; or

"(III) a series of successive registration periods, each of which includes more than 4 days of unemployment, if each succeeding registration period begins within 15 days after the last day of the immediately preceding registration period.

"(v) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing unemployment ends when an employee exhausts rights to unemployment benefits under subsection (c) of this section.

"(vi) LIMIT ON AMOUNT OF BENEFITS.—No benefits shall be payable to an otherwise eligible employee for any day of unemployment in a registration period where the total amount of the remuneration (as defined in section 1(j) of this Act) payable or accruing to him for days within such registration period exceeds the amount of the base year monthly compensation base. For this purpose, an employee's remuneration shall be deemed to include the gross amount of any remuneration that would have become payable to that employee but did not become payable because that employee was not ready or willing to perform suitable work available to that employee on any day within such registration period.".

SEC. 3. WAITING PERIOD FOR SICKNESS BENEFITS.

Section 2(a)(1)(B) of the Railroad Unemployment Insurance Act is amended to read as follows:

"(B) PAYMENT OF SICKNESS BENEFITS.—

"(i) GENERALLY.—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of sickness after the fourth consecutive day of sickness in a period of continuing sickness but excluding 4 days of sickness in any registration period in such period of continuing sickness.

"(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.—Benefits shall be payable to any qualified employee for each day of sickness in excess of 7 during that employee's first registration period in a period of continuing sickness if such registration period begins with 4 consecutive days of sickness and includes more than 4 days of sickness, except that the waiting period established in this clause shall not apply to the first registration period in any subsequent period of continuing sickness that begins in the same benefit year.

"(iii) DEFINITION OF PERIOD OF CONTINUING SICKNESS.—For the purposes of this subparagraph, a period of continuing sickness means—

"(I) a period of consecutive days of sickness, whether from 1 or more causes; or

"(II) a period of successive days of sickness due to a single cause without interruption of more than 90 consecutive days which are not days of sickness.

"(iv) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing sickness ends when an employee exhausts rights to sickness benefits under subsection (c) of this section.".

SEC. 4. MAXIMUM DAILY BENEFIT RATE.

Section 2(a)(3) of the Railroad Unemployment Insurance Act is amended to read as follows:

"(3) The maximum daily benefit rate computed by the Board under section 12(r)(2) shall be the product of the monthly compensation base, as computed under section 1(i)(2) for the base year immediately preceding the beginning of the benefit year, multiplied by 5 percent. If the maximum daily benefit rate so computed is not a multiple of $1.00, it shall be rounded down to the nearest multiple of $1.00.".

SEC. 5. MAXIMUM NUMBER OF DAYS FOR BENEFITS.

(a) IN GENERAL.—Section 2(c) of the Railroad Unemployment Insurance Act is amended to read as follows:

"(c) MAXIMUM NUMBER OF DAYS FOR BENEFITS.—

"(1) NORMAL BENEFITS.—

"(A) GENERALLY.—The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 130, and the maximum number of days of sickness within a benefit year for which benefits may be paid to an employee shall be 130.

"(B) LIMITATION.—The total amount of benefits that may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee's compensation in the base year; and the total amount of benefits that may be paid to an employee for days of sickness within a benefit year shall in no case exceed the employee's compensation in the base year, except that notwithstanding section 1(i), in determining the employee's compensation in the base year for the purpose of this sentence, any money remuneration paid to the employee for services rendered as an employee shall be taken into account that—

"(i) is not in excess of $775 in any month before 1989; and

"(ii) in any month in a base year after 1988, is not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) bears to $600.

"(2) EXTENDED BENEFITS.—

"(A) GENERALLY.—With respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and (in a case involving exhaustion of rights to normal benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under this paragraph, and extended unemployment benefits or extended sickness benefits (depending on the type of normal benefit rights exhausted) may be paid for not more than 65 days of unemployment or 65 days of sickness within such extended benefit period.

"(B) BEGINNING DATE.—An employee's extended benefit period shall begin on the employee's first day of unemployment or first day of sickness, as the case may be, following the day on which the employee exhausts the employee's then current rights to normal benefits for days of unemployment or days of sickness and shall continue for 7 consecutive 14-day periods, each of which shall constitute a registration period, but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 on the basis of compensation earned after the first of such consecutive 14-day periods has begun.

"(C) TERMINATION WHEN EMPLOYEE REACHES AGE OF 65.—Notwithstanding any other provision of this paragraph, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of paying benefits for days of unemployment.

"(3) ACCELERATED BENEFITS.—

"(A) GENERAL RULE.—With respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire, and (in a case involving unemployment benefits) did not voluntarily leave work without good cause, who has 14 or more consecutive days of unemployment, or 14 or more consecutive days of sickness, and who is not a qualified employee with respect to the general benefit year current when such unemployment or sickness commences but is or becomes a qualified employee for the next succeeding general benefit year, such succeeding general benefit year shall, in that employee's case, begin on the first day of the month in which such unemployment or sickness commences.

"(B) EXCEPTION.—In the case of a succeeding benefit year beginning in accordance with subparagraph (A) by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the date on which the employee attains age 65, and continuing through the day preceding the first day of the next succeeding general benefit year.

"(C) DETERMINATION OF AGE.—For the purposes of this subsection, the Board may rely on evidence of age available in its records and files at the time determinations of age are made.".

(b) REPEAL OF DEADWOOD PROVISION.—Section 2(h) of the Railroad Unemployment Insurance Act is repealed.

(c) REPEAL OF EXPIRED PROVISION.—Section 17 of the Railroad Unemployment Insurance Act (45 U.S.C. 368), relating to payment of supplemental unemployment benefits, is repealed.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California [Ms. SCHENK] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from California [Ms. SCHENK].

GENERAL LEAVE

Ms. SCHENK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 4868, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, the Railroad Unemployment Insurance Amendments Act of 1994 embodies a comprehensive agreement reached between rail management and rail labor.

H.R. 4868 revises railroad unemployment and sickness benefits to bring them more into line with the benefits provided under State unemployment systems. As Members know, the railroad unemployment insurance system is an entirely self-funded system; there are no taxpayer moneys involved.

Railroad unemployment insurance currently has a 2-week waiting period before benefits begin to accrue. By contrast, 39 States have a 1-week waiting period and 11 States have no waiting period for benefits. H.R. 4868 reduces the waiting period from 2 weeks to 7 days.

As a partial offset to the increases in daily benefits and the reduction in the waiting period, the legislation reduces two of the advantages to workers covered by railroad unemployment insurance.

First, it reduces the limit on extended benefits from 130 days to 65 days.

Second, it introduces an earnings test that would disqualify workers whose partial earnings exceed the prior base year monthly qualifying earnings—currently $810—in a 2-week benefits period.

Mr. Speaker, H.R. 4868 is the result of long negotiations between rail labor and management.

It is strongly supported by both groups, and by the majority and minority of our Committee on Energy and Commerce. I urge its adoption by the House.

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

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

Mr. Speaker, I strongly support enactment of H.R. 4868. This bill represents a much-needed updating of the benefit levels under the Federal railroad unemployment insurance system.

The bill represents a consensus approach suggested to the Congress by the management of the Nation's major railroads and by rail labor. It also represents considerable effort by our committee chairman, Mr. DINGELL, our subcommittee chairman, Mr. SWIFT, and our subcommittee's ranking member Mr. OXLEY.

H.R. 4868 builds upon the financially sound railroad unemployment insurance system that has benefited from a number of key improvements enacted by Congress in the 1980's. Although this legislation partially offsets the increases in daily benefits with changes to long-term benefits and other aspects of the RUI system, it will still increase overall costs by about 15 percent. However, because Congress placed the RUI system on "experience-rating" in 1988, any increase in benefits paid out will automatically produce a compensating increase in carrier premiums in the following year. Consequently, the fiscal impact of this bill is minimal, and no changes were necessary to the basic payroll tax system supporting the railroad unemployment insurance system.

Mr. Speaker, I strongly support approval of this bipartisan bill.

Mr. DINGELL. Mr. Speaker, I commend Chairman SWIFT, Mr. MOORHEAD, and Mr. OXLEY for their hard work and support in

crafting this piece of legislation. I also want to thank the Railroad Retirement Board and its staff for technical assistance.

This legislation is a bipartisan bill and a collaborative effort between rail labor and rail management. It makes several improvements to the current railroad unemployment insurance system by revising railroad unemployment and sickness benefits and bringing them more into line with benefits provided by State unemployment systems. The bill also establishes revised benefit and indexing formulas.

H.R. 4868 reduces the waiting period for benefits from 2 weeks to 7 days. Thirty-nine State unemployment systems currently have a 1-week waiting period and 11 have none. This legislation also increases the level of benefits and improves the indexing formula for such benefits. The railroad unemployment insurance system currently provides a maximum benefit rate of $36 per day. H.R. 4868 will increase the benefit rate to $40 per day.

H.R. 4868 creates a more uniform railroad unemployment insurance system. Many features of the current railroad unemployment insurance system emerged from legislation passed in 1988 when the old Railroad Unemployment System was in debt to the Railroad Retirement System. Since 1988, the system's financial health has improved greatly and rail labor and rail management support the changes reflected in H.R. 4868.

I urge my colleagues to support this legislation.

Mr. OXLEY. Thank you, Mr. Speaker. I rise in strong support of H.R. 4868. This is a bipartisan bill to update the Railroad Unemployment Insurance Act—the Federal system of unemployment and sickness benefits that applies to the railroad industry. I want to recognize and commend the efforts of Chairman DINGELL, Subcommittee Chairman SWIFT, and our ranking member, Mr. MOORHEAD, for their efforts in moving this bill forward so expeditiously.

H.R. 4868 is based on draft legislation jointly submitted to our committee by railroad labor and the management of the Nation's major railroads. It represents a consensus approach to increasing daily RUI benefits for those who need them most, and helping to offset some of the costs with modifications to long-term benefits and other features of the RUI system.

The bill has no significant fiscal impact, and requires no modification in the payroll tax system that supports the RUI system. This reflects the decision Congress made in 1988 to place the RUI system on an experience-rating basis, so that each railroad's premiums are based on its actual payout of benefits for the preceding year. Because of this feature, the increase in daily benefits provided for in H.R. 4868 will automatically be offset by increased carrier premiums. This is a sound and responsible approach to keeping the RUI system on a stable financial footing. In fact, I think it is a classic case of a sound private-sector insurance technique being applied to operations of the Federal Government. Since we hear a lot these days about "reinventing government," we might do well to look for other cases where the knowledge and experience of the private sector can be applied to improve Government efficiency.

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

Ms. SCHENK. 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 gentlewoman from California [Ms. SCHENK] that the House suspend the rules and pass the bill, H.R. 4868, 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.

CONCURRING IN SENATE AMENDMENT TO H.R. 2178, HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS OF 1993

Mr. MINETA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2178) to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

TITLE I—HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Authorization Act of 1994".

SEC. 102. AMENDMENT OF TITLE 49, UNITED STATES CODE.

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

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 5127(a) (relating to authorization of appropriations) is amended by striking out "the fiscal year ending September 30, 1993," and inserting "fiscal year 1993, $18,000,000 for fiscal year 1994, $18,540,000 for fiscal year 1995, $19,100,000 for fiscal year 1996, and $19,670,000 for fiscal year 1997".

SEC. 104. EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT.

Section 5108(a) (relating to persons required to file) is amended by adding at the end the following new paragraph:

"(4) The Secretary may waive the filing of a registration statement, or the payment of a fee, required under this subsection, or both, for any person not domiciled in the United States who solely offers hazardous materials for transportation to the United States from a place outside the United States if the country of which such person is a domiciliary does not require persons domiciled in the United States who solely offer hazardous materials for transportation to the foreign country from places in the United States to file registration statements, or to pay fees, for making such an offer.".

SEC. 105. PLANNING GRANTS FOR INDIAN TRIBES.

(a) AUTHORITY TO MAKE GRANTS.—Section 5116(a)(1) (relating to planning grants) is amended—

(1) by inserting "and Indian tribes" after "States" the first place it appears; and

(2) by striking "in a State and between States" and inserting "on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe".

(b) MAINTENANCE OF EFFORT.—Section 5116(a)(2) (relating to planning grants) is amended—

(1) by inserting "or Indian tribe" after "State" the first and third places it appears;

(2) by striking "the State" the second place it appears;

(3) by inserting "the State or Indian tribe" before "certifies"; and

(4) by inserting "the State" before "agrees".

(c) COORDINATION OF PLANNING.—Section 5116(a) (relating to planning grants in general) is amended by adding at the end the following new paragraph:

"(3) A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes.".

SEC. 106. TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION.

Section 5107(d) (relating to coordination of training requirements) is amended—

(1) by inserting "or duplicate" after "conflict with"; and

(2) by striking "hazardous waste operations and" and inserting "hazard communication, and hazardous waste operations, and".

SEC. 107. DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

Section 5125(g) (relating to fees) is amended—

(1) by inserting "(1)" after "(g) FEES.—"; and

(2) by adding at the end the following:

"(2) A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary's request, report to the Secretary on—

"(A) the basis on which the fee is levied upon persons involved in such transportation;

"(B) the purposes for which the revenues from the fee are used;

"(C) the annual total amount of the revenues collected from the fee; and

"(D) such other matters as the Secretary requests.".

SEC. 108. ANNUAL REPORT.

Section 5121(e) (relating to annual report) is amended—

(1) by striking "Annual" in the subsection heading, and

(2) by striking the first sentence and inserting the following: "The Secretary shall, once every 2 years, prepare and submit to the President for transmittal to the Congress a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years.".

SEC. 109. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) IN GENERAL.—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway system technologies to promote hazardous materials transportation safety. The Secretary of Transportation shall ensure that 2 or more operational tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation incidents.

(b) GRANTS FOR CERTAIN EMERGENCY RESPONSE INFORMATION TECHNOLOGIES.—

(1) In carrying out one of the operational tests under subsection (a), the Secretary of Transportation may make grants to one or more persons,

including a State or local government or department, agency, or instrumentality thereof, to demonstrate the feasibility of establishing and operating computerized telecommunications emergency response information technologies that are used—

(A) to identify the contents of shipments of hazardous materials transported by motor carriers;

(B) to permit retrieval of data on shipments of hazardous materials transported by motor carriers;

(C) to link systems that identify, store, and allow the retrieval of data for emergency response to incidents and accidents involving transportation of hazardous materials by motor carrier; and

(D) to provide information to facilitate responses to accidents and incidents involving hazardous materials shipments by motor carriers either directly or through linkage with other systems.

(2) Any project carried out with a grant under this subsection must involve two or more motor carriers of property. One of the motor carriers selected to participate in the project must be a carrier that transports mostly hazardous materials. The other motor carrier selected must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements of hazardous materials with other motor carriers, rail carriers, or water carriers.

(3) To the maximum extent practicable, the Secretary of Transportation shall coordinate a project under this subsection with any existing Federal, State, and local government projects and private projects which are similar to the project under this subsection. The Secretary may require that a project under this subsection be carried out in conjunction with such similar Federal, State, and local government projects and private projects.

SEC. 110. RAIL TANK CAR SAFETY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations under the following:

(1) The rulemaking proceeding under Docket HM-175A entitled "Crashworthiness Protection Requirements for Tank Cars".

(2) The rulemaking proceeding under Docket HM-201 entitled "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks".

SEC. 111. SAFE PLACEMENT OF TRAIN CARS.

The Secretary of Transportation shall conduct a study of existing practices regarding the placement of cars on trains, with particular attention to the placement of cars that carry hazardous materials. In conducting the study, the Secretary shall consider whether such placement practices increase the risk of derailment, hazardous materials spills, or tank ruptures or have any other adverse effect on safety. The results of the study shall be submitted to Congress within 1 year after the date of enactment of this Act.

SEC. 112. GRADE CROSSING SAFETY.

The Secretary of Transportation shall, within 6 months after the date of enactment of this Act, amend regulations—

(1) under chapter 51 of title 49, United States Code, (relating to transportation of hazardous materials) to prohibit the driver of a motor vehicle transporting hazardous materials in commerce, and

(2) under chapter 315 of such title (relating to motor carrier safety) to prohibit the driver of any commercial motor vehicle,

from driving the motor vehicle onto a highway-rail grade crossing without having sufficient space to drive completely through the crossing without stopping.

SEC. 113. DRIVER'S RECORD OF DUTY STATUS.

(a) IN GENERAL.—

(1) The Secretary of Transportation shall prescribe regulations amending part 395 of title 49, Code of Federal Regulations, to improve—

(A) compliance by commercial motor vehicle drivers and motor carriers with hours of service requirements; and

(B) the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance.

(2) Such regulations shall be proposed not later than 12 months after the date of enactment of this Act and shall be issued and become effective not later than 18 months after such date of enactment. In prescribing the regulations, the Secretary of Transportation shall ensure that compliance can be achieved at a cost that is reasonable to drivers and motor carriers.

(b) CONTENTS OF REGULATIONS.—Such regulations shall include the following:

(1) A description of identification items (which include either driver name or vehicle number) that shall be part of a written or electronic document to enable such written or electronic document to be used by a motor carrier or by an enforcement officer as a supporting document to verify the accuracy of a driver's record of duty status.

(2) A provision specifying the number, type, and frequency of supporting documents that must be retained by a motor carrier so as to allow verification of the accuracy of such documents at a reasonable cost, to the driver and the motor carrier, of record acquisition and retention.

(3) A provision specifying the period during which supporting documents shall be retained by the motor carrier. The period shall be at least 6 months from the date of a document's receipt.

(4) A provision to authorize, on a case-by-case basis, motor carrier self-compliance systems that ensure driver compliance with hours of service requirements and allow Federal and State enforcement officers the opportunity to conduct independent audits of such systems to validate compliance with section 395.8(k) of title 49, Code of Federal Regulations (or successor regulations thereto). Such authorization may also be provided by the Secretary to a group of motor carriers that meet specific conditions that may be established by regulation by the Secretary and that are subject to audit by Federal and State enforcement officers.

(5) A provision to allow a waiver, on a case-by-case basis, of certain requirements of section 395.8(k) of title 49, Code of Federal Regulations (or successor regulations thereto), when sufficient supporting documentation is provided directly and at a satisfactory frequency to enforcement personnel by an intelligent vehicle-highway system, as defined by section 6059 of the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note). Such waiver may also be allowed for a group of motor carriers that meet specific conditions that may be established by regulation by the Secretary.

(c) SUPPORTING DOCUMENT DEFINED.—For purposes of this section, a supporting document is any document that is generated or received by a motor carrier or commercial motor vehicle driver in the normal course of business that could be used, as produced or with additional identifying information, to verify the accuracy of a driver's record of duty status.

SEC. 114. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.

(a) AMENDMENT OF REGULATIONS.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), to—

(1) specify the safety information that must be sought under that section by a motor carrier with respect to a driver;

(2) require that such information be requested from former employers and that former employers furnish the requested information within 30 days after receiving the request; and

(3) ensure that the driver to whom such information applies has a reasonable opportunity to review and comment on the information.

(b) SAFETY INFORMATION.—The safety information required to be specified under subsection (a)(1) shall include information on—

(1) any motor vehicle accidents in which the driver was involved during the preceding 3 years;

(2) any failure of the driver, during the preceding 3 years, to undertake or complete a rehabilitation program under section 31302 of title 49, United States States Code (relating to limitation on the number of driver's licenses) after being found to have used, in violation of law or Federal regulation, alcohol or a controlled substance;

(3) any use by the driver, during the preceding 3 years, in violation of law or Federal regulation, of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and

(4) any other matters determined by the Secretary of Transportation to be appropriate and useful for determining the driver's safety performance.

(c) FORMER EMPLOYER.—For purposes of this section, a former employer is any person who employed the driver in the preceding 3 years.

SEC. 115. RETENTION OF SHIPPING PAPERS.

Section 5110 (relating to shipping papers and disclosure) is amended by adding at the end the following new subsection:

"(e) RETENTION OF PAPERS.—After the hazardous material to which a shipping paper provided to a carrier under subsection (a) applies is no longer in transportation, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or electronic image thereof for a period of 1 year to be accessible through their respective principal places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations.".

SEC. 116. TOLL FREE NUMBER FOR REPORTING.

The Secretary of Transportation shall designate a toll free telephone number for transporters of hazardous materials and other individuals to report to the Secretary possible violations of chapter 51 of title 49, United States Code, or any order or regulation issued under that chapter.

SEC. 117. TECHNICAL CORRECTIONS.

(a) AMENDMENTS RELATING TO PACKAGING.—

(1) Sections 5102(3)(C)(ii) and 5102(4)(A)(iii) are each amended by striking "packages" and inserting "packagings".

(2) Sections 5103(b)(1)(A)(iii), 5121(c)(1)(A), 5125(b)(1)(E), and 5126(a) are each amended by striking "a package or" and inserting "a packaging or a".

(3) Section 5108(a)(1)(D) is amended—

(A) by striking "a bulk package" and inserting in lieu thereof "a bulk packaging"; and

(B) by striking "the package" and inserting "the bulk packaging".

(b) OTHER.—Section 5104(a)(1) is amended by striking "or package" each place it appears and inserting ", package, or packaging (or a component of a container, package, or packaging)".

SEC. 118. HOURS OF SERVICE RULEMAKING FOR FARMERS AND RETAIL FARM SUPPLIERS.

Not later than 3 months after the date of enactment of this Act the Secretary of Transportation shall initiate a rulemaking proceeding to

determine whether or not the requirements of section 395.3 of title 49, Code of Federal Regulations, relating to hours of service, may be waived for farmers and retail farm suppliers when such farmers and retail farm suppliers are transporting crops or farm supplies for agricultural purposes within a 50-mile radius of their distribution point or farm.

SEC. 119. TRAINING.

(a) SUPPLEMENTAL PUBLIC SECTOR TRAINING GRANTS.—Section 5116 (relating to planning and training grants, monitoring, and review) is amended by adding at the end the following new subsections:

"(j) SUPPLEMENTAL TRAINING GRANTS.—

"(1) In order to further the purposes of subsection (b), the Secretary shall, subject to the availability of funds, make grants to national nonprofit employee organizations engaged solely in fighting fires for the purpose of training instructors to conduct hazardous materials response training programs for individuals with statutory responsibility to respond to hazardous materials accidents and incidents.

"(2) For the purposes of this subsection the Secretary, after consultation with interested organizations, shall—

"(A) identify regions or locations in which fire departments or other organizations which provide emergency response to hazardous materials transportation accidents and incidents are in need of hazardous materials training; and

"(B) prioritize such needs and develop a means for identifying additional specific training needs.

"(3) Funds granted to an organization under this subsection shall only be used—

"(A) to train instructors to conduct hazardous materials response training programs;

"(B) to purchase training equipment used exclusively to train instructors to conduct such training programs; and

"(C) to disseminate such information and materials as are necessary for the conduct of such training programs.

"(4) The Secretary may only make a grant to an organization under this subsection in a fiscal year if the organization enters into an agreement with the Secretary to train instructors to conduct hazardous materials response training programs in such fiscal year that will use—

"(A) a course or courses developed or identified under subsection)/(g); or

"(B) other courses which the Secretary determines are consistent with the objectives of this subsection;

for training individuals with statutory responsibility to respond to accidents and incidents involving hazardous materials. Such agreement also shall provide that training courses shall be open to all such individuals on a nondiscriminatory basis.

"(5) The Secretary may impose such additional terms and conditions on grants to be made under this subsection as the Secretary determines are necessary to protect the interests of the United States and to carry out the objectives of this subsection.

"(k) REPORTS.—Not later than September 30, 1997, the Secretary shall submit to Congress a report on the allocation and uses of training grants authorized under subsection (b) for fiscal year 1993 through fiscal year 1996 and grants authorized under subsection (j) and section 5107 for fiscal years 1995 and 1996. Such report shall identify the ultimate recipients of training grants and include a detailed accounting of all grant expenditures by grant recipients, the number of persons trained under the grant programs, and an evaluation of the efficacy of training programs carried out.".

(b) FUNDING.—Section 5127(b) (relating to appropriations for hazmat employee training) is amended—

(1) by inserting "(1)" after "TRAINING.—", and

(2) by adding at the end the following:

"(2)(A) There shall be available to the Secretary for carrying out section 5116(j), from amounts in the account established pursuant to section 5116(i), $250,000 for each of fiscal years 1995, 1996, 1997, and 1998.

"(B) In addition to amounts made available under subparagraph (A), there is authorized to be appropriated to the Secretary for carrying out section 5116(j) $1,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998.".

(c) HAZMAT EMPLOYEE TRAINING PROGRAM.—

(1) The first sentence of section 5107(e) (relating to hazmat employee training requirements and grants) is amended to read as follows: "The Secretary shall, subject to the availability of funds under section 5127(c)(3), make grants for training instructors to train hazmat employees under this section.".

(2) The second sentence of such section is amended by inserting "hazmat employee" after "nonprofit".

(3) Section 5107 (relating to hazmat employee training requirements and grants) is amended by adding at the end thereof the following new subsection:

"(g) EXISTING EFFORT.—No grant under subsection (e) shall supplant or replace existing employer-provided hazardous materials training efforts or obligations.".

(4) Section 5127(b)(1) (relating to hazmat employee training funding) is amended to read as follows:

"(b) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—(1) There is authorized to be appropriated to the Secretary $3,000,000 for each of fiscal years 1995, 1996, 1997, and 1998 to carry out section 5107(e).".

(d) CONFORMING AMENDMENTS.—

(1) Section 5108(g)(2)(A)(viii) is amended by striking "5107(e),".

(2) Section 5116(i)(1) is amended by striking "and section 5107(e)".

(3) Section 5116(i)(3) is amended by striking "and section 5107(e)".

SEC. 120. TIME FOR SECRETARIAL ACTION.

(a) EXEMPTIONS.—Section 5117 (relating to exemptions and exclusions) is amended—

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

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

"(c) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall issue or renew the exemption for which an application was filed or deny such issuance or renewal within 180 days after the first day of the month following the date of the filing of such application, or the Secretary shall publish a statement in the Federal Register of the reason why the Secretary's decision on the exemption is delayed, along with an estimate of the additional time necessary before the decision is made.".

(b) DECISIONS ON PREEMPTION.—Section 5125(d) (relating to decisions on preemption) is amended by inserting immediately after the second sentence the following: "The Secretary shall issue a decision on an application for a determination within 180 days after the date of the publication of the notice of having received such application, or the Secretary shall publish a statement in the Federal Register of the reason why the Secretary's decision on the application is delayed, along with an estimate of the additional time necessary before the decision is made.".

SEC. 121. STUDY OF HAZARDOUS MATERIALS TRANSPORTATION BY MOTOR CARRIERS NEAR FEDERAL PRISONS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine the safety considerations of transporting hazardous materials by motor carriers in close proximity to Federal prisons, particularly those housing maximum security prisoners. Such study shall include an evaluation of the ability of such facilities and the designated local planning agencies to safely evacuate such prisoners in the event of an emergency and any special training, equipment, or personnel that would be required by such facility and the designated local emergency planning agencies to carry out such evacuation. Such study shall not apply to or address issues concerning rail transportation of hazardous materials.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this section, along with the Secretary's recommendations for any legislative or regulatory changes to enhance the safety regarding the transportation of hazardous materials by motor carriers near Federal prisons.

SEC. 122. USE OF FIBER DRUM PACKAGING.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than the 60th day following the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to determine whether the requirements of section 5103(b) of title 49, United States Code (relating to regulations for safe transportation) as they pertain to open head fiber drum packaging can be met for the domestic transportation of liquid hazardous materials (with respect to those classifications of liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991) with standards other than the performance-oriented packaging standards adopted under docket number HM-181 contained in part 178 of title 49, Code of Federal Regulations.

(b) ISSUANCE OF STANDARDS.—If the Secretary of Transportation determines, as a result of the rulemaking proceeding initiated under subsection (a), that a packaging standard other than the performance-oriented packaging standards referred to in subsection (a) will provide an equal or greater level of safety for the domestic transportation of liquid hazardous materials than would be provided if such performance-oriented packaging standards were in effect, the Secretary shall issue regulations which implement such other standard and which take effect before October 1, 1996.

(c) COMPLETION OF RULEMAKING PROCEEDING.—The rulemaking proceeding initiated under subsection (a) shall be completed before October 1, 1995.

(d) LIMITATIONS.—

(1) The provisions of subsections (a), (b), and (c) shall not apply to packaging for those hazardous materials regulated by the Department of Transportation as poisonous by inhalation under chapter 51 of title 49, United States Code.

(2) Nothing in this section shall be construed to prohibit the Secretary of Transportation from issuing or enforcing regulations for the international transportation of hazardous materials.

SEC. 123. BUY AMERICA.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available under this title may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act"), which are applicable to those funds.

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title, it is the sense of Congress that entities receiving such assistance should, in expending such assistance, purchase only American-made equipment and products.

(2) In providing financial assistance under this title, the Secretary of Transportation shall

provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this title, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) RECIPROCITY.—

(1) Except as provided in paragraph (2), no contract or subcontract may be made with funds authorized under this title to a company organized under the laws of a foreign country unless the Secretary of Transportation finds that such country affords comparable opportunities to companies organized under laws of the United States.

(2)(A) Secretary of Transportation may waive the provisions of paragraph (1) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to Congress.

(B) Paragraph (1) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

TITLE II—TRUCKING INDUSTRY REGULATORY REFORM

SEC. 201. SHORT TITLE.

This title may by cited as the "Trucking Industry Regulatory Reform Act of 1994".

SEC. 202. AMENDMENT OF TITLE 49, UNITED STATES CODE.

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

SEC. 203. PURPOSE.

The purpose of this title is to enhance competition, safety, and efficiency in the motor carrier industry and to enhance efficiency in government.

SEC. 204. TRANSPORTATION POLICY.

Section 10101(a)(2) (relating to transportation policy) is amended—

(1) by redesignating subparagraphs (A) through (I) as subparagraphs (C) through (K), respectively, and

(2) by inserting before subparagraph (C) (as so redesignated) the following: "(A) encourage fair competition, and reasonable rates for transportation by motor carriers of property; (B) promote Federal regulatory efficiency in the motor carrier transportation system and to require fair and expeditious regulatory decisions when regulation is required;".

SEC. 205. EXEMPTIONS.

(a) IN GENERAL.—Section 10505 (relating to authority to exempt rail carrier transportation) is amended—

(1) by inserting ", or a motor carrier providing transportation of property other than household goods, or in non-contiguous domestic trade," after "rail carrier providing transportation" in subsection (a),

(2) by inserting "section 10101 or" before "section 10101a" in subsection (a)(1) and subsection (d),

(3) by inserting ", or a motor carrier providing transportation of property other than household goods, or in non-contiguous domestic trade," after "rail carrier" in subsection (f), and

(4) by striking out "or" in subsection (g), and inserting after "subtitle" the following: ", (3) to relieve a motor carrier of property or other person from the application or enforcement of the provisions of sections 10706, 10761, 10762, 10927, and 11707 of this title, or (4) to exempt a motor carrier of property from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage; insurance; antitrust immunity for joint line rates and routes, classification of commodities (including uniform packaging rules), uniform bills of lading, or standardized mileage guides; or safety fitness.".

(b) DEFINITION.—Section 10102 (relating to definitions) is amended by redesignating paragraphs (18) through (31) as (19) through (32), respectively, and by inserting after paragraph (17) the following:

"(18) 'non-contiguous domestic trade' means motor-water transportation subject to the jurisdiction of the Commission under chapter 105 of this title involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States.".

(c) CLERICAL AMENDMENTS.—

(1) The caption of section 10505 is amended by inserting "and motor carrier" after "rail carrier".

(2) The chapter analysis for chapter 105 is amended by inserting "and motor carrier" after "rail carrier" in the item relating to section 10505.

SEC. 206. TARIFF FILING.

(a) AUTHORITY TO ESTABLISH RATES.—Section 10702(b) (relating to authority for carriers to establish rates, classifications, rules, and practices) is amended by inserting ", except a motor contract carrier of property," after "A contract carrier".

(b) PROHIBITION OF TRANSPORTATION WITHOUT TARIFF.—Section 10761(a) (relating to transportation prohibited without tariff) is amended—

(1) by inserting "(excluding a motor common carrier providing transportation of property, other than household goods, under an individually determined rate, classification, rule, or practice, as defined in section 10102(13) or in noncontiguous domestic trade)" after "chapter 105 of this title", and

(2) by striking out "That carrier" in the second sentence and inserting "A carrier subject to this subsection",

(3) by inserting before the period at the end of the first sentence the following: ", except that a motor carrier of property the application of whose rates is determined or governed by a tariff on file with the Commission cannot collect its rates unless the carrier is a participant in those tariffs", and

(4) by inserting before the period at the end of the second sentence the following: ", except that a motor carrier of property the application of whose rates are determined or governed by a tariff on file with the Commission shall issue a power of attorney to the tariff publishing agent of such tariff and, upon its acceptance, the agent shall issue a notice to the participating carrier certifying its continuing participation in such tariff, which certification shall be kept open for public inspection".

(c) GENERAL TARIFF REQUIREMENT.—Section 10762(a) (relating to general tariff requirement) is amended—

(1) by inserting "(excluding a motor common carrier providing transportation of property, other than household goods, under an individually determined rate, classification, rule, or practice, as defined in section 10102(13), or in noncontiguous domestic trade)" after "A motor common carrier" in the second sentence of paragraph (1),

(2) by inserting "(excluding a motor common carrier providing transportation of property, other than household goods, under an individually determined rate, classification, rule, or practice, as defined in section 10102(13), or in noncontiguous domestic trade)" after "carriers" in the third sentence of paragraph (1),

(3) by striking the last sentence of paragraph (1) and inserting the following: "A motor contract carrier of property is not required to publish or file actual or minimum rates under this subtitle. Except as provided in the Negotiated Rates Act of 1993 and the amendments made by that Act, nothing in the Trucking Industry Regulatory Reform Act of 1994 (and the amendments made by that Act) creates any obligation for a shipper based solely on a rate that was on file with the Commission or elsewhere on the date of enactment of such Act.", and

(4) by adding at the end the following:

"(3) A motor common carrier of property (other than a motor common carrier providing transportation of household goods or in noncontiguous domestic trade) shall provide to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices, upon which any rate agreed to between the shipper and carrier may have been based. When the applicability or reasonableness of the rates and related provisions billed by a motor common carrier is challenged by the person paying the freight charges, the Commission shall determine whether such rates and provisions are reasonable or applicable based on the record before it. In those cases where a motor common carrier (other than a motor common carrier providing transportation of household goods or in noncontiguous domestic trade) seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the Commission determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the original bill in order to have the right to collect such charges.

"(4) If a shipper seeks to contest the charges originally billed, the shipper may request that the Commission determine whether the charges originally billed must be paid. A shipper must contest the original bill within 180 days in order to have the right to contest such charges.

"(5) Any tariff on file with the Commission on the date of enactment of the Trucking Industry Regulatory Reform Act of 1994 not required to be filed with the Commission after the enactment of that Act is null and void beginning on that date.".

(d) PROPOSED RATE CHANGES.—

(1) COMMON CARRIERS.—Section 10762(c)(1) (relating to proposed rate changes) is amended by inserting "(excluding a motor common carrier providing transportation of property other than household goods, under an individually determined rate, classification, rule, or practice defined in section 10102(13), or in a noncontiguous domestic trade)" after "common carrier".

(2) CONTRACT CARRIERS.—Section 10762(c)(2) (relating to proposed rate changes) is amended by inserting "(except a motor contract carrier of property)" after "contract carrier".

(e) EFFECT ON NEGOTIATED RATES ACT.—Section 10762 (relating to general tariff requirements) is amended by adding at the end thereof the following new subsection:

"(j) Nothing in this section shall affect the application of the provisions of the Negotiated Rates Act of 1993 (or the amendments made by that Act) to undercharge claims for transportation provided prior to the date of enactment of the Trucking Industry Regulatory Reform Act of 1994.".

(f) DEFINITION.—Section 10102 (relating to definitions) is amended—

(1) by redesignating paragraphs (13) through (31) as (14) through (32), and

(2) by inserting after paragraph (12) the following:

"(13) 'individually determined rate, classification, rule, or practice' means a rate, classification, rule, or practice established by—

"(A) a single motor common carrier for application to transportation that it can provide over its line; or

"(B) 2 or more interlining carriers without participation in an organization established or continued under an agreement approved under section 10706(b) for application to transportation that the interlining carriers can provide jointly over their lines.".

SEC. 207. MOTOR COMMON CARRIER LICENSING.

(a) IN GENERAL.—Section 10922 (relating to certification of motor and water carriers) is amended—

(1) by redesignating subsections (b) through (l) as (c) through (m), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) Except as provided in this section, the Commission shall issue a certificate to a person authorizing that person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of property if the Commission finds that the person is able to comply with—

"(A) this subtitle, the regulations of the Commission, and any safety requirements imposed by the Commission,

"(B) the safety fitness requirements established by the Secretary of Transportation in consultation with the Commission under section 31144 of this title, and

"(C) the minimum financial responsibility requirements established by the Commission pursuant to section 10927 of this title.

"(2) In making a finding under paragraph (1), the Commission shall consider and, to the extent applicable, make findings on, any evidence demonstrating that the applicant is unable to comply with the requirements of subparagraph (A), (B), or (C) of that paragraph.

"(3) The Commission shall find any applicant for authority to operate as a motor carrier under this section to be unfit if the applicant does not meet the safety and safety fitness requirements under paragraph (1)(A) or (1)(B) of this subsection and shall deny the application.

"(4) A person may protest an application under this subsection to provide transportation only on the ground that the applicant fails or will fail to comply with this subtitle, the regulations of the Commission, the safety requirements of the Commission, or the safety fitness or minimum financial responsibility requirements of paragraph (1) of this subsection.".

(b) PUBLIC CONVENIENCE AND NECESSITY.—Section 10922(c) (relating to public convenience and necessity) as redesignated by subsection (a), is amended—

(1) by striking "carrier of property" in paragraph (1) and inserting "carrier of household goods",

(2) by striking paragraphs (4) and (6) and redesignating paragraphs (5), (7), (8), and (9) as (4), (5), (6), and (7), respectively,

(3) by striking "carrier holding authority under paragraph (4)(D) of this subsection" in paragraph (4) (as redesignated) and inserting "motor carrier providing transportation of shipments weighing 100 pounds or less transported in a motor vehicle in which no one package exceeds 100 pounds",

(4) by striking "of property" in paragraph (5) (as redesignated) and inserting "of household goods",

(5) by striking "of property" in paragraph (6) (as redesignated) and inserting "of household goods", and

(6) by striking "Notwithstanding the provisions of paragraph (4) of this subsection, the provisions" in paragraph (7) (as redesignated) and inserting "The provisions".

(c) CERTIFICATE SPECIFICATIONS.—Section 10922(f)(1) (relating to specifications for certificate), as redesignated by subsection (a) of this section, is amended by inserting "of household goods or passengers" after "motor common carrier".

(d) PUBLIC CONVENIENCE AND NECESSITY.—Section 10922(h)(1) (relating to public convenience and necessity), as redesignated by subsection (a) of this section, is amended by inserting "of household goods or passengers" after "motor common carrier".

SEC. 208. MOTOR CONTRACT CARRIER LICENSING.

(a) AUTHORITY TO ISSUE PERMITS.—Section 10923(a) (relating to authority to issue permits) is amended by inserting "of household goods or passengers" after "motor contract carrier".

(b) MOTOR CONTRACT CARRIER PERMITS.—Section 10923 (relating to permits of motor and water contract carriers and household goods freight forwarders) is amended by redesignating subsections (b) through (e) as (c) through (f), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) Except as provided in this section and section 10930 of this title, the Commission shall issue a permit to a person authorizing the person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor contract carrier of property other than household goods if the Commission finds that the person is able to comply with—

"(A) this subtitle, the regulations of the Commission, and any safety requirements imposed by the Commission,

"(B) the safety fitness requirements established by the Secretary of Transportation in consultation with the Commission pursuant to section 31144 of this title, and

"(C) the minimum financial responsibility requirements established by the Commission pursuant to section 10927 of this title.

"(2) In deciding whether to approve the application of a person for a permit as a motor contract carrier of property other than household goods the Commission shall consider any evidence demonstrating that the applicant is unable to comply with this subtitle, the regulations of the Commission, safety requirements of the Commission, or the safety fitness and minimum financial responsibility requirements of subsection (b)(1).

"(3) The Commission shall find any applicant for authority to operate as a motor carrier of property other than household goods under this subsection to be unfit if the applicant does not meet the safety and safety fitness requirements of paragraph (1)(A) or (1)(B) of this subsection and shall deny the application.

"(4) A person may protest an application under this subsection to provide transportation only on the ground that the applicant fails or will fail to comply with this subtitle, the regulations of the Commission, safety requirements of the Commission, or the safety fitness or minimum financial responsibility requirements of paragraph (1).".

(c) APPLICATION FILING REQUIREMENTS.—Section 10923(c) (relating to application filing requirements), as redesignated by subsection (b) of this section, is amended—

(1) by striking "motor contract carrier of property" in paragraphs (3) and (4) and inserting "motor contract carrier of household goods",

(2) by striking paragraph (5) and redesignating paragraphs (6) and (7) as (5) and (6), respectively, and

(3) by striking "motor contract carriers of property" in paragraph (5) (as redesignated) and inserting "motor contract carriers of household goods".

(d) CONDITIONS OF TRANSPORTATION OR SERVICE.—Section 10923(e) (relating to conditions of transportation or service), as redesignated by subsection (b) of this section, is amended—

(1) by inserting "of passengers or household goods" after "contract carrier" in paragraph (1), and

(2) by striking "each person or class of persons (and, in the case of a motor contract carrier of passengers, the number of persons)" in paragraph (2) and inserting "in the case of a motor contract carrier of passengers, the number of persons,".

SEC. 209. REVOCATION OF MOTOR CARRIER AUTHORITY.

Section 10925(d)(1) (relating to effective period of certificates, permits, and licenses) is amended—

(1) by striking "if a motor carrier or broker" in subparagraph (A) and inserting "if a motor carrier of passengers, motor common carrier of household goods, or broker",

(2) by striking "and" at the end of subparagraph (A),

(3) by redesignating subparagraph (B) as (D) and inserting after subparagraph (A) the following new subparagraphs:

"(B) if a motor contract carrier of property, for failure to comply with safety requirements of the Commission or the safety fitness requirements pursuant to section 10701, 10924(e), 10927 (b) or (d), or 31144, of this title;

"(C) if a motor common carrier of property other than household goods, for failure to comply with safety requirements of the Commission or the safety fitness requirements pursuant to section 10701, 10702, 10924(e), 10927 (b) or (d), or 31144 of this title; and".

SEC. 210. STUDY OF INTERSTATE COMMERCE COMMISSION FUNCTIONS.

(a) INTERSTATE COMMERCE COMMISSION REPORT.—The Interstate Commerce Commission shall prepare and submit to the Secretary of Transportation and to each committee of the Congress having jurisdiction over legislation affecting the Commission a report identifying and analyzing all regulatory responsibilities of the Commission. The Commission shall make recommendations concerning specific statutory and regulatory functions of the Commission that could be eliminated or restructured. The Commission shall submit the report within 60 days after the date of enactment of this Act.

(b) SECRETARY OF TRANSPORTATION STUDY.—The Secretary of Transportation shall study the feasibility and efficiency of merging the Interstate Commerce Commission into the Department of Transportation as an independent agency, combining it with other Federal agencies, retaining the Interstate Commerce Commission in its present form, eliminating the agency and transferring all or some of its functions to the Department of Transportation or other Federal agencies, and other organizational changes that lead to government, transportation, or public interest efficiencies. The study shall consider the cost savings that might be achieved, the efficient allocation of resources, the elimination of unnecessary functions, and responsibility for regulatory functions. The Secretary shall solicit comments from the public with respect to both the Department's and the Commission's findings. The Secretary shall submit the results of such study together with any recommendations to the Congress within 4 months after the date of the submission of the Interstate Commerce Commission report required in subsection (a).

SEC. 211. LIMITATION ON STATE REGULATION OF INTRASTATE TRANSPORTATION OF PASSENGERS BY BUS.

(a) IN GENERAL.—Chapter 109 (relating to licensing) is amended by adding at the end thereof the following new section:

"§ 10936. Limitation on State regulation of intrastate passengers by bus

"A State or political subdivision of a State may not enforce any law or regulation relating to intrastate fares for the transportation of passengers by bus by an interstate motor carrier of passengers over a route authorized by the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) Section 10521(b)(1) is amended by inserting "10936," after "10935,"

(2) Section 11501(e) is amended—

(A) by striking all but paragraph (5),

(B) by redesignating paragraph (5) as subsection (e), and

(C) by striking "paragraph" and inserting "subsection".

(3) The table of sections for subchapter IV of chapter 109 is amended by adding at the end the following new item:

"10936. Limitation on State regulation of intrastate passengers by bus.".

SEC. 212. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect upon the enactment of this Act, except for sections 207 and 208, which shall take effect on January 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] 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.

Mr. Speaker, I rise today in support of H.R. 2178, the Hazardous Materials Transportation Authorization Act of 1994.

I want to thank my colleagues who have worked diligently to pass this important piece of legislation. The Chair and ranking minority members of the Subcommittee on Surface Transportation, Congressmen RAHALL and PETRI, who worked diligently with the Senate to craft the compromise legislation which is before us today. I would also like to recognize the ranking member of the full committee, Congressman SHUSTER, for his support of this legislation as well.

Also, I would like to extend my thanks to Congressmen SWIFT and OXLEY, chairman and ranking member of the Subcommittee on Transportation and Hazardous Materials of the Energy and Commerce Committee and Chairman DINGELL and ranking member Congressman MOORHEAD of the full Committee on Energy and Commerce, the committee with which we share jurisdiction over the transportation of hazardous materials.

Last, I would like to thank my Senate colleagues, the Chair and ranking member of the Senate Committee on Commerce, Science, and Transportation, Senators HOLLINGS and DANFORTH, and the Chair and ranking member of the Surface Transportation Subcommittee, Senators EXON and HUTCHINSON, who labored long and hard to not only resolve the issues in the hazardous materials legislation, but also to include, in title II, comprehensive regulatory reform for the interstate motor carrier industry.

Mr. Speaker, H.R. 2178 provides authorization levels for carrying out the Hazardous Materials Transportation Act through 1997. It further provides more funding for training of public and private sector employees; for making Indian tribes eligible for emergency planning grants; for ensuring that the National Intelligent Vehicle-Highway System Program addresses the use of its technologies to promote hazardous materials transportation safety; permits the Secretary of Transportation to waive registration and fee requirements for foreign shippers from countries that do not impose such registration and fee requirements for U.S. shippers; and provides for several studies and rulemakings to enhance public safety.

Title II of H.R. 2178 contains the Trucking Industry Regulatory Reform Act of 1994 which provides for improving surface transportation efficiency and saving taxpayer dollars, while continuing to protect the public interest and preserving transportation safety.

This legislation is part of a major effort by this Congress to reduce economic regulation in the trucking industry, to increase reliance on competition in the marketplace, and to reduce the size and role of the Government bureaucracy.

This is the third step in a process which began with the Negotiated Rates Act late last year, a bill that untangled a regulatory mess that burdened shippers all over America.

The Congress took the second step last Monday with the passage of the Aviation Conference Report when it preempted State regulation of price, routes, and services of motor carries, air carriers and carriers affiliated with direct air carriers through common controlling ownership when transporting property in intrastate commerce.

Today we are eliminating the obligation to file rates for individual carriers operating in interstate commerce; limiting entry requirements to safety matters and insurance; providing the Interstate Commerce Commission [ICC] with exemption authority for trucking matters under its jurisdiction; requiring the Secretary of Transportation to study and report to Congress future organizational options for the ICC with recommendations for further operational and regulatory efficiencies; and preempting intrastate bus rates for interstate carriers.

These three bills, taken together, constitute the largest regulatory reform in the motor carrier industry since the Motor Carrier Act of 1980.

We will have accomplished not just regulatory reduction, but also agency reduction as a result of cutting back the ICC's interstate regulatory functions with regard to motor carriers. This action should allow for the total size of the ICC to be reduced by one-third.

American industry will benefit both from the lower costs of a reduced regulatory burden and from the increased efficiencies of a more marketplace-driven transportation industry.

For the benefit of my colleagues, I have attached a section-by-section of H.R. 2178 to my statement for inclusion in the RECORD.

I now urge my colleagues to join with me in passage of H.R. 2178.

TITLE I—HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994

SECTION BY SECTION ANALYSIS

SECTION 101—SHORT TITLE

Section 101 provides the short title of the Act.

SECTION 102—AMENDMENT OF TITLE 49, UNITED STATES CODE

Section 102 provides that unless otherwise expressly provided, all amendments in this title shall be considered to be made to Title 49, U.S.C.

SECTION 103—AUTHORIZATION OF APPROPRIATION

Section 103 amends Section 5127(a) of Title 51, U.S.C. to make appropriations for fiscal years 1994 through fiscal year 1997. The figures are $18 million for fiscal year 1994, $18.54 million for fiscal year 1995, $19.1 million for fiscal year 1996, and $19.67 million for fiscal year 1997.

SECTION 104—EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT

Section 104 amends Section 5108(a) of Title 51, U.S.C. to allow the Secretary to waive registration and fee requirements for foreign shippers who are shipping hazardous materials to the U.S. in international traffic only where the country of such shipper does not impose registration and free requirements on U.S. shippers. Foreign carriers operating in the United States are not covered by the waiver provision.

SECTION 105—PLANNING GRANTS FOR INDIAN TRIBES

Subsections (a) and (b) make amendments to Section 5116(a)(1) and (a)(2) of Title 51, U.S.C. to permit Indian tribes to be eligible for emergency planning conducted by adjacent States and Indian tribes.

SECTION 106—TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION

Section 106 makes technical amendments to Section 5107(d) of Title 51, U.S.C. to clarify the scope of training criteria by mandating that the Department of Transportation ensure that its requirements for employee training in understanding hazards associated with hazardous materials shipments, as well as hazardous waste operations are coordinated with, and do not conflict with or duplicate other training requirements.

SECTION 107—DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES

Section 107 amends Section 5125(g) of Title 51, U.S.C. by permitting the Department of Transportation to require State and local jurisdictions and Indian tribes to justify fees imposed in connection with hazardous materials transportation; including the basis on which the fee is levied, the purpose for which revenues from the fee are used, the annual total amount of revenues collected from the fee and other matters as the Secretary requests.

SECTION 108—ANNUAL REPORT

Section 108 amends Section 5121(e) of Title 51, U.S.C. by striking the word "annual" in the subsection heading and amending the section to require the Department of Transportation to submit a comprehensive report regarding hazardous materials transportation once every two years, in lieu of once a year, to the President for transmittal to Congress.

SECTION 109—INTELLIGENT VEHICLE-HIGHWAY SYSTEMS

Section 109 amends the Intelligent Vehicle-Highway System Act in order to assure that the Secretary of Transportation ensures that the National Intelligent Vehicle-Highway System Program addresses the use of its terminologies to promote hazardous materials transportation safety. This section requires that at least two or more operational tests be made to provide information to persons who provide emergency response to hazardous materials transportation incidents.

The factors for making the grants are set forth in subsection (b), but they are designed to demonstrate the feasibility of establishing and operating a computerized telecommunications emergency response information technology. Any project must include at least two motor carriers of property. One should be a motor carrier that transports hazardous materials and the other must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements.

The Secretary to the maximum possible should coordinate this project with any existing Federal, State, local government and private projects which are similar and the Secretary may require that it be carried out in conjunction with such projects.

SECTION 110—RAIL TANK CAR SAFETY

Section 110 requires the Department of Transportation to issue final regulations, within one year of the date of enactment of this legislation, on two ongoing DOT rulemaking proceedings: (1) "Crashworthiness Protection Requirements for Tank Cars" (Docket HM-175A); and (2) "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks" (Docket HM-201).

SECTION 111—SAFE PLACEMENT OF TRAIN CARS

Section 111 mandates that the Secretary of Transportation conduct a study of current practices regarding the placement of rail cars on trains, with particular attention to the placement of rail cars, including tank cars, transporting hazardous materials. The study is to focus on whether placement practices (for example, placing heavy cars containing hazardous materials behind lighter weight or empty cars) increase the risk of adverse safety incidents such as derailments, rank ruptures, or hazardous materials spills.

SECTION 112—GRADE CROSSING SAFETY

Section 112 requires the Secretary of Transportation, within six months of the date of enactment of this legislation, to amend regulations issued under chapter 51 and chapter 315 of Title 49, U.S.C. to prohibit the driver of a motor vehicle transporting hazardous materials in commerce from driving the motor vehicle onto a highway-railroad crossing without having sufficient space to drive completely through the crossing without stopping.

SECTION 113—DRIVER'S RECORD OF DUTY STATUS

Subsection 113(a) requires the Secretary of Transportation to issue regulations amending 49 C.F.R. 395, to improve compliance by commercial motor vehicle drivers and motor carriers with ours of service requirements and the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance. The regulations must be proposed not later than 12 months after enactment and shall be final not later than 18 months after enactment.

Subsection 113(b) lists items required to be included in the regulations.

Subsection 113(c) defines, for purposes of this section, what constitutes a supporting document.

SECTION 114—SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

This section requires the Secretary, within 18 months after the date of enactment of this regulation, to amend 49 C.F.R. 391.23 to specify the minimum safety information that a motor carrier must request regarding a driver; require that such information be requested of the driver's former employers (defined as any person who employed the driver during the preceding 3-year period); mandate that these former employers respond to such inquiries within 30 days after receiving the request; and ensure that the driver has reasonable opportunity to review and comment on the information collected.

The safety information required includes: (1) any motor vehicle accidents within the preceding 3-year period involving the driver; (2) any failure of the driver, during the preceding 3-year period, to complete a rehabilitation program prescribed by the Commercial Motor Vehicle Safety Act of 1986, after being found to violate Federal alcohol or controlled substance laws or regulations; (3) any illegal use by the driver of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and (4) any other matters determined by the Secretary to be relevant to a driver's safety performance.

SECTION 115—RETENTION OF SHIPPING PAPERS

Section 115 amends Section 5110 of Title 51, U.S.C. by adding a new paragraph requiring that the person providing the shipping paper for hazmat shipment, and the carrier transporting that shipment, retain such shipping paper at their respective places of business even after the shipment has been delivered. Such a person or carrier, upon request, must make the shipping paper available to a Federal, State or local government at reasonable times and locations.

SECTION 116—TOLL FREE NUMBER FOR REPORTING

Section 1116 is a free standing provision that requires the Secretary to provide a toll free telephone number for transporters of hazardous materials and others to report to the Secretary any possible violations of the Hazardous Materials Transportation Act (HMTC) or any order or regulation issued under the Act.

SECTION 117—TECHNICAL CORRECTIONS

Section 117 makes certain technical corrections to the HMTA. The technical correction deals with the word "packaging."

SECTION 118—HOURS OF SERVICE RULEMAKING FOR FARMERS AND RETAIL FARM SUPPLIERS

Section 118 requires the Secretary to initiate a rulemaking proceeding in order to determine whether the requirements of the hours-of-service provision contained in 49 C.F.R. 395.(3) may be waived for farmers and retail farm suppliers within a 50-mile radius of their distribution point or farm.

SECTION 119—TRAINING

Section 119 amends Section 5116 of Title 51, U.S.C. by creating a new subsection (j) to provide authority to the Secretary of Transportation to make grants directly to national nonprofit employee organizations engaged solely in fighting fires for the purpose of training individuals with statutory responsibility to respond to hazardous materials accidents and incidents, subject to certain conditions included in the legislation on the use of the funds and to any other terms and conditions as the Secretary determines are necessary.

Section 5116 is further amended to create a new subsection (k) which directs the Secretary to submit a report to Congress on the allocation and uses of funds distributed under the training grant programs authorized in subsections (a) and (c) and existing training grant programs. The report is to cover existing grant programs and grants made pursuant to subsections (a) and (c) in fiscal years 1995 and 1996. This report shall identify the ultimate recipients of training grants and include a detailed accounting of all grant expenditures of such recipients. The report shall also identify the numbers of employees trained under the grant programs and an evaluation of the effectiveness of the training programs carried out with such funds.

Subsection (b) amends Section 5127(b) of Title 51, U.S.C. relating to applications for hazmat employee training and authorizes the Secretary to fund these training grants in fiscal years 1995, 1996, 1997 and 1998 annually in the amounts of $250,000 from registration fees, and $1 million from general revenues, subject to appropriations.

Subsection (c) amends Section 5127(e) of Title 51, U.S.C. to authorize an expanded training grant program under which the Secretary would make grants to nonprofit hazmat employee organizations for the purpose of training all employees engaged in the loading, unloading, handling, storage and transportation of hazardous materials and emergency response.

Subsection (c) also amends Section 5107 of Title 51, U.S.C. to add a new subsection (g) which requires that no grant under subsection (e) shall supplant or replace existing employer provided hazardous materials training efforts or obligations.

Subsection 5127(b) of Title 51, U.S.C. is further amended to provide an additional authorization for funding the training grants in subsection 5127(e) in fiscal years 1995, 1996, 1997 and 1998 at $3 million annually from general revenues, subject to appropriations.

SECTION 120—TIME FOR SECRETARIAL ACTION

Section 120 amends Section 5117 of Title 51, U.S.C. to require the Secretary to issue, renew, or deny an application for exemption from regulations within 180 days or publish in the Federal Register the reason why the Secretary's decision was delayed.

Subsection (d) is amended by inserting a requirement that the Secretary shall issue a decision on an application within 180 days after the date of publication of the notice of having received such application, or why the decision was delayed in the Federal Register.

SECTION 121—STUDY OF HAZARDOUS MATERIALS TRANSPORTATION BY MOTOR CARRIERS NEAR FEDERAL PRISONS

Section 121 directs the Secretary of Transportation to conduct a study regarding the safety considerations of transporting hazardous wastes in close proximity to Federal prisons, particularly those housing maximum security prisoners. The Committee intends for the study to focus on the transportation of hazardous wastes over roads and highways.

Subsection (a) directs that the study focus on the particular safety concerns raised by any need to evacuate a captive population, particularly maximum security prisoner, in the event of an incident or accident involving the transportation of hazardous wastes. The study would also examine the ability of local emergency planning agencies to meet any potential exigencies.

Subsection (b) requires that the Secretary report the findings, together with any recommendations for legislative or regulatory change, within one year.

SECTION 122—USE OF FIBER DRUM PACKAGING

Section 122(a) directs the Secretary of Transportation, no later than 60 days after enactment, to initiate a rulemaking to determine whether the requirements of section 5103(b) of Title 51, U.S.C. may be met for openhead fibre drum packaging (with respect to the transportation of liquid hazardous materials in such drums) by any other standards other than the performance-oriented packaging standards adopted under docket number HM-181 contained in 49 C.F.R. 178.

Subsection (b) directs that if the Secretary determines that any other standard provides an equal to or greater level of safety than the level provided by the HM-181 standards, then the Secretary shall issue regulations implementing such other standard on or before October 1, 1996.

Section (c) directs that the rulemaking undertaken pursuant to this section be completed no later than October 1, 1995.

Section (d) limits the applicability of this section

SECTION 123—BUY AMERICAN

Section 123 directs compliance with the "Buy American Act," 41 U.S.C. Sections 10a-10c.

TITLE II—THE TRUCKING INDUSTRY REGULATORY REFORM ACT OF 1994

SECTION 201—SHORT TITLE

Section 201 states the short title of the Act.

SECTION 202—AMENDMENT OF TITLE 49, UNITED STATES CODE

Section 202 states that unless provided otherwise, all amendments will be to title 49 of the U.S.C.

SECTION 203—PURPOSE

Section 203 provides that the purpose of the bill is to enhance competition, safety and efficiency in the motor carrier industry and to enhance efficiency in government.

SECTION 204—TRANSPORTATION POLICY

Section 204 provides a new section to the transportation policy.

SECTION 205—EXEMPTIONS

Section 205 amends section 10505 of Title 49 U.S.C. with respect to exemptions. Two general exemptions are provided for this section; namely, motor carriers providing transportation of household goods or in noncontiguous domestic trade. That means these two groups are not subject to the provisions.

It then makes specific exemptions for types of transportation not subject to the Act. It exempts 10706 (rate bureaus), 10761 (transportation without a tariff as amended by this Act), 10762 (tariff filing as amended by the Act), 10927 (Security of motor carriers), and 11707 (Liability of common carriers under receipts and bills of lading). It also exempts a number of provisions from application of this Act.

Subsection (b) defines non-contiguous domestic trade.

SECTION 206—TARIFF FILINGS

Section 206 amends three sections Title 49, U.S.C. They are 10702(b), 10761, and 10762(a). The first provision amends Section 10702(b) of the Act which specifies authority for carriers to establish rates, classifications, rules, and practices. It eliminates motor contract carriers of property from the provision, thus, they are no longer required to file actual or minimum rates.

Section 206(b) amends 10761 as it applies to transportation prohibited without tariff. First, it amends the section to provide that motor common carriers providing transportation of property, other than household goods or those in non-contiguous trade, under an individually determined rate are eliminated from the requirements of this section.

In paragraphs (3) and (4) the law now provides that carriers cannot collect a rate determined by a tariff unless it is a participant in the tariff. This sustains a decision of the Supreme Court which stated that carriers not signing a power of attorney for participation in a rate could not enforce the rate.

Section (c) amends Section 10762(a) relating to general tariff requirements. In new paragraph (1) it excludes from the general requirement common carriers providing traffic under an individually determined rate which is a defined term in subsection (f). It also states that motor contract carriers are no longer required to file their rates. However, the amendments made in the Negotiated Rates Act still apply; i.e. carriers must keep copies of signed agreements.

New paragraph (3) makes certain changes with respect to individually determined rates.

First, it provides that a carriers shall provide to the shipper, upon request, a written or electronic copy of the rate classification, rules, and practices upon which the rate agreed to between the shipper and carrier may have been based. When the applicability of reasonableness of a rate is challenged by the person paying the freight charge, the Commission shall make a decision on whether the rates are reasonable and applicable based on the record before it.

Paragraph (4) is intended to modify the second sentence of paragraph (3) to ensure that all shipper rate challenges are brought within the 180 days statute of limitations which governs rate disputes.

In those cases where a motor common carrier seeks to collect charges in addition to those billed and collected which are contested by the payer, the carrier may request action by the Commission on this issue. The carrier must issue a bill for charges within 180 days if he is going to collect the charges. The same procedure applies to a shipper who seeks to contest charges.

New paragraph (5) provides that the old charges on file at the I.C.C., which are not required to be filed under this Act, are null and void. The key date is the date of enactment of this bill.

Subsection (d)(1) amends Section 10762(c)(1) of Title 49, U.S.C. to exclude motor common carriers from filing changes in their rates, if the rate change is covered by the definition of individually determined rate as set forth in Section 10102(13).

The rates for household goods and transportation of property in a non-contiguous domestic trade must continue to be filed.

Subsection (d)(2) amends Section 10762 (c)(2) of Title 49, U.S.C. relating to proposed rate changes to exclude motor contract carriers providing transportation of property from the requirement to publish, file and keep open for public inspection any notice to establish a new or reduced rate or change in a rule or practice related to such rate.

Subsection (e) amends Section 10762 of Title 49, U.S.C. by adding at the end a new subsection (j). New subsection (j) provides that nothing in this section affects the application of the provisions in the Negotiated Rates Act of 1993 for claims arising from undercharges for transportation provided prior to the date of enactment of this Act.

Subsection (f) amends Section 10102 of Title 49, U.S.C. relating to definitions by redesignating paragraphs (13) through (31) as (14) through (32) and inserting a new paragraph (13) that provides a definition of "individually determined rate, classification, rule, or practice" to mean those established by (A) a single motor carrier for transportation over its line; or (B) a rate, classification, rule of practice for two or more interlining carriers for transportation they jointly provide over their lines.

SECTION 207—MOTOR COMMON CARRIER LICENSING

Subsection 207(a) requires applicants for new or expanded motor common carrier operating authority to transport property other than household goods to make three identified showings. First, that the applicant is able to comply with all statutory, regulatory and ICC imposed safety requirements. Second, that the applicant is able to demonstrate safety fitness under standards developed by the DOT in consultation with the ICC pursuant to Section 31144 of Title 49, U.S.C. Third, that the applicant is able to provide adequate liability insurance or provisions for self-insurance under the financial responsibility provisions of Section 10927 of Title 49, U.S.C.

Subsection (b) frees applicants for authority to operate as a motor common carrier of property (other than a carrier of household goods) from the currently required showing that the proposed service will serve a useful public purpose, responsive to a public demand or need.

New paragraph (b)(1)(A) refers to the regulations of the ICC and safety requirements imposed by the ICC. These include, for example, policy statements and procedures for the submission and evaluation of safety fitness evidence in licensing and finance cases, such as *Rules Governing Applications for Operating Authority*, 5 I.C.C. 2d 94 (1988), *Transfer Rules*, 4 I.C.C. 2d 382 (1988); and *Pur., Merger, and Cont.-Motor Passenger and Water Carriers (Passenger Finance Rules)*, 5 I.C.C. 2d 786 (1989).

New paragraph (b)(1)(B) refers to the safety fitness requirements established by DOT, specifically citing the underlying statutory authorization. This citation emphasizes the ICC's reliance upon the procedure established by DOT for the safety fitness requirements against which applicants are to be evaluated. Section 215 of the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2512) directed DOT, in consultation with the ICC to develop a procedure (now at 49 CFR Part 385) "to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under Section 10922 and 10923 of title 49, United States Code." 49 U.S.C. App. 2512.

New paragraph (b)(1)(C) refers to the ICC's minimum financial responsibility requirements pursuant to Section 10927 of Title 49, U.S.C.

New paragraph (b)(2) requires the ICC to consider and make findings on any evidence relating to these enumerated standards for granting operating authority.

New paragraph (b)(3) directs the ICC to deny operating authority to any carrier

which does not meet these enumerated standards.

New paragraph (b)(4) restricts the grounds under which a person may protest an application made for operating authority to the regulations of the ICC, safety fitness or minimum financial responsibility requirements set forth in new paragraph (b)(1).

Subsections (c) and (d) make conforming changes as a result of these amendments.

SECTION 208—MOTOR CONTRACT CARRIER LICENSING

Similar to Section 207, Section 208 codifies the ICC's current practice in granting operating authority, but with respect to motor contract carriers.

Section 208(a) requires, with respect to applicants for motor contract authority to carry property other than household goods, the same three showings required by Section 207(a) for applicants for new or expanded common carrier operating authority to carry property other than household goods.

New paragraph (b)(1)(A) refers to the regulations of the ICC and safety requirements of the ICC.

New paragraph (b)(1)(B) refers to the safety fitness requirements established by DOT.

New paragraph (b)(1)(C) refers to the ICC's minimum financial responsibility requirements pursuant to Section 10927 of Title 49, U.S.C.

New paragraph (b)(2) requires the ICC to consider and make findings on any evidence relating to these enumerated standards for granting operating authority.

New paragraph (b)(3) directs the ICC to deny operating authority to any carrier which does not meet these enumerated standards.

New paragraph (b)(4) restricts the grounds under which a person may protest an application made for operating authority to the regulations of the ICC, safety fitness or minimum financial responsibility requirements set forth in new paragraph (b)(1).

Subsection (c) makes conforming amendments to the ICC's application filing requirements for permits for motor contract carriers as a result of these amendments.

Subsection (d) makes conforming changes to the conditions the ICC may prescribe for issuing a permit to a motor contract carrier as a result of these amendments.

SECTION 209—REVOCATION OF MOTOR CARRIER AUTHORITY

Section 209 amends Section 10925 of Title 49, U.S.C. to clarify the ICC's authority to suspend a certificate granted under Section 10922 or a permit granted under Section 10923, in light of elimination of the tariff filing requirements for rates set independently by motor common carriers of property (other than carriers of household goods and goods in non-contiguous domestic trade) and for all motor contract carriers of property.

SECTION 210—STUDY OF INTERSTATE COMMERCE COMMISSION FUNCTIONS

Section 210 directs the preparation of a comprehensive review of all of the ICC's functions and a study of possible changes to the status of the ICC.

Subsection (a) directs the ICC to prepare and submit a report to the Secretary of Transportation and the Congress within 60 days from the date of enactment which identifies and analyzes all of its identified statutory and regulatory responsibilities. In this report, the ICC shall make recommendations as to which of its statutory and regulatory responsibilities could be eliminated or restricted.

Subsection (b) directs the Secretary of Transportation to study the feasibility and efficiency of retaining the ICC in its present form, (i) merging the ICC into DOT as an independent agency, (ii) eliminating the ICC and transferring its functions to other Federal agencies, including DOT, or (iii) any other organizational change that may lead to governmental and transportation efficiencies. The Secretary shall report his findings to Congress within four months of the date of submission of the ICC report described in subsection (a).

SECTION 211—LIMITATION ON STATE REGULATION OF INTRASTATE TRANSPORTATION OF PASSENGERS BY BUS

Section 211 adds a new Section 10936 to the Interstate Commerce Act which preempts States from regulating fares of intrastate bus service for interstate carriers. Subsection (b) makes conforming changes to current provisions of law, and strikes current Section 11501(e)(1) through (4) and (6) and redesignates paragraph (5) as subsection (e), which prescribes the current procedure for state action on rate changes and appeal procedures.

SECTION 212—EFFECTIVE DATE

Section 212 provides that all of the provisions of this Act shall take effect on the date of enactment, except the motor carrier licensing provisions contained in Sections 207 and 208. These sections shall take effect on January 1, 1995, to permit carriers and the ICC sufficient time to adjust their operations to accommodate this change.

□ 1330

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

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

Mr. Speaker, H.R. 2178, as amended by the Senate, will provide for a 4-year reauthorization of the hazardous materials transportation program and initiate certain regulatory reforms in interstate trucking.

Regarding hazardous materials, the provisions before us are relatively simple and are similar to those in the authorization bill passed by the House last year. A few additional provisions have been added by the Senate.

Title II will accomplish significant interstate trucking regulatory reform. One of the last remaining vestiges of Federal regulation following passage of the 1989 Motor Carrier Act is the requirement that carriers must file all tariffs with the Interstate Commerce Commission and that shippers must pay only those rates which are on file with the ICC.

This bill will remove all filing requirements and the obligation to pay only the rate on file for individually determined rates—which account for about 90 percent of the more than 1 million annual tariff filings. Household goods, rate bureaus and a few others will continue rate filings.

The repeal of the tariff filing requirement will result in operating cost savings for the ICC and will remove a substantial paperwork burden for motor carriers.

In addition, other regulatory procedures are streamlined and State regulation of fares for intrastate bus passenger travel on interstate routes is prohibited.

While I do not want to diminish the truly significant reforms in this bill, there is one area in which I am disappointed that we did not go further than the provisions in H.R. 2178. Section 210 of the bill mandates studies by the ICC and the Department of Transportation on further regulatory reform and on the long-term future of the Commission. When the House was considering the fiscal year 1995 Transportation appropriations bill earlier this summer. 234 Members of the House voted to eliminate all funding for the ICC.

There has been some debate since then as to the actual significance of that vote, but it seems to me that with 234 Members voting to cut off all funds for the Commission, we could be enacting something more than some open-ended studies which, undoubtedly, will lead to a repeat next year of the appropriations fight we experienced this year.

We do need to provide for an orderly transfer and it could take several years in order to do it right.

This bill could have started that process and I am disappointed that the study provisions were not strengthened to provide for a real reorganization and sunset at a specific time in the future. This is an issue we will have to continue to consider and struggle with in the months ahead. Nevertheless, we should not lose sight of the fact that major regulatory reforms are being made with passage of this bill.

Therefore, Mr. Speaker, I urge the House to approve H.R. 2178 today.

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

Mr. MINETA. Mr. President, I yield such time as he may consume to a very distinguished friend and colleague, the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, with whom we have worked very closely on this and other matters.

Mr. DINGELL. Mr. Speaker, I thank the distinguished chairman of the Committee on Public Works and Transportation, Mr. MINETA. H.R. 2178 reauthorizes the Hazardous Materials Transportation Act and builds on the major work our two committees accomplished in the 1990 reauthorization.

I would like to focus my remarks on the effects of this legislation on the ICC. In June, the House voted to eliminate funding for the ICC. While I and others opposed the amendment to the appropriations bill, we have tried to move forward in a responsible and constructive manner to accomplish the will of the House.

Thanks to the work of the Public Works Committee, this bill eliminates certain motor carrier regulations of the ICC. Together with the appropriations bill now in conference, this bill

will result in permanent budget and personnel cuts at the ICC.

H.R. 2178 provides a responsible way to examine how to restructure the ICC. It requires the ICC and the Department of Transportation to report to Congress within 6 months of enactment on: all regulatory responsibilities of the ICC; specific statutory and regulatory functions that may be eliminated or restructured; the feasibility and efficiency of merging the ICC into the DOT as an independent agency; combining it with other Federal agencies; retaining the ICC in its present form; or eliminating the agency. These reports will consider the cost savings to be achieved, the efficient allocation of resources, the elimination of unnecessary functions, the public interest, and responsibility for regulatory functions.

In the railroad area, which is within the jurisdiction of the Committee on Energy and Commerce, the ICC performs many necessary public duties, and those duties are increasing. As the recent report by the Government Accounting Office [GAO] clearly indicates, the statutory functions of the ICC relating to rail issues are important to the public interest and to a sound national transportation policy. For example, the ICC has the authority to approve, disapprove, or modify all railroad mergers. Since the House vote to terminate the ICC, major railroad mergers have been announced and more are probable. These mergers could affect every rail carrier, thousands of railroad employees, and shippers and communities in almost every State in the country.

This legislation is the first of a two-step process. I pledge to continue to work closely with Mr. KASICH, Mr. MINETA, and members of our committees to craft further legislation in the near future that will preserve the essential rail regulation functions now carried out by the ICC while determining whether those functions should be carried out by a different agency.

It is no secret that I have been an outspoken critic of the Commission's actions from time to time. But my criticism of its decisions does not take away from my strong belief that we must maintain the ICC's independence and unbiased decisionmaking in an open forum, regardless of whether the functions performed by the ICC remain there or are moved elsewhere. Congress needs to examine the evidence in this matter to best serve the public interest. This legislation is a strong first step in carrying out the will of the House.

□ 1340

Mr. Speaker, I strongly urge my colleagues to support this legislation. I submit for the RECORD correspondence with the gentleman from Ohio [Mr. KASICH] on these matters.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 11, 1994.

Hon. JOHN R. KASICH,
Member of Congress, Longworth House Office Building, Washington, DC.

DEAR JOHN: I am writing in response to your June 22 letter, written together with the co-sponsors of your amendments to the transportation appropriations bill to: (1) eliminate appropriations for the Interstate Commerce Commission (ICC) for fiscal year 1995, and (2) appropriate $18 million for the Department of Transportation, primarily for severance pay to ICC employees.

Under Rule X of the House of Representatives, the Committee on Energy and Commerce has exclusive jurisdiction of railroads and rail labor and thus has jurisdiction of the ICC's rail functions. The Committee has exercised its legislative and oversight jurisdiction of the ICC's rail activities in numerous instances over the years.

While I have been an extremely vocal critic of the ICC's decisions from time to time, I do not share the view that the agency should be abolished or that its independent authority should be transferred to another entity. As the recent report by the General Accounting Office (GAO) clearly indicates, the statutory functions of the ICC relating to rail issues are important to the public interest, to sound national transportation policy, to railroads (including Amtrak) and their employees, and to shippers, communities, state and local governments, and other varied interests throughout the country. While the Staggers Act, which was considered and adopted by the Committee on Energy and Commerce after lengthy and careful consideration, deregulated many aspects of the rail industry, the law retained many important regulatory and adjudicatory functions of the ICC of rail transactions and activities. Summarily abolishing the agency that has sole authority to perform these essential funtions—as the amendments adopted by the House would do—would be detrimental to numerous public and private interests and would violate public confidence in the manner in which governmental deliberations that affect a broad spectrum of interests are made.

Despite my personal views on the subject, I am certainly mindful of the results of the recent House proceedings. However, I am not clear as to what the votes really mean. During floor debate, proponents of the amendment clearly stated that some, if not all, of the ICC's statutory responsibilities are important and should be retained, notwithstanding the clear effect of the amendments. for example, you stated that, "[t]he only real activity that goes on in the Interstate Commerce Commission anymore essentially has to do with railroads . . . [comprising] about 37 percent of the operations." Later, you added that, "[W]e are going to be able to maintain the essential functions of this operation . . ." Mr. Condit went even further by stating: ". . . we are not going to weaken the regulations or the standards. We are not going to weaken those at all. Most of them have been eliminated, but the ones that have not been eliminated, that have not been eliminated (sic), will be carried out by the Department of Transportation."

These and other statements are at odds with the actual provisions adopted by the House in that they assume a transfer and preservation of some or all of the ICC's statutory responsibilities. As Rep. Oxley, the Ranking Republican of the Subcommittee on Transportation and Hazardous Materials, stated: "If this amendment succeeds, only two results are assured: One, the immediate termination of many ICC employees, and, two, the effective impounding of any remaining ICC funds without DOT being able to use them. That is due to the fact that even if DOT has plenty of money in its account after this amendment, DOT still will not have any legal authority to spend those funds on ICC functions. Only an authorization statute can do that."

As Mr. Oxley concluded, ". . . this amendment produces no real economy—just organizational chaos."

Your letter states that the recent proceedings represent only the first step in a two-step process and that you are willing to be "partners" in fashioning "a reasoned and orderly transfer of the ICC's functions." I appreciate your candor in conceding that the amendments offered and adopted in the appropriations bill will not result in a reasoned and orderly transfer of the ICC's functions. As you know, the amendments would produce highly undesirable and wasteful results.

In view of the House votes and in order to avoid the adverse effects of allowing your amendments to be enacted, I am willing to do what I can to fashion legislation that would produce a reasoned and orderly transfer of the ICC's functions. However, I believe there are several considerations that must be taken into account prior to proceeding.

First, I will not acquiesce or participate in a process that involves legislating in an appropriations bill. If you insist on a strategy that violates the Rules of the House, I trust you will understand my unalterable opposition to any such approach.

Second, I cannot speak in any manner for the Public Works Committee regarding these matters. Any "reasoned and orderly" consideration of these issues under the Rules clearly requires agreement and action by our sister Committee respecting such ICC authorities that are within its jurisdiction.

Third, I do not support using such transfer legislation to effect substantive changes in railroad law or regulation. Any authorizing legislation to be considered should achieve any transfer of authority without diminishing the ability to perform current rail functions. I also believe that the independent nature of the ICC is extremely important and believe any transfer of authority to another entity should allow for continuation of processes that preserve such independence.

I believe that any reasoned and deliberative legislative approach to these issues in our Committee likely will require more time than is available during the remainder of this Congress. While I understand your desire to resolve these matters expeditiously, I cannot in good faith assure you that our Committee or Subcommittee, not to mention the Public Works Committee, the House, the Senate, and its Commerce Committee, will be able to consider and process appropriate legislation given other priorities during an election year. A possible approach to demonstrate my commitment to moving forward might be a written request to the ICC, the Department of Transportation, and the Office of Management and Budget (consistent with provisions of your bill, H.R. 3127) to report to the Committee within a reasonable period of time on how to accomplish any orderly transition. I suspect that continuation of the ICC's appropriation for another fiscal year would be necessary under this scenario, but if we are working together toward a common goal, I hope this will not pose any problem. The alternative is a level

of chaos that will pose serious problems for all of us.

Sincerely,

JOHN D. DINGELL,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 22, 1994.

Hon. JOHN D. DINGELL,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Last week the House voted to pass our bipartisan amendment to the Transportation Appropriations bill eliminating funding for the Interstate Commerce Commission. As you know, this amendment was just the first step in a two-step process to transfer the agency's functions to the Department of Transportation. The second step involves legislation implementing the transfer and authorizing the Secretary of Transportation to spend appropriated dollars for severance and other transition costs. Because the Energy and Commerce Committee has jurisdiction over the ICC, we are writing to express our willingness to be partners with you in fashioning a reasoned and orderly transfer of the ICC's functions.

By its vote last week, the House demonstrated its resolve to terminate one agency of the federal bureaucracy. It is imperative that the will of the House be realized. Although we recognize the complexities of such a transfer, we believe that by working together we can overcome whatever obstacles may arise. As you may know, Mr. Kasich has introduced H.R. 3127, which would complete the process that the House set in motion last week. We hope you will consider this legislation as you seek the best method of achieving the transfer.

If we can be of assistance in any way, please contact us. Our staff members are available at any time. They are the following: for Mr. Kasich, Marie Wheat at 6-7270; for Mr. Hefley, Brian Reardon at 5-4422; for Mr. Condit, Steve Jones at 5-6131; for Mr. DeLay, Glen LeMunyon at 5-5941; for Mr. Cox, Ben Cohen 5-5611; and for Mr. Kennedy, Phillippe Houdard at 5-5111.

Thank you for your cooperation. We look forward to hearing from you in the near future.

Sincerely,

JOHN R. KASICH,
TOM DELAY,
JOEL HEFLEY,
CHRIS COX,
GARY CONDIT,
JOE KENNEDY.

Mr. Speaker, I make the observation that we will be coming forward with changes in the way the ICC is positioned, where it is located, how it will function, but we will seek at the time we do so, first of all, to work together with my good friend, the gentleman from California, and with the ranking minority members both of the subcommittee and the committee, and with Members similarly situated on the Committee on Public Works and Transportation. It is important that we resolve those issues in a way which ends the turmoil and the discord which has existed on these matters, but it is important, as we do so, we come forward with a package which preserves the open, collegial consideration of important questions and preserves the independent way in which those decisions are made.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, last November, the House passed H.R. 2178, the Hazardous Materials Transportation Act Amendments of 1994. Today, we consider the legislation as amended by the other body which includes the text of S. 1640. It represents the efforts of the Committee on Energy and Commerce, the Committee on Public Works and Transportation and the other body.

Each year, the Department of Transportation estimates that over 500,000 movements of hazardous materials occur each day in the United States. This adds up to over 4 billion tons of hazardous materials moved each year. As such, the transportation of hazardous materials is a matter of great concern because of the serious threat it poses to the public, to property, and to the environment.

The legislation will assist the Department of Transportation in its efforts to regulate the transportation of hazardous materials. H.R. 2178 as amended provides a 3-year authorization and establishes important programs for the training of both hazardous materials employees and the emergency responders that handle the unfortunate aftermath of accidents.

In addition, it allows the Secretary of Transportation to exempt foreign offerors of hazardous materials from the registration requirements under the act. This was in response to concerns expressed by the administration that foreign governments would begin to impose registration requirements on U.S. companies that offer hazardous materials shipments overseas that might be far more expensive and cumbersome than our own. This could significantly hamper U.S. participation in foreign markets. In addition, the beneficiaries of this program—that is, the States, Indian tribes, and local governments—are already exempted from these fees. It would be inequitable to require foreign governments to register when the beneficiaries of the program do not have to. Take note that foreign carriers operating in the U.S. will still have to register.

Next, this legislation establishes time limits for the administration to respond to requests for preemption determinations and exemption applications. Until now, no limits have been in place and there has been concern that these administrative determinations were not being considered in a timely fashion.

Finally, this legislation asks the Department of Transportation to determine if open-head fiber drums can be safely used for domestic transport of liquid hazardous materials.

H.R. 2178 will allow the Department of Transportation to continue its efforts to ensure that the transportation of hazardous materials whether it is by rail or other means occurs safely.

Finally, I am pleased that the legislation reflects agreements reached by the Public Works and Transportation Committee and the other body with regard to the continuing and important regulatory responsibilities of the Interstate Commerce Commission as they pertain to the railroad industry.

Mr. Speaker, this is a good piece of legislation. I urge my colleagues to support H.R. 2178.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 2178. This revised version of the bill represents a House-Senate agreement on reauthorizing the safety activities of the Department of Transportation concerning transportation of hazardous materials. It also represents the product of very diligent work by our chairman, the gentleman from Michigan [Mr. DINGELL], our subcommittee chairman, the gentleman from Washington [Mr. SWIFT], our subcommittee ranking member, the gentleman from Ohio [Mr. OXLEY], and by our colleagues on both sides of the aisle from the Public Works Committee.

Hazardous materials transportation usually attracts attention only when there is an accident of some sort. What most of us fail to realize is that literally hundreds of everyday items vital to consumers and to American businesses could not exist without hazardous materials transportation to get the needed commodities to the manufacturing sites. Consequently, hazardous materials transportation is a vital link in the functioning of our industrial economy.

The reauthorization in this bill makes relatively modest adjustments to the Hazardous Materials Transportation Act, since Congress extensively overhauled that law in 1990. I am also pleased to report that the House-Senate agreement retains virtually all of the key features of the House-passed bill. The legislation addresses a number of issues, including the promptness of DOT rulings on preemption matters, railroad tank car safety, and how to apply international standards to hazardous materials packaging.

The second part of H.R. 2178 is a new addition from the Senate—a package of trucking deregulation provisions based on the Exon-Packwood bill. My colleagues from the Public Works Committee can best describe these provisions. But the bottom line is clear: it permits an immediate 30 per cent reduction in the funds for the Interstate Commerce Commission.

In addition, the bill mandates a study of the future of the ICC. The Department of Transportation is to make

recommendations during Fiscal Year 1995 on the best disposition of the ICC's remaining regulatory functions. Any and all of the following options are available: elimination, transfer to DOT or other Cabinet agency, creation of an autonomous agency within DOT—much as the Federal Energy Regulatory Commission is affiliated with the Department of Energy—retention of functions in an independent agency, or combination with another agency. This will give the authorizing committees and the Congress a blueprint for an orderly process to deal with the ICC's regulatory functions. We will have eliminated almost one-third of its budget immediately in this legislation, and we hope that further economies can be realized in the future. when Congress turns to implementing the DOT recommendations.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 2178, the Hazardous Materials Transportation Authorization Act of 1994. I would like to take this opportunity to expand upon certain aspects of title II, the Trucking Industry Regulatory Reform Act of 1994.

The Trucking Industry Regulatory Reform Act completes the year-long series of reforms to the trucking industry undertaken by the Committee on Public Works and Transportation. The first was the Negotiated Rates Act of 1993, which settled the terrible undercharge crisis that faced our Nation's transportation industry. The second was preemption of State regulation of intrastate trucking contained in section 601 of the Federal Aviation Administration Act of 1994, which will save our economy billions in lower intrastate freight charges. And the third of course is the Trucking Industry Regulatory Reform Act of 1994, which we are considering today. Together, these three acts have restructured our Nation's trucking industry to eliminate costly and needless regulation and promote greater efficiency, thus benefitting our Nation as a whole.

The Trucking Industry Regulatory Reform Act modifies or eliminates numerous unnecessary and costly regulatory functions performed by the ICC. Most importantly, this act goes a long way toward eliminating the wasteful and unnecessary filed-rate doctrine at the Interstate Commerce Commission. The filed-rate doctrine—which required that all motor carriers file tariffs containing their rates with the ICC and obligated shippers to pay the rate contained in the filed tariffs—is one of the last vestiges of the past era of interstate trucking regulation. It was the existence of the filed-rate doctrine that led to the undercharge crisis that was resolved by the Negotiated Rates Act.

Section 206 eliminates tariff filings for individually determined rates; that is, all rates that are not set by rate bureaus. This will eliminate the tariff filing requirement for up to 90 percent of the 1.4 million tariffs filed annually. Most importantly, this section eliminates once and for all the filed-rate doctrine for individually determined rates.

The result of these changes is that for individually determined rates, there will no longer be an obligation for carriers to file any tariff containing rates with the ICC or anywhere else and there will no longer be any obligation on the part of a shipper to pay any filed rate. For effected rates, the link between tariff filings and charges is severed. Henceforth, all individually determined rates will be set by free market negotiations between carriers and shippers.

Section 206 also adds new subparagraphs (3) and (4) to section 10762(a) of title 49 to clarify the rights and responsibilities between carriers and shippers regarding billing disputes. First, the shipper is given the right to be provided with a copy of the rates applicable to his shipment upon his request to the carrier. Second, upon request of the shipper, the ICC shall resolve disputes over rate applicability or reasonableness. Third, in the event that a carrier seeks to collect charges beyond those originally billed and collected from the shipper, the carrier may request that the ICC resolve the matter, and in any case, such request for additional charges must be made within 180 days of the receipt of the original bill. Finally, new subparagraph (4) provides that a shipper which contests the charges originally billed must do so within 180 days from receipt of such original bill. Of course, the parties are free to settle any disputes without Federal intervention or having their settlement approved by the ICC.

In sum, new paragraphs (3) and (4) permit shippers and carriers to continue to have the ICC resolve rate disputes that arise from the market negotiations. There is no intention to create any new functions or responsibilities for the ICC, but instead to clarify rate dispute resolution mechanisms in light of the elimination of the filed-rate doctrine for individually determined rates.

Paragraph (3) does not anticipate the possibility of future undercharge claims merely because it contains a dispute settlement mechanism for instances when carriers seek to collect charges in addition to those billed and collected. Any claim for additional charges would not be the result of an undercharge, but rather because a carrier believes the rate it reached with the shipper is different than the rate the shipper believes was agreed to.

There is no possibility that a carrier—or its successor in interest—may seek additional charges from a shipper because the carrier had filed or possessed a tariff containing a particular rate and negotiated a lower rate with a shipper. Nor will an undercharge claim be possible because a carrier kept a rate on file with itself or elsewhere.

Simply stated, the possibility of a negotiated rate undercharge has been eliminated because there is no longer any obligation for a carrier to file a rate with the ICC or anywhere else and no further obligation for a shipper to pay that rate. All individually negotiated rates are to be determined and proven by evidence of market negotiations. Any rates kept or published by carriers are merely evidence of such negotiations.

Furthermore, new paragraphs (3) and (4) set a statute of limitations of 180 days for all rate disputes, thus shortening the timeframe for billing disputes to be raised at all. The purpose of this shortened statute of limitations is to streamline billing disputes and prevent claims by shippers or carriers that the amount billed was incorrect far in the future.

Two additional aspects of new paragraphs (3) and (4) require explanation.

First, the second sentence of new paragraph (3), which permits the ICC to hear challenges to rate applicability or reasonableness upon request of the shipper and new paragraph (4), which states that when the shipper challenges the charges originally billed, he must do so within 180 days of receipt of the original bill, are intended to cover exactly the same circumstances. Challenges to rate reasonableness and applicability are the same as shippers "contest[ing] the charges" and subject to the 180 day statute of limitations contained in paragraph (4). Paragraph (4) is intended to modify the second sentence of paragraph (3) to ensure that all shipper rate challenges are brought within the 180 day period.

Second, the third sentence of paragraph (3) which permits a carrier or its successor, in the event that it brings a claim for charges in addition to those billed and filed, to do so before the ICC, is intended to have the ICC determine undercharge claims at the election of the carrier or the shipper, and is not intended to restrict the election of forum to the carrier only.

Tariff filings remain for motor-water tariffs in noncontiguous domestic trade, household goods carriers, and rates filed by rate bureaus. Rate bureau filings were continued to permit smaller shippers the option of using rate bureaus. If carriers discount rate bureau tariffs, however, such rates will then become individually determined rates. For classifications, mileage guides, or other governing tariffs, a participating carrier must properly participate in the tariff in order to collect its rates. If a carrier does not have a proper power of attorney to participate in the governing tariff, no other rate can be collected.

Sections 207 and 208 eliminate all entry standards for the motor common and contract carriers other than compliance with Department of Transportation and ICC safety and insurance requirements. In particular, the granting of operating authority based on public convenience and necessity is ended. Since entry was eased in 1980, the ICC has rarely, if ever, found a proposed service inconsistent with the public convenience and necessity.

Section 210 directs the preparation of two reports to Congress analyzing alternatives to the current structure of the ICC. First, a comprehensive review of all of the ICC's functions and second, a study of possible changes to the ICC from its current status and integrating its functions into existing agencies.

These two studies are intended to formally examine the need and efficiencies gained from altering the ICC's current status as an independent agency. There has been substantial concern raised about statutorily eliminating the ICC before a comprehensive review of the need to sunset the agency and the formulation of a plan to continue all of its identified statutory functions. Thus, these studies are intended to identify the need for the ICC's functions, the efficacy of altering the ICC's current status as an independent agency, and to present Congress with a comprehensive summary of all issues and alternatives for its future consideration.

One final provision, section 211, merits highlighting. This section preempts State regulation of fares of intrastate bus passenger

service on interstate routes. Currently, a State has 4 months to rule on a fare petition affecting intrastate bus passenger service being performed by an intercity bus operator as part of interstate service. If the State does not act or denies the carrier's petition, the carrier can appeal to the ICC, which must render a decision within 3 months of filing an appeal. Virtually all rate cases appealed to the ICC have been decided in favor of the carrier. While section 11501(e) (1)–(4) and 11501(e)(6) referred to a "rate, rule, or practice" and the preemption language in new section 10936 references "fares," no difference in meaning is intended. The preemption is intended to cover all the technical tariff issues included in a rate filing. At a time when intercity bus operators are struggling to survive due to intense competition from low-cost airfares and the automobile, elimination of this unnecessary procedural hoop to change fares is warranted. It will permit bus operators to respond to market forces immediately in terms of setting their fares and help to ensure the future of intercity bus service in this country.

Because all sections of this act—other than sections 207 and 208—are effective on the date of enactment of this bill, I urge the ICC to act as quickly as possible to establish transition rules for these new procedures.

Mr. DELAY. Mr. Speaker, I can hardly believe it. I have been working for trucking deregulation for 16 years—my entire political career—and lo and behold, over the last 2 weeks, two of the biggest deregulation measures pass this House under suspension of the rules. My, how times have changed.

Over 7 years ago, I introduced trucking deregulation legislation that essentially does exactly what the House has passed over the last 2 weeks. Improved efficiency, increased competition, and reduced paperwork resulting from complete economic reform of the trucking industry will save billions in business logistic costs and those savings will be passed on to the consumer.

Last week, during consideration of H.R. 2739, the Aviation Infrastructure Investment Act Conference Report, Congress basically made swiss cheese out of States' intrastate regulations. Essentially, through that legislation, Congress told State regulators to hang up their regulatory robes since there is nothing more to regulate. This is the best news for the American consumer since the trucking deregulatory efforts of 1980.

Today, the House considers a bill of equal importance, legislation that essentially eliminates all trucking functions from the ICC.

As you may know, this legislation came about because of the historic vote on the House floor several months ago when the House voted to eliminate the ICC and transfer its remaining function to the Department of Transportation. The House overwhelmingly voted to zero-out the ICC. After that historic vote, the Senate was the target for every special interest group in the country interested in saving the Interstate Commerce Commission. It became apparent that elimination of the ICC was not assured. At that point, Senator EXON and PACKWOOD offered legislation that essentially eliminated the trucking functions at the ICC and cut their funding by about one-third.

The text of that legislation is included in the Hazardous Materials Transportation Act amendments under consideration today.

Mr. Speaker, these regulations that we are eliminating today have, in the past, been the life blood of Federal regulators. Times truly have changed since all sides of the issue have come together to create this deregulation legislation.

These subtle trucking deregulation efforts have not gone unnoticed. I commend the efforts of all parties responsible for bringing this legislation to the floor. The American consumer will benefit greatly from the passage of these deregulatory measures since the savings generated from the trucking companies will be passed on to the consumer. Trucking companies save because they will not have to spend their time, effort and money filing useless tariff documents with the ICC.

H.R. 2178 is an excellent compromise since it accomplishes all of the trucking deregulation I have been pushing for 16 years. I applaud the committee's efforts, look forward to working for more transportation deregulation next year, and urge the adoption of the legislation before the House today.

Mr. RAHALL. Mr. Speaker, the legislation pending before the House consists of two titles, the first of which is based on a bill previously passed by this body that would reauthorize the Hazardous Materials Transportation Act. The second title of the pending legislation deals with an issue which has not yet been considered by this body and involves the further reform of interstate motor carrier regulation. This second title is being considered as a means to begin to address the House vote, during consideration of the fiscal year 1995 transportation appropriations bill, to eliminate funding for the Interstate Commerce Commission.

It is important to note that title I of this bill contains all of the elements of the original House-passed version of H.R. 2178 relating to the reauthorization of the Hazardous Materials Transportation Act. In this regard, some modifications to the House language have been made by the Senate in consultation with the House Committees on Public Works and Transportation and Energy and Commerce. In addition, this measure contains a number of other provisions which originated with the Senate. Ultimately, however, the primary purpose of title I of the pending bill is to reauthorize the act through fiscal year 1997.

Among the amendments made to the Hazardous Materials Transportation Act by this legislation are three in particular which I have advanced in my capacity as chairman of the Subcommittee on Surface Transportation.

The first of these provisions modifies the training grant programs of the act. Currently, the act provides for two types of training grants: Under section 117A for training public sector hazmat employees like fire fighters and police through grants to the States, and under section 118 for training private sector hazmat employees, such as truckers.

With respect to the section 117A State grant program, the Surface Transportation Subcommittee received testimony that these grants are of an insufficient amount to provide for adequate training, and, that they are not always used by the States to train the public sector employee group that is in the front line in responding to hazardous material incidents: fire fighters.

For this reason, the bill proposes a new supplemental program through which the Secretary may make grants to qualifying organizations engaged solely in fighting fires for the purpose of training fire fighting personnel to respond to hazardous materials accidents and incidents. The International Association of Fire Fighters would be one such qualifying organization.

Further, the bill would greatly expand the current authorization for the section 118 grants used for training of hazmat employees engaged in the loading, unloading, handling, storage and transportation of hazardous materials and emergency response.

In my view, the existing authorization is simply inadequate to provide proper training for the thousands upon thousands of employees involved with hazardous materials in the motor carrier, railroad, airline and maritime industries.

The second provision seeks to further address the question of whether or not a centralized computer tracking system for all hazardous materials in transportation should be required.

Under such a system, shipper would enter information about hazardous materials into a computerized data center at both the commencement and completion of each shipment. In the event of an incident, this information would be immediately available to police and fire fighters.

The 1990 reauthorization legislation called on the National Academy of Sciences to study the matter. That study did not recommend the immediate establishment of a central reporting system and computerized telecommunications system. It did, however, recommend that the Department of Transportation test prototype automated information systems.

To advance this proposal, H.R. 2178 provides for the establishment of one or more pilot projects involving motor carriers in order to demonstrate the feasibility of establishing and operating computerized telecommunications emergency response information technologies. These projects would be conducted under the auspices of the Intelligent Vehicle-Highway Systems Act of 1991.

In this regard, I would note that the Federal Railroad Administration is currently undertaking a pilot project of this nature involving a railroad in Houston, TX. Consideration should be given to expanding this project through the inclusion of motor carriers under the pilot project program provided for by H.R. 2178.

The third provision advanced by the Surface Transportation Subcommittee would require the Secretary of Transportation to initiate a rulemaking to examine whether fibre drums for the domestic transportation of liquid hazardous materials can comply with statutory safety standard, and provide an equal or greater level of safety, than the regulations promulgated by DOT which are scheduled to take effect on October 1, 1996.

In this regard, I would note that section 105(d)(2) of the Hazardous Materials Transportation Act gives the Secretary of Transportation discretionary authority to issue standards applicable to the domestic transportation

of hazardous materials consistent with standards adopted by an international body, with the adoption of such international-based standards for the purposes of domestic commerce not required by law.

The Secretary has promulgated regulations applicable to the domestic transportation of hazardous materials in a proceeding known as HM–181 based on the recommendations of a committee of the United Nations formed to develop requirements applicable to international commerce, with such regulations effective October 1, 1996.

Pursuant to the HM–181 regulations, certain types of packaging, including open-headed fiber drum packaging used for liquid hazardous materials, will no longer be acceptable for domestic commerce in the United States, despite the demonstrated safety of such fiber drum packaging technology.

However, fiber drum packaging for liquid hazardous materials is an exclusive American technology, and due to the lack of experience with it among the international community, may not have been duly considered in the formulation of standards pursuant to HM–181.

In addition, several Nations other than the United States continue to provide for the regulation of hazardous materials transportation within their borders utilizing standards not based on the recommendations of the United Nations Committee.

Because of these concerns, we have included a provision in H.R. 2178 that requires the Transportation Department to reexamine the issue, and if it determines that fiber drums for the domestic transportation of liquid hazardous materials can comply with the statutory standards, and provide an equal or greater level of safety than the HM–181 regulations, the agency could decide to allow the drums to continue to be used for domestic liquid hazardous materials transportation.

Before I leave this issue, I do want to commend our colleague, JOHN SPRATT of South Carolina, for originally bringing it to the attention of the Surface Transportation Subcommittee. I would further note that during the Senate's consideration of this legislation on August 11, 1994, Senator HOLLINGS and Senator EXON engaged in a colloquy on this provision of the bill and I would like to note that the understanding they reached is one which I am in complete agreement with.

As I mentioned earlier, title II of H.R. 2178 concerns the further reform of interstate motor carrier regulation. While this provision originated with the Senate, it represents a position acceptable to the leadership of the House Committee on Public Works and Transportation and was devised in consultation with the administration as well as representatives of the trucking and shipping community.

Mr. Speaker, on June 16 of this year, the House by a vote of 234 to 192 eliminated all funding for the Interstate Commerce Commission in its version of the fiscal year 1995 Transportation Appropriation bill.

In my view, based on statements made on the House floor that day, the primary motivation Members had in seeking to eliminate funding for the Commission was grounded in reducing the budget deficit rather than invoking regulatory changes.

However, even the most casual observer of this issue understands that budgetary savings can only result by eliminating aspects of the Commission's responsibilities.

The fact of the matter is that eliminating funding for the ICC and further transportation regulatory reform are intertwined issues.

In the aftermath of the House vote, it fell to the leadership of the House and Senate authorizing committees to determine how to reconcile the House vote to terminate the ICC under the guise of budget deficit reduction, and the fact that budgetary savings would only result by the elimination of certain Commission functions.

The result of these deliberations, which included the administration, the Appropriations Committees and House sponsors of the amendment to eliminate the ICC's funding, was added by the Senate as title II of H.R. 2178.

The reforms envisioned by this legislation would eliminate the obligation of individual motor carriers to file rates with the ICC, eliminate the requirement of motor carriers engaged in interstate commerce to obtain a certificate of public convenience and necessity from the ICC as it relates to entry while preserving the Commission's authority to require compliance with safety and financial responsibility requirements; provide the Commission with limited authority to provide for other exemptions from motor carrier regulation; and preempt State laws governing interstate motor carriers of passengers as they relate to the regulation of intrastate fares. In addition, title II requires the ICC and the Secretary of Transportation to report to the Congress with recommendations on future organizational options for the Commission and its authorities.

With respect to these reforms, I would like to make it clear that this legislation in no way eliminates the ICC's authority as it relates to motor carrier safety fitness and insurance requirements. Further, the Commission would be prohibited from utilizing the exemption authority provided in the bill to eliminate regulation of these and a number of other areas, including those relating to antitrust immunity for joint line rates and routes, classification of commodities, uniform bills of lading and standardized mileage guides.

Finally, while the bill would preempt State regulation of intrastate fares for the transportation of passengers by bus by an interstate motor carrier of passengers, it clearly provides for a continued State role with respect to proposals to discontinue service. Those of us from the rural areas of this Nation are painfully aware of the dramatic loss of intercity bus service that resulted after the enactment of the bus deregulation bill in 1982. However, in light of the financial difficulties major bus companies such as Greyhound are experiencing, with this legislation it is my hope that by providing for increased flexibility as it relates to fares, existing service to rural areas will be preserved and perhaps enhanced.

Mr. Speaker, the intention of these regulatory reforms is to reduce the ICC's budget by approximately one-third while providing for the public interest to continue to be served in the area of interstate motor carrier regulation.

This is indeed a comprehensive measure before us, concerning two distinct and separate matters, but it is one which deserves the support of the House.

Mr. OXLEY. Thank you, Mr. Speaker. I rise in strong support of H.R. 2178. This legislation to reauthorize the safety activities of the Department of Transportation with respect to hazardous materials transportation has had a strong bipartisan consensus behind it throughout the legislative process. The version we are considering today is the equivalent of a conference report, because it represents a House-Senate agreement on the final configuration of hazardous materials legislation the House approved last fall.

The Hazardous Materials Transportation Act was extensively revised in legislation enacted in 1990. Therefore, this new reauthorization makes relatively minor adjustments to the statute, recognizing that the 1990 law is still being implemented. Most of the improvements are to process—making DOT rulings on questions of State and Federal jurisdiction more responsive and correcting certain technical flaws that have been detected since the 1990 enactment.

I want to again commend Chairman DINGELL, Subcommittee Chairman SWIFT, and our ranking member, Mr. MOORHEAD, and our colleagues on both sides of the aisle from the Public Works Committee, for their work on this legislation. The safe transportation of hazardous materials is an essential ingredient to the successful functioning of our industrial system, particularly the manufacture of many goods that involve chemical ingredients. This legislation keeps DOT on course to maintain and improve the safety of such transportation, whether by rail or motor carrier.

A second part of the House-Senate agreement on this legislation deals with further deregulation of interstate trucking, based on the Senate's Exon-Packwood bill. I support the reduction of Federal regulation wherever feasible, and I leave it to my colleagues on the Public Works Committee to describe the trucking provisions of the bill, which lie within their exclusive jurisdiction.

One provision of the trucking legislation lies within the joint jurisdiction of both the Energy and Commerce Committee and the Public Works and Transportation Committee—a study of the future disposition of the various regulatory functions of the Interstate Commerce Commission.

This study, which will be carried out by the ICC and the Department of Transportation during fiscal year 1995, is aimed at identifying all functions of the ICC that can be eliminated, and also at analyzing the best location for the ICC's remaining functions. The catalyst for this in-depth analysis of the ICC was clearly the initiative of my colleague from Ohio, Mr. KASICH, who helped shake up the status quo approach Congress had adopted in recent years regarding the ICC. Because of his appropriations amendment, we now have substantial new trucking deregulation, plus a mandate for a complete and thorough analysis of the best future institutional format for the ICC.

In studying the ICC, DOT is directed to consider all the options—deleting functions entirely, transferring them directly to a Cabinet agency such as DOT, retaining them in an autonomous agency within DOT, keeping them in a traditional independent agency, combining the ICC's functions with those of another agency, or any combination of these.

This is a sound and constructive approach which will force the Congress to examine the economic regulation of transportation. Once DOT has carried out the study, it will be up to the authorizing committees to act promptly on the DOT recommendations. In my view, this kind of congressional re-examination of Federal regulation is something we do not do often enough, and I think my colleague, Mr. KASICH, deserves considerable credit for getting the process underway.

Mr. CLINGER. Mr. Speaker, I would like to commend my colleagues for all of their hard work on H.R. 2178 which reauthorizes the Hazardous Materials Transportation Act. This legislation is critical in that it will help ensure that the risks inherent in the transportation of hazardous materials are minimized, and that we provide precautions to protect our citizens.

I would especially like to express my deep appreciation to Public Works Chairman MINETA, ranking member SCHUSTER, Chairman RAHALL, and Mr. PETRI, and Energy and Commerce Chairman DINGELL and ranking member MOORHEAD, Chairman SWIFT and Mr. OXLEY, as well as the Public Works staff for incorporating in the final legislation a provision which I authored in the Committee on Public Works and Transportation. This provision requires the Secretary of Transportation to conduct a study to determine the safety considerations of transporting hazardous materials by motor carrier in close proximity to Federal prisons. Within 1 year of enactment, the Department of Transportation would report to Congress on the results of the study along with recommendations for any legislative or regulatory changes that might be needed to enhance safety.

The motivation behind the study is to prevent what could be a potentially very dangerous situation for Federal prison staff, prisoners, and the surrounding communities. We are all aware of the numerous accidents involving trucks carrying hazardous materials. In 1990 and 1991 there were over 7,200 incidents of releases of hazardous materials reported to the Department of Transportation related to highway transportation of these materials. If such a release were to occur in close proximity to a Federal prison, emergency procedures such as an evacuation could pose special problems.

This provision emanated from a problem facing Union County, PA in my own district. Allenwood Prison complex is a large facility which houses 3,000 prisoners, including maximum security prisoners, and has a staff of 700. Adjacent to the Allenwood correctional complex is Highway 15 which is a major truck highway, and there was quite a lot of concern by the community that the highway would be the main route used to transport hazardous waste to a proposed incinerator. There was no information available to indicate what steps would be needed to be taken to ensure safety. If there was a spill or other type of release it would be very difficult to evacuate the 3,000 prisoners or staff in a timely and safe manner—and the safety of citizens in the community would be jeopardized as well. According to the Bureau of Prisons, after Hurricane Andrew it took over 3 days to evacuate a smaller prison in Miami.

For other communities that may be faced with a similar situation, a large Federal prison that is located next to a major highway, the DOT study will serve to identify what steps that should be taken to enhance safety. These should include any special training, equipment, and personnel requirements that may be needed.

Mr. Speaker, it is my sincere hope that this DOT study will provide steps for necessary action that will prevent a catastrophe from occurring before rather than after the fact. Again, I would like to thank the leadership of the two communities for ensuring that this provision was included in the final legislation.

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

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

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2178.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2178, and the Senate amendment just concurred in.

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

There was no objection.

CONCURRING IN SENATE AMENDMENT TO H.R. 4812, TRANSFER OF OLD U.S. MINT IN SAN FRANCISCO

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4812) to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, CA, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, after line 8, insert:

SEC. 2. REPAIRS OF OLD U.S. MINT, SAN FRANCISCO.

Nothing in this Act shall be construed to force the General Services Administration to repair the Old U.S. Mint building prior to repairs to other Federal buildings in greater need of repair.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. MINETA], chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I wish to, first of all, thank the very fine friend and distinguished chairman of our Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], for moving this bill expeditiously.

Mr. Speaker, this bill is basically the same bill that the House passed under suspension on August 8.

As I stated at that time, I would also like to commend the gentlewoman from California [Ms. PELOSI], my colleague, for joining me in cosponsoring this very important piece of legislation.

Mr. Speaker, H.R. 4812 would transfer title to the Old U.S. Mint located in San Francisco to the General Services Administration at no cost. It will enable GSA, through the Federal buildings fund, to repair and renovate this historic landmark building.

Mr. Speaker, the Old Mint Building was constructed between 1869 and 1974. It is one of the first stone buildings constructed in San Francisco and now remains as the city's oldest stone structure. It is on the National Register of Historic Places and has been designated a national landmark building. Today it houses the Old Mint Museum where thousands of tourists and schoolchildren visit each year, as well as various administrative operations for the San Francisco Mint.

Last year, Mr. Speaker, the mint was closed because of damage caused by the Loma Prieta earthquake. Now, as it approaches its 120th birthday in November, the Old Mint needs our help.

Mr. Speaker, the legislation before us is a simple transfer of title from Treasury to the General Services Administration to accomplish the goal of rehabilitating the Old Mint to preserve one of your Nation's most endangered landmarks. The Senate amendment, which is not controversial, simply provides that nothing shall be construed to force GSA to repair the Old Mint prior to repairs to other Federal buildings in greater need of repair.

Mr. Speaker, this is an important piece of legislation and worthy of this body's prompt attention. I urge its passage, and I thank the gentleman for yielding the time.

□ 1350

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

Mr. Speaker, I rise in support of H.R. 4812, a bill which directs the Administrator of General Services to transfer, without monetary consideration, the Old U.S. Mint in San Francisco, CA,

from the Department of Treasury to the General Services Administration.

The Old U.S. Mint possesses significant historical value. This building was constructed between 1869 and 1874 of granite, which has helped the structure withstand earthquakes and fires throughout the past century.

It ceased operation as a mint in 1937 and was transferred to the Department of Treasury in 1972. The building served as a museum until 1993 when damage from the 1989 Loma Prieta earthquake was discovered.

The structure requires extensive repair and a transfer of the building and property to the General Services Administration offers the best opportunity for these renovations to be achieved.

GSA will submit a detailed prospectus to Congress on the needed repairs. The committee will at that time have an opportunity to review the request and evaluate future possible uses for the Old U.S. Mint.

On August 11 of this year, the other body amended this bill to require that other Federal buildings in greater need of repair take precedence over this renovation project.

I support this no-cost transfer and urge the enactment of this legislation as it has been amended.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from California, Ms. PELOSI, who, along with Chairman MINETA, played a leadership role in this legislation.

Ms. PELOSI. Mr. Speaker, I join my colleague, the gentleman from California [Mr. MINETA] in commending the gentleman from Ohio [Mr. TRAFICANT] for his leadership in bringing this legislation expeditiously to the floor. I want to give my thanks to the gentleman from Ohio [Mr. TRAFICANT], to the gentleman from Wisconsin [Mr. PETRI], the gentleman from Tennessee [Mr. DUNCAN], the ranking member of the committee, and all the members of the subcommittee for their recognition and appreciation of the worth of the "Granite Lady," the Old Mint Building in San Francisco.

Mr. Speaker, in joining the gentleman from California, Mr. MINETA, I want to thank him for being the author of this legislation and for his leadership and his cooperation with Senator BOXER, who has taken the lead on this issue in our community and in the Congress.

I do want to inform our colleagues that my colleague representing San Francisco in the Congress, the gentleman from California [Mr. LANTOS] has been very involved in this issue as well. As many of us know, he has been under the weather these last few days. The message from him is that he is resting well and he is well enough to send his strong support for this legislation. So I wanted the record to show that only because Mr. LANTOS is not well could he not join us today in support of this legislation.

The gentleman from California [Mr. MINETA] has done a remarkable job in shaping this legislation which is creative, innovative, and sensible. As the gentleman from Wisconsin [Mr. PETRI] has noted and as others in the Senate have noted, we have passed this legislation before. The legislation was passed in the Senate, and the conference agreement contains an amendment which would simply assure that the mint would be prioritized by the GAO on the merits of its condition and not as a result of any special legislation. The Senate amendment offers a clarification that is acceptable to us, as it was to Senator BOXER. It is reasonable and acceptable, and I urge my colleagues likewise to accept the amendment and the legislation.

Chairman MINETA in his remarks presented a case for the Old Mint. The gentleman from Wisconsin [Mr. PETRI] referenced that it was damaged in the Loma Prieta earthquake. It did survive the earthquake of 1906.

Our community, Mr. Speaker, has closed ranks to preserve this endangered historic landmark, the Granite Lady, as it is called. We want it to be open to the public. In partnership with these efforts, H.R. 4812 would ensure that it would be repaired by the Federal Government.

The Granite Lady, as has been said, is a national landmark. It cannot be torn down. It is a safety hazard, and we must take action to prevent its becoming a hazard to the community. Once again, our community has closed ranks behind the Granite Lady. This Congress has once before showed its support for the Old Mint Building, and hopefully today we will do so once again.

Mr. Speaker, I again commend the committee for expeditiously bringing the legislation to the floor. I commend the gentleman from Ohio [Mr. TRAFICANT], the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Wisconsin [Mr. PETRI], and especially the chairman of the committee, the gentleman from California [Mr. MINETA].

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

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

Mr. Speaker, I want to commend the gentleman from Tennessee [Mr. DUNCAN] for his help in this matter, and I commend also the staff on both sides for this legislation.

For identification purposes, the Senate amendment is a clarifying amendment which addresses the prioritization of GSA projects.

H.R. 4812 was introduced for the primary purpose of transferring the title of this very special building in San Francisco, CA, the Old U.S. Mint, from the Treasury Department to the General Service Administration, at no cost. This legislation will enable GSA, through the Federal Building Fund, to repair and renovate this historic landmark.

Mr. Speaker, this is a good bill, and I urge its approval.

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

The SPEAKER pro tempore (Mr. BROWN of California). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4812.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. 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 adopted.

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

There were no objection.

MAKING CERTAIN TECHNICAL CORRECTIONS IN SUNDRY BILLS RELATING TO INDIAN AFFAIRS

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4709) to make certain technical corrections, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4709

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

SECTION 1. LEASING AUTHORITY OF THE INDIAN PUEBLO FEDERAL DEVELOPMENT CORPORATION.

Notwithstanding the provisions of section 17 of the Act of June 18, 1934 (25 U.S.C. 477), the Indian Pueblo Federal Development Corporation, whose charter was issued pursuant to such section by the Secretary of the Interior on January 15, 1993, shall have the authority to lease or sublease trust or restricted Indian lands for up to 50 years.

SEC. 2. GRAND RONDE RESERVATION ACT.

(a) LANDS DESCRIBED.—Section 1 of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (102 Stat. 1594), is amended—

(1) in subsection (c)—

(A) by striking "9,879.65" and inserting "10,120.68"; and

(B) by striking all after

and inserting in lieu thereof the following:

"6	8	1	S½E½SE¼SW¼	10.0319
6	7	8	Tax lot 800	5.5519
4	7	30	Lots 3, 4, SW¼NE¼, SE¼NW¼,E½SW¼	240 19
			Total	10,120.68.":

and

(2) by adding at the end the following:

"(d) CLAIMS EXTINGUISHED; LIABILITY.—

"(1) CLAIMS EXTINGUISHED.—All claims to lands within the State of Oregon based upon recognized title to the Grand Ronde Indian Reservation established by the Executive order of June 30, 1857, pursuant to treaties with the Kalapuya, Molalla, and other tribes, or any part thereof by the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor in interest, are hereby extinguished, and any transfers pursuant to the Act of April 28, 1904 (Chap. 1820; 33 Stat. 567) or other statute of the United States, by, from, or on behalf of the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor interest, shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of lands or natural resources from, by, or on behalf of any Indian, Indian nation, or tribe of Indians (including, but not limited to, the Trade and Intercourse Act of 1790 (Act of July 22, 1790; 25 U.S.C. 177, ch. 33, sec. 4; 1 Stat. 137)).

"(2) LIABILITY.—The Tribe shall assume responsibility for lost revenues, if any, to any county because of the transfer of revested Oregon and California Railroad grant lands in section 30, Township 4 South, Range 7 West.".

(b) CIVIL AND CRIMINAL JURISDICTION.—Section 3 of such Act (102 Stat. 1595) is amended by adding at the end the following: "Such exercise shall not affect the Tribe's concurrent jurisdiction over such matters.".

SEC. 3. CONFEDERATED TRIBES OF THE SILETZ INDIANS OF OREGON.

Section 2 of the Act of September 4, 1980 (Public Law 96-340; 94 Stat. 1072) is amended—

(1) by inserting "(a)" after "SEC. 2."; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Interior, acting at the request of the Confederated Tribes of the Siletz Indians of Oregon, shall accept (subject to all valid rights-of-way and easements existing on the date of such request) any appropriate warranty deed conveying to the United States in trust for the Confederated Tribes of Siletz Indians of Oregon, contingent upon payment of all accrued and unpaid taxes, the following parcels of land located in Lincoln County, State of Oregon:

"(A) In Township 10 South, Range 8 West, Willamette Meridian—

"(i) a tract of land in the northwest and the northeast quarters of section 7 consisting of 208.50 acres, more or less, conveyed to the Tribe by warranty deed from John J. Jantzi and Erma M. Jantzi on March 30, 1990; and

"(ii) 3 tracts of land in section 7 consisting of 18.07 acres, more or less, conveyed to the Tribe by warranty deed from John J. Jantzi and Erma M. Jantzi on March 30, 1990.

"(B) In Township 10 South, Range 10 West, Willamette Meridian—

"(i) a tract of land in section 4, including a portion of United States Government Lot 31 lying west and south of the Siletz River, consisting of 15.29 acres, more or less, conveyed to the Tribe by warranty deed from Patrick J. Collson and Patricia Ann Collson on February 27, 1991;

"(ii) a tract of land in section 9, located in Tract 60, consisting of 4.00 acres, more or less, conveyed to the Tribe by contract of sale from Gladys M. Faulkner on December 9, 1987;

"(iii) a tract of land in section 9, including portions of the north one-half of United States Government Lot 15, consisting of 7.34 acres, more or less, conveyed to the Tribe by contract of sale from Clayton E. Hursh and Anna L. Hursh on December 9, 1987;

"(iv) a tract of land in section 9, including a portion of the north one-half of Government Lot 16, consisting of 5.62 acres, more or less, conveyed to the Tribe by warranty deed from Steve Jebert and Elizabeth Jebert on December 1, 1987;

"(v) a tract of land in the southwest quarter of the northwest quarter of section 9, consisting of 3.45 acres, more or less, conveyed to the Tribe by warranty deed from Eugenie Nashif on July 11, 1988; and

"(vi) a tract of land in section 10, including United States Government Lot 8 and portions of United States Government Lot 7, consisting of 29.93 acres, more or less, conveyed to the Tribe by warranty deed from Doyle Grooms on August 6, 1992.

"(C) In the northwest quarter of section 2 and the northeast quarter of section 3, Township 7 South, Range 11 West, Willamette Meridian, a tract of land comprising Lots 58, 59, 63, and 64, Lincoln Shore Star Resort, Lincoln City, Oregon.

"(2) The parcels of land described in paragraph (1), together with the following tracts of lands which have been conveyed to the United States in trust for the Confederated Tribes of Siletz Indians of Oregon—

"(A) a tract of land in section 3, Township 10 South, Range 10 West, Willamette Meridian, including portions of United States Government Lots 25, 26, 27, and 28, consisting of 49.35 acres, more or less, conveyed by the Siletz Tribe to the United States in trust for the Tribe on March 15, 1986; and

"(B) a tract of land in section 9, Township 10 South, Range 10 West, Willamette Meridian, including United States Government Lot 33, consisting of 2.27 acres, more or less, conveyed by warranty deed to the United States in trust for the Confederated Tribes of Siletz Indians of Oregon from Harold D. Alldridge and Sylvia C. Alldridge on June 30, 1981;

shall be subject to the limitations and provisions of sections 3, 4, and 5 of this Act and shall be deemed to be a restoration of land pursuant to section 7 of the Siletz Indian Tribe Restoration Act (91 Stat. 1415; 25 U.S.C. 711(e)).

"(3) Notwithstanding any other provision of law, the United States should not incur any liability for conditions on any parcels of land taken into trust under this section.

"(4) As soon as practicable after the transfer of the parcels provided in paragraphs (1) and (2), the Secretary of the Interior shall convey such parcels and publish a description of such lands in the Federal Register.".

SEC. 4. TRANSFER OF PARCEL BY YSLETA DEL SUR PUEBLO.

(a) RATIFICATION.—The transfer of the land described in subsection (b), together with fixtures thereon, on July 12, 1991, by the Ysleta Del Sur Pueblo is hereby ratified and shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of land from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians (including section 2116 of the Revised Statutes (25 U.S.C. 177)) as if Congress had given its consent prior to the transfer.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are more particularly described as follows:

Tract 1-B-1 (1.9251 acres) and Tract 1-B-2-A (0.0748 acres), Block 2 San Elizario, El Paso County, Texas.

SEC. 5. AUTHORIZATION FOR 99-YEAR LEASES.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended by inserting "the Viejas Indian Reservation," after "Soboba Indian Reservation,".

SEC. 6. WIND RIVER INDIAN IRRIGATION PROJECT.

Funds appropriated for construction of the Wind River Indian Irrigation Project in fiscal year 1990 (Public Law 101-121), fiscal year 1991 (Public Law 101-512), and fiscal year 1992 (Public Law 102-154) shall be made available on a nonreimbursable basis.

SEC. 7. REIMBURSEMENT OF COSTS INCURRED BY GILA RIVER INDIAN COMMUNITY FOR CERTAIN RECLAMATION CONSTRUCTION.

The Secretary of the Interior is authorized to pay $1,842,205 to the Gila River Indian Community as reimbursement for the costs incurred by the Gila River Indian Community for construction allocated to irrigation on the Sacaton Ranch that would have been nonreimbursable if such construction had been performed by the Bureau of Reclamation under section 402 of the Colorado River Basin Project Act (43 U.S.C. 1542).

SEC. 8. RECONVEYANCE OF CERTAIN EXCESS LANDS.

(a) IN GENERAL.—The Congress finds that the Sac and Fox Nation of Oklahoma has determined the lands described in subsection (b) to be excess to their needs and should be returned to the original Indian grantors or their heirs. The Secretary of the Interior is authorized to accept transfer of title from the Sac and Fox Nation of Oklahoma of its interest in the lands described in subsection (b).

(b) PERSONS AND LANDS.—The lands and individuals referred to in subsection (a) are as follows:

(1) To the United States of America in trust for Sadie Davis, now Tyner, or her heirs or devisees, the Surface and Surface Rights only in and to the SE¼SE¼SE¼SE¼ of Section 28, Township 17 North, Range 6 East of the Indian Meridian, Lincoln County, Oklahoma, containing 2.50 acres, more or less.

(2) To the United States of America in trust for Mabel Wakole, or her heirs or devisees, the Surface and Surface Rights only in and to the NE¼NE¼ of Lot 6 of NW¼ of Section 14, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, containing 2.50 acres, more or less.

SEC. 9. TITLE I OF THE ACT OF JANUARY 12, 1983, PERTAINING TO THE DEVILS LAKE SIOUX TRIBE.

Paragraph (1) of section 108(a) of title I of the Act of January 12, 1983 (96 Stat. 2515) is amended by striking out "of the date of death of the decedent" and inserting in lieu thereof "after the date on which the Secretary's determination of the heirs of the decedent becomes final".

SEC. 10. NORTHERN CHEYENNE LAND TRANSFER.

(a) IN GENERAL.—Notwithstanding any contrary provision of law, the Secretary of the Interior or his authorized representative

("Secretary") is hereby authorized and directed to transfer by deed to Lame Deer High School District No. 6, Rosebud County, Montana ("School District"), all right, title, and interest of the United States and the Northern Cheyenne Tribe ("Tribe") in and to the lands described below ("Subject Lands"), to be held and used by the School District for the exclusive purpose of constructing and operating thereon a public high school and related facilities. The Subject Lands consist of a tract of approximately 40 acres within the Northern Cheyenne Indian Reservation, more particularly described as follows:

A tract of land located in the W½ SE¼ and the E½ SW¼ of Section 10, Township 3 South, Range 41 East, M.P.M., described as follows: Beginning at the south ¼ corner of said Section 10, thence south 89 degrees 56 minutes west 393.31 feet on and along the south line of said Section 10 to the true point of beginning, thence south 89 degrees 56 minutes west 500.0 feet on and along said Section line, thence north 00 degrees 00 minutes east, 575.0 feet, thence north 54 degrees 9 minutes 22 seconds east 2382.26 feet, thence south 23 degrees 44 minutes 21 seconds east 622.56 feet, thence south 51 degrees 14 minutes 40 seconds west 2177.19 feet to the true point of beginning, containing in all 40.0 acres, more or less.

(b) DEED AND LEASE.—(1) The deed issued under this section shall provide that—

(A) title to all coal and other minerals, including oil, gas, and other natural deposits, within the Subject Lands shall remain in the Secretary in trust for the Tribe, as provided in the Act of July 24, 1968 (82 Stat. 424);

(B) the Subject Lands may be used for the purpose of constructing and operating a public high school and related facilities thereon, and for no other purpose;

(C) title to the Subject Lands, free and clear of all liens and encumbrances, shall automatically revert to the Secretary in trust for the Tribe, and the deed shall be of no further force or effect, if, within eight years of the date of the deed, classes have not commenced in a permanent public high school facility established on the Subject Lands, or if such classes commence at the facility within such eight-year period, but the facility subsequently permanently ceases operating as a public high school; and

(D) at any time after the conclusion of the current litigation (including all trial and, if any, appellate proceedings) challenging the November 9, 1993, decision of the Superintendent of Public Instruction for the State of Montana granting the petition to create the School District, and with the prior approval of the Superintendent of Public Instruction ("Superintendent's Approval"), the Tribe shall have the right to replace the deed with a lease covering the Subject Lands issued under the Act of August 9, 1955, as amended (25 U.S.C. 415(a)) having a term of 25 years, with a right to renew for an additional 25 years.

(2) Under the lease referred to in paragraph (1)(D), the Subject Lands shall be leased rent free to the School District for the exclusive purpose of constructing and operating a public high school and related facilities thereon. The lease shall terminate if, within eight years of the date of the deed, classes have not commenced in a permanent public high school facility established on the Subject Lands, or if such classes commence at the facility within such eight-year period, but the facility subsequently permanently ceases operating as a public high school. In the event the Tribe seeks and obtains the Superintendent's Approval, it may tender a lease, signed by the Tribe and approved by the Secretary, which complies with the provisions of this subsection. Upon such tender, the deed shall be of no further force or effect, and, subject to the leasehold interest offered to the School District, title to the Subject Lands, free and clear of all liens and encumbrances, shall automatically revert to the Secretary in trust for the Tribe. The Tribe may at any time irrevocably relinquish the right provided to it under this subsection by resolution of the Northern Cheyenne Tribal Council explicitly so providing.

(c) EFFECT OF ACCEPTANCE OF DEED.—Upon the School District's acceptance of a deed delivered under this section, the School District, and any party who may subsequently acquire any right, title, or interest of any kind whatsoever in or to the Subject Lands by or through the School District, shall be subject to, be bound by, and comply with all terms and conditions set forth in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 11. INDIAN AGRICULTURE AMENDMENT.

(a) LEASING OF INDIAN AGRICULTURAL LANDS.—Section 105 of the American Indian Agriculture Resource Management Act (25 U.S.C. 3701 et seq.) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) shall approve leases and permits of tribally owned agricultural lands at rates determined by the tribal governing body."; and

(2) in subsection (c), by amending paragraph (1) to read as follows: "(1) Nothing in this section shall be construed as limiting or altering the authority or right of an individual allottee or Indian tribe in the legal or beneficial use of his, her, or its own land or to enter into an agricultural lease of the surface interest of his, her, or its allotment or land under any other provision of law.".

(b) TRIBAL IMMUNITY.—The American Indian Agriculture Resource Management Act (25 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 306. TRIBAL IMMUNITY.

"Nothing in this Act shall be construed to affect, modify, diminish, or otherwise impair the sovereign immunity from suit enjoyed by Indian tribes.".

SEC. 12. INDIAN HEALTH AMENDMENT.

Section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)) is amended to read as follows:

"(n) 'Health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and other health professions.".

SEC. 13. SAN CARLOS APACHE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of title XXXVII of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

SEC. 14. RELATIONSHIP BETWEEN BUY INDIAN ACT AND MENTOR-PROTEGE PROGRAM.

Section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47; commonly referred to as the "Buy Indian Act"), is amended by adding at the end the following: "Participation in the Mentor-Protege Program established under section 831 of Public Law 101-510 or receipt of assistance pursuant to any developmental assistance agreement authorized under such program does not render Indian labor or Indian industry ineligible to receive any assistance authorized under this proviso. For the purposes of this proviso, (i) no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f) of such section, and (ii) the terms 'protege firm' and 'mentor firm' have the meaning given such terms in subsection (c) of such section 831.".

SEC. 15. ACQUISITION OF LANDS ON WIND RIVER RESERVATION.

(a) AUTHORITY TO HOLD LANDS IN TRUST FOR THE INDIVIDUAL TRIBE.—The Secretary of the Interior is hereby authorized to acquire individually in the name of the United States in trust for the benefit of the Eastern Shoshone Tribe of the Wind River Reservation or the Northern Arapaho Tribe of the Wind River Reservation, as appropriate, lands or other rights when the individual assets of only one of the tribes is used to acquire such lands or other rights.

(b) LANDS REMAIN PART OF JOINT RESERVATION SUBJECT TO EXCLUSIVE TRIBAL CONTROL.—Any lands acquired under subsection (a) within the exterior boundaries of the Wind River Reservation shall remain a part of the Reservation and subject to the joint tribal laws of the Reservation, except that the lands so acquired shall be subject to the exclusive use and control of the tribe for which such lands were acquired.

(c) INCOME.—The income from lands acquired under subsection (a) shall be credited to the Tribe for which such lands were acquired.

(d) SAVINGS PROVISION.—Nothing in this section shall be construed to prevent the joint acquisition of lands for the benefit of the Eastern Shoshone Tribe of the Wind River Reservation and the Northern Arapaho Tribe of the Wind River Reservation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4709 makes technical changes to several different laws.

The bill provides for the leasing authority for the Indian Pueblo Development Corporation; adds 240 acres to the Grand Ronde Reservation in Oregon

pursuant to an agreement with the Interior Department; it adds land to the Siletz Reservation in Oregon; and it provides for a land transfer for the building of a school on the northern Cheyenne Reservation.

Mr. Speaker, this bill was packaged so that we would not have to do 15 little bills. Suffice it to say that this bill, which contains leasing authorities, land transfers and other minor matters, is important to several tribes across the country including the Ysleta del Sur Pueblo of Texas, the Viejas Reservation in California, the Wind River Reservation in Wyoming, the Gila River Indian Community in Arizona, the Sac and Fox Nation of Oklahoma, the San Carlos Apache of Arizona and the Devil's Lake Sioux Tribe of North Dakota. It also makes minor technical changes to the Indian Agriculture Act and the Indian Health Care Improvement Act.

Mr. Speaker, the bill is noncontroversial and is supported by many Members of the House. The bill includes many amendments provided to the committee by the administration.

I urge my colleagues to support this bill.

□ 1400

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

Mr. Speaker, I fully support H.R. 4709, and I urge my colleagues to do likewise.

Mr. THOMAS of Wyoming. Mr. Speaker, I fully support and am pleased to cosponsor H.R. 4709, a bill to make certain technical amendments to various Indian statutes. We traditionally do one of two of these bills each Congress, as a catch-all for a series of minor amendments to various laws. I am very supportive of grouping these proposed changes into a single piece of legislation; it saves us both time and money.

The bill includes three provisions of import to the State of Wyoming, and the Shoshone and Arapaho Tribes of the Wind River Reservation. First, section 6 reaffirms that funds appropriated in fiscal year 1990 through 1992 for the rehabilitation of the Wind River Irrigation Project [WRIP] are nonreimbursable. Rehabilitation of the WRIP was very important to the tribes, and nontribal users. The irrigation project has deteriorated to the point that it hindered the ability of some irrigators to fully develop their lands. This resulted both in wasted water in a area that has recently suffered a string of dry summers, as well as underused land in an area with almost 60 percent unemployment.

It was the intent of Congress as expressed in various committee reports and floor statements that the appropriated funds would be nonreinbursable in order to avoid the jeopardy into which the system would be placed if forced to pay back the money. Yet the BIA has indicated that it now feels specific legislation is necessary to accomplish that intent. During consideration of the fiscal year 1991 Interior Appropriations Act, Members of the other body discussed the reimbursability issue. Senator WALLOP, in discussing the matter with Senator BYRD, stated that "the problem is that contrary to our intent, the Bureau of Indian Affairs has determined that the fiscal year 1990 appropriation in the amount of $1,000,000 is reimbursable and must be paid back. * * * My question is this, is it not true that in response to the request for these funds, the BIA prepared a capability statement in which they in no way indicated that the funds would be reimbursable?" Senator Byrd responded, "Yes, the Senator is correct. The BIA * * * did not indicate that the funds would be reimbursable." Section 6 of H.R. 4709 simply establishes once and for all what our clear intent has always been: That the funds be nonreimbursable.

The second Wyoming-specific section is section 15, which concerns the acquisition of lands on the Wind River Reservation. The Eastern Shoshone and Northern Arapaho Tribes share the Wind River Reservation in central Wyoming. The reservation was established by the Treaty of July 3, 1868, between the Eastern Shoshone Tribe and the United States. In 1878, the Northern Arapaho Tribe was also settled on the reservation. Pursuant to decisions of the Supreme Court, the tribes share an undivided interest in jointly held property. Section 15 will accord the Eastern Shoshone and Northern Arapaho Tribes the same right as other tribes to take fee lands acquired within the reservation into trust in the name of the tribe.

Over the years, each tribe with its own financial resources acquired fee lands within the reservation. Differing economic goals and financial resources over the years have resulted in each tribe acquiring separate parcels of land. Separate acquisition has occurred after the nonpurchasing tribe was given an opportunity to participate in joint acquisition of such lands. When the tribes requested the Department of Interior to place these lands into trust in the name of the individual tribe, they were advised that separately purchased lands could only be taken in trust in the name of both tribes. The Department interpreted provisions of the act of July 27, 1939 to mandate that lands on the Wind River Reservation could only be taken into trust jointly in the name of both tribes.

The 1939 act authorized land exchanges and spending $1 million of joint tribal funds in order to reacquire fee lands which were located on the then existing reservation. All lands opened to settlement on the reservation, except those within the reclamation project on the reservation and not actually sold were directed to be restored to their original status prior to their opening for settlement. Congress directed that all these reservation lands should be held in trust jointly in the names of both tribes. The congressional direction for taking the land into trust and restoration to complete and equal status with other reservation lands was directly only to the lands covered by the 1939 act. Congress never considered or took action on the issue of lands acquired with funds from an individual tribe.

This bill clarifies that the 1939 act requirement of joint trust status for Wind River Reservation lands applies only to lands held in trust pursuant to the provisions of the 1939 act. The ability to have these lands placed into trust will provided the tribes with trust protection for their separately acquired lands. The tribes are in agreement that these lands will retain their original reservation status will be subject to joint tribal laws which govern lands within the reservation. Both tribes agree, however, that each individual tribe will retain any income from its separately acquired lands and will control access to such lands.

Finally Mr. Speaker, section 14 of H.R. 4709 would address a concern I have with the Buy Indian Act that was brought to my attention by one of my constituents on behalf of American Eagle Industries [AEI] in Cheyenne. AEI participates in the Department of Defense's Mentor-Protege Program [MPP]. This program was designed to encourage larger military contractors to take smaller, minority-owned businesses under their wing in order to ensure the latter's greater participation in DOD contracts.

In 1993, AEI successfully bid with the BIA under the Buy Indian Act to perform some road construction work on the Campo Indian Reservation in California. After the contract was signed, however, the Phoenix Area Office of the BIA notified in the Sacramento Area Office that AEI participates in the MPP. For this and other reasons, the Sacremento office disqualified AEI from participation in the Buy Indian Act and terminated the contract "for the convenience of the Government." The cancellation of the contract was a source of significant logistical and financial complications for AEI.

If establishing such a relationship under the MPP would make a firm like AEI ineligible for award set-asides under the Buy Indian Act, such firms would be discouraged from taking advantage of the program, thereby undermining its purpose. This is presumably one principal reason why the MPP specifically bars using the mentor-protege relationship as the sole basis for finding that the two firms are affiliates for Small Business Act purposes and thus disqualified from SBA participation.

Even though the Buy Indian Act is directly analogous, there is no similar MPP exemption for that act. This section would remedy that oversight by providing that for Buy Indian Act purposes, a firm's participation in the MPP cannot be used as the sole basis to disqualify it from participating in the Buy Indian Act.

Mr. Speaker, while this issue was brought to my attention by a Wyoming firm, this problem could effect Indian-owned businesses in any State in the country. I hope that H.R. 4709 will preclude that from happening.

Mr. Speaker, I thank Chairman RICHARDSON for his cooperation in moving this bill to the floor today, and look forward to its swift consideration and passage by the other body.

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

Mr. RICHARDSON. 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 New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 4709, 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.

TRIBAL SELF-GOVERNANCE ACT OF 1994

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3508) to provide for tribal self-governance, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3508

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 "Tribal Self-Governance Act of 1994".

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management; and

(5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that—

(A) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities intended to benefit Indians is an effective way to implement the Federal policy of government-to-government relations with Indian tribes; and

(B) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of this Act to permanently establish and implement tribal self-governance—

(1) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(2) to permit each Indian tribe to choose the extent of the participation of such tribe in self-governance;

(3) to coexist with the provisions of the Indian Self-Determination Act relating to the provision of Indian services by designated Federal agencies;

(4) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(5) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities; and

(6) to provide for an orderly transition through a planned and measurable parallel reduction in the Federal bureaucracy.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act is amended by adding at the end the following new title:

"TITLE IV—TRIBAL SELF-GOVERNANCE

"SEC. 401. ESTABLISHMENT.

"The Secretary of the Interior (hereinafter in this title referred to as the 'Secretary') shall establish and carry out a program within the Department of the Interior to be known as Tribal Self-Governance (hereinafter in this title referred to as 'Self-Governance') in accordance with this title.

"SEC. 402. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project at the Department of the Interior under title III on the date of enactment of this title shall thereafter participate in Self-Governance under this title and cease participation in the Tribal Self-Governance Demonstration Project under title III with respect to the Department of the Interior.

"(b) ADDITIONAL PARTICIPANTS.—(1) In addition to those Indian tribes participating in Self-Governance under subsection (a), the Secretary, acting through the Director of the Office of Self-Governance, may select up to 20 new tribes per year from the applicant pool described in subsection (c) to participate in Self-Governance.

"(2) If each tribe requests, two or more otherwise eligible Indian tribes may be treated as a single Indian tribe for the purpose of participating in Self-Governance as a consortium.

"(c) APPLICANT POOL.—The qualified applicant pool for Self-Governance shall consist of each tribe that—

"(1) successfully completes the planning phase described in subsection (d);

"(2) has requested participation in Self-Governance by resolution or other official action by the tribal governing body; and

"(3) has demonstrated, for the previous three fiscal years, financial stability and financial management capability as evidenced by the tribe having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe.

"(d) PLANNING PHASE.—Each Indian tribe seeking to begin participation in Self-Governance shall complete a planning phase in accordance with this subsection. The tribe shall be eligible for a grant to plan and negotiate participation in Self-Governance. The planning phase shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation.

"SEC. 403. FUNDING AGREEMENTS.

"(a) AUTHORIZATION.—The Secretary shall negotiate and enter into an annual written funding agreement with the governing body of each participating tribal government.

"(b) CONTENTS.—Each funding agreement shall—

"(1) authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior that are otherwise available to Indian tribes or Indians, without regard to the agency or office of the Department of the Interior within which it is performed, including (but not limited to) those administered under the authority of—

"(A) the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

"(B) the Act of November 2, 1921 (25 U.S.C. 13); and

"(C) programs, services, functions, and activities or portions thereof administered by the Secretary of the Interior that are otherwise available to Indian tribes or Indians for which appropriations are made to agencies other than the Department of the Interior;

"(2) subject to the terms of the agreement, authorize the tribe to redesign or consolidate programs, services, functions, and activities, or portions thereof, and to reallocate funds for such programs, services, functions, or activities, or portions thereof;

"(3) prohibit the inclusion of funds provided—

"(A) pursuant to the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.);

"(B) for elementary and secondary schools under the formula developed pursuant to section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008); and

"(C) the Flathead Agency Irrigation Division or the Flathead Agency Power Division, except that nothing in this section shall affect the contract authority of such divisions under section 102;

"(4) specify the services to be provided, the functions to be performed, and the responsibilities of the tribe and the Secretary pursuant to the agreement;

"(5) authorize the tribe and the Secretary to reallocate funds or modify budget allocations within any year, and specify the procedures to be used;

"(6) allow for retrocession of programs or portions of programs pursuant to section 105(e);

"(7) provide that, for the year for which, and to the extent to which, funding is provided to a tribe under this section, the tribe—

"(A) shall not be entitled to contract with the Secretary for such funds under section 102, except that such tribe shall be eligible for new programs on the same basis as other tribes; and

"(B) shall be responsible for the administration of programs, services, functions, and activities pursuant to agreements entered into under this section; and

"(8) prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, and other laws.

"(c) ADDITIONAL ACTIVITIES.—Each funding agreement negotiated pursuant to subsections (a) and (b) may, in accordance to such additional terms as the parties deem appropriate, also include other programs, services, functions, and activities, or portions thereof, administered by the Secretary of the Interior which are of special geographic, historical, or cultural significance to the participating Indian tribe requesting a compact.

"(d) PROVISIONS RELATING TO THE SECRETARY.—Funding agreements negotiated between the Secretary and an Indian tribe shall include provisions—

"(1) to monitor the performance of trust functions by the tribe through the annual trust evaluation, and

"(2) for the Secretary to reassume a program, service, function, or activity, or portions thereof, if there is a finding of imminent jeopardy to a physical trust asset.

"(e) CONSTRUCTION PROJECTS.—(1) Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy Act and Federal acquisition regulations in any funding agreement entered into under this Act. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.

"(2) In all construction projects performed pursuant to this title, the Secretary shall ensure that proper health and safety standards are provided for in the funding agreements.

"(f) SUBMISSION FOR REVIEW.—Not later than 90 days before the proposed effective date of an agreement entered into under this section, the Secretary shall submit a copy of such agreement to—

"(1) each Indian tribe that is served by the Agency that is serving the tribe that is a party to the funding agreement;

"(2) the Committee on Indian Affairs of the Senate; and

"(3) the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

"(g) PAYMENT.—(1) At the request of the governing body of the tribe and under the terms of an agreement entered into under this section, the Secretary shall provide funding to the tribe to carry out the agreement.

"(2) The funding agreements authorized by this title and title III of this Act shall provide for advance payments to the tribes in the form of annual or semi-annual installments at the discretion of the tribes.

"(3) Subject to paragraph (3) of this subsection and paragraphs (1) and (3) of subsection (b), the Secretary shall provide funds to the tribe under an agreement under this title for programs, services, functions, and activities, or portions thereof, in an amount equal to the amount that the tribe would have been eligible to receive under contracts and grants under this Act, including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the tribe or its members, without regard to the organization level within the Department where such functions are carried out.

"(4) Funds for trust services to individual Indians shall be available under an agreement entered into under this section only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the tribe.

"(h) CIVIL ACTIONS.—(1) Except as provided in paragraph (2), for the purposes of section 110, the term 'contract' shall include agreements entered into under this title.

"(2) For the period that an agreement entered into under this title is in effect, the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), and section 16 of the Act of June 18, 1934 (25 U.S.C. 476), shall not apply to attorney and other professional contracts by Indian tribal governments participating in Self-Governance under this title.

"(i) FACILITATION.—(1) Except as otherwise provided by law, the Secretary shall interpret each Federal law and regulation in a manner that will facilitate—

"(A) the inclusion of programs, services, functions, and activities in the agreements entered into under this section; and

"(B) the implementation of agreements entered into under this section.

"(2)(A) A tribe may submit a written request for a waiver to the Secretary identifying the regulation sought to be waived and the basis for the request.

"(B) Not later than 60 days after receipt by the Secretary of a written request by a tribe to waive application of a Federal regulation for an agreement entered into under this section, the Secretary shall either approve or deny the requested waiver in writing to the tribe. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because that regulation is expressly required by Federal law. The Secretary's decision shall be final for the Department.

"(j) FUNDS.—All funds provided under funding agreements entered into pursuant to this Act, and all funds provided under contracts or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching requirements under any other Federal law.

"SEC. 404. BUDGET REQUEST.

"The Secretary shall identify, in the annual budget request of the President to the Congress under section 1105 of title 31, United States Code, any funds proposed to be included in agreements authorized under this title.

"SEC. 405. REPORTS.

"(a) REQUIREMENT.—The Secretary shall submit to Congress a written report on January 1 of each year following the date of enactment of this title regarding the administration of this title.

"(b) CONTENTS.—The report shall—

"(1) identify the relative costs and benefits of Self-Governance;

"(2) identify, with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to Self-Governance tribes and their members;

"(3) identify the funds transferred to each Self-Governance tribe and the corresponding reduction in the Federal bureaucracy;

"(4) include the separate views of the tribes; and

"(5) the funding formula for individual tribal shares of Central Office funds, together with the comments of affected Indian tribes, developed under subsection (d).

"(c) REPORT ON NON-BIA PROGRAMS.—

"(1) In order to optimize opportunities for including non-Bureau of Indian Affairs programs for compacts under section 403(b)(1) and special programs under section 403(c) in agreements tribes participating in Self-Governance under this title, the Secretary—

"(A) shall review all programs, services, and functions administered by the Department of the Interior, other than the Bureau of Indian Affairs, without regard to the agency or office concerned, and

"(B) within 90 days after the enactment of this title, provide to the appropriate committees of the Congress a listing of all such programs, services, functions, and activities, or portions thereof, which the Secretary determines are eligible for inclusion in such agreements at the request of a participating Indian tribe.

"(2) The Secretary shall establish programmatic targets, after consultation with tribes participating in Self-Governance under this title, to encourage bureaus of the Department to assure that a significant portion of such programs, services, functions, and activities are actually included in the agreements negotiated under section 403.

"(3) The listing and targets under paragraphs (1) and (2) shall be published in the Federal Register and be made available to any Indian tribe participating in Self-Governance under this title. The list shall be published before January 1, 1995, and annually thereafter by January 1 preceding the fiscal year in which the targets are to be met.

"(4) Thereafter, the Secretary shall annually review and publish in the Federal Register, after consultation with tribes participating in Self-Governance under this title, a revised listing and programmatic targets.

(d) REPORT ON CENTRAL OFFICE FUNDS.—Within 90 days after the date of the enactment of this title, the Secretary shall, in consultation with Indian tribes, develop a funding formula to determine the individual tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs for inclusion in the Self-Governance compacts. The Secretary shall include such formula in the annual report submitted to the Congress under subsection (b), together with the views of the affected Indian tribes.

"SEC. 406. DISCLAIMERS.

"(a) OTHER SERVICES, CONTRACTS, AND FUNDS.—Nothing in this title shall be construed to limit or reduce in any way the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive under section 102 or any other applicable Federal law.

"(b) FEDERAL TRUST RESPONSIBILITIES.—Nothing in this Act shall be construed to diminish the Federal trust responsibility to Indian tribes, individual Indians, or Indians with trust allotments.

"(c) APPLICATION OF OTHER SECTIONS OF ACT.—All provisions of sections 6, 102(c), 104, 105(f), 110, and 111 of this Act shall apply to agreements provided under this title.

"SEC. 407. REGULATIONS.

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this title, at the request of a majority of the Indian tribes with agreements under of this title, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be representatives of Indian tribes with agreements under this title.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of Self-Governance and the government-to-government relationship between the United States and the Indian tribes.

"(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from new Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 3508.

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

There was no objection.

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

Mr. Speaker, today I have the honor of bringing a measure before this body, which may well be one of the most important pieces of legislation impacting Indian tribes and Indian people in many years.

The bill before the House today reflects agreements which were reached with the other body. It includes recommendations from the administration and the Indian tribes. The bill is a compromise which I firmly believe respects the recommendations and needs of the Indian nations and the Secretary of the Interior.

Mr. Speaker, tribal self-governance has been a demonstration project since 1988. Under the project, Indian tribes enter into compacts directly with the Secretary of the Interior to carry out Interior Department functions on reservations. The demonstration has been an overwhelming success. This bill makes tribal self-governance permanent.

There has been much confusion and some misinformation circulating lately over what this project is about. Let me set the record straight on this. This project does not mean that Indian tribes will take over the Washington Monument or the Gettysburg Battlefield. This project does not mean that Indians are free to raid the Interior Department budget. This project does not mean that the Secretary can waive tax laws or regulations for Indian tribes. This project does not mean the Secretary is cutting off his trust responsibilities to individual Indians with allotments.

What the bill does mean is that Indian tribes who voluntarily elect to participate in self-governance will sit down with the Secretary of the Interior and negotiate agreements on a government to government basis. If the tribe over-reaches and requests to negotiate for program or functions which have no relevance to Indian affairs, the Secretary can simply say "no."

There is an irrational fear in the Interior Department that tribes will get too much money under this program. Trust me on this, if that happens it will be a first in American history. Such allegations are based on ignorance or a lack of understanding of the Secretary's pervasive discretion which is intended under this bill. However, it is also this bill's intention that the negotiations be just that—bilateral government-to-government negotiations.

A more realistic fear is that there will be downsizing at the Bureau of Indian Affairs. This will happen under this project. Indeed, the goal of this bill is to channel the resources currently being chewed up by lazy Agency bureaucrats, mindless area office paper shufflers, and central office lackeys in the BIA—these funds will be channeled to the Indian tribes who will put these resources to the highest and best use.

Mr. Speaker, some new provisions were added to the bill. The first requires non-BIA agencies in Interior to list the programs that are available to Indian tribes. The second requires the Secretary to ascertain the level of central office funding which each tribe will receive under the program. Tnese provisions were included to guarantee compliance by the Department of Interior which has been reluctant to cooperate with tribes under Indian self-determination and tribal self-governance.

Mr. Speaker, today let the word go forth that a new Bureau of Indian Affairs will result from this bill. It will be leaner and hopefully more efficient. More importantly, today the Indian nations take a giant step forward. Tribes have been building capacity to take control of their own destinies for decades. Let us usher in the era of tribal self-governance with respect for tribal sovereignty, a recognition of Indian self-determination, and a great hope that today we are laying the foundation for a better Federal Indian policy.

I urge my colleagues to support this important measure.

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

Mr. Speaker, we fully support H.R. 3508.

Mr. THOMAS of Wyoming. Mr. Speaker, I believe my strong support for tribal self-determination is well-known, so I will keep my statement to a minimum.

I fully support H.R. 3508. It is an important step toward giving the tribes more control, flexibility, and decision-making authority over federal programs and financial resources. I have long been convinced that it is the individual tribal government, and not some bureaucrat in Washington with his or her own agenda, that is in the best position to know the needs of the tribe and how best to meet those needs. It is my hope that in this same vein we will also bring H.R. 4842 to the floor soon.

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

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

Mr. Speaker, I would like to state that none of these very positive initiatives would have been possible had we not had a chairman on the Committee on Natural Resources like the gentleman from California [Mr. MILLER], who has not only shown leadership on natural resources issues but has shown leadership on native American issues. Let me acknowledge again his outstanding contributions to this bill.

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 New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 3508, 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.

THE HOUSE SHOULD PASS THE CRIME BILL

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

Mr. RICHARDSON. Mr. Speaker, again, as my colleagues know, this is going to be a very important week for the House of Representatives, because the crime bill is going to be coming up again.

Mr. Speaker, I know that many of my colleagues have had a very difficult weekend, regardless of how they voted. The right vote on the rule which will be coming up is aye. What we want to make sure of is that all our colleagues recognize the importance of this issue to the American people.

Very strong punishment provisions are in this legislation. There are very strong provisions that will add community policing around the country, 100,000 new cops.

Most importantly, there are very important provisions that deal with more prevention funds, to make sure our young people do not take to the streets, that they are active in many positive directions, to ensure that this crime bill is a bill that many of us can support.

Mr. Speaker, I would like to again stress that the prevention funds in this bill are not excessive. They are important prevention funds. Some on the other side have alleged that what we have here is more money spent on prevention funds than in the actual bill that passed the House a month ago. That is not the case.

□ 1410

There are less prevention funds in the conference report. What did increase, and I would not call it a social program, is one that deals with violence against women, programs to combat violence against women that have largely come into focus with the death of Nicole Simpson. So what I think has happened over the weekend is that an enormous amount of attention has come forth on the House of Representatives for that very unfortunate vote that took place. The President has rightly gone to the country and has exhorted us to make sure we correct our differences.

Mr. Speaker, I would like to acknowledge the fact that we have an important crime bill that needs to be

voted on. We cannot possibly go home to our States and our districts without having passed a crime bill. It is critically important that on Thursday, when this vote takes place, that we vote strongly for a bill that is extremely important to the American people.

Mr. Speaker, I would like to once again stress to my colleagues that this crime bill, passing the rule, is probably the utmost priority that this body has in this session of Congress. We have got the health care issue. That is extremely important. But unquestionably, the American people would like us as much as possible, before we go home, to pass a strong crime bill that contains these components of more cops, that contains these components of more prevention funds, that contains this important component of more punishment provisions.

MORE ON THE CRIME BILL

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

Mr. DOOLITTLE. Mr. Speaker, reserving the right to object, we can get up here and give our 1-minutes on why the crime bill is a terrible bill for the people of this country, why it increases the national debt while doing little to fight crime. We can do these rhetorical flourishes, too.

I thought we were here for the purpose of dealing with suspensions, no discourtesy to the gentlewoman from California, only that she happened to be the unfortunate victim when I got up to object to this. That is my concern, Mr. Speaker.

The SPEAKER pro tempore. The Chair would inform the gentleman that we are proceeding, waiting for suspensions. If he is on his feet in a timely manner the gentleman could be recognized as well.

Without objection, the gentlewoman from California [Ms. PELOSI] is recognized for 1 minute.

There was no objection.

Ms. PELOSI. Mr. Speaker, I rise for two purposes, one is following up on what our colleague from New Mexico was talking about in terms of the crime bill. I particularly wanted to address the issue of midnight basketball.

Mr. Speaker, I acknowledge the gentleman's concern about regular order, and I do not consider myself an unfortunate victim of his reservation in terms of my unanimous-consent request. But I did want to say, because my minute is fast going by, that in our community, midnight basketball is a giant plus.

In the western division, at the Illhutch Community Center, young people who have some disadvantages in their lives see this as something to say yes. In the Mission District of San Francisco, we have experimented with a successful demonstration of the effectiveness of midnight basketball. So I hope that it will not be trivialized, that Members will not take the matter lightly. It is an important part of saying yes and having the crime bill mean something directly to the lives of these young people in our streets who, as I said before, need something to say yes to.

ANOTHER VIEW ON THE CRIME BILL

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to address the house for 1 minute.

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

Ms. PELOSI. Mr. Speaker, reserving the right to object, I am going to remove my reservation as a courtesy to the gentleman and look forward to hearing his 1-minute.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, just to offer the other point of view on this very interesting subject, we have had phone calls pouring into our office. As far as I can tell there is no organized effort to cause this to happen. Yet they are running 10 to 15 to 1 against the crime bill. People really are clearly understanding that this is just a typical pork barrel type of approach using the politics that have failed to stem the 300-percent increase in the overall crime rate since 1960, during which time we had an 800-percent increase in social welfare spending.

Here is a bill that comes along with programs for midnight basketball, arts and crafts, dance lessons and projects of various kinds, good old-fashion pork.

People are just tired of it. They do not want that. They want a lean, mean crime bill, more prisons, more cops on the streets, habeas corpus reform which is completely missing from the bill, which will expedite the death penalty appeals. That is the type of criminal justice reform the people of my district are seeking.

I would like just to indicate that this bill that was rejected on the rule last week does not meet those criteria. It should have been rejected, and it will be rejected again unless it is changed.

WORLD AIDS CONFERENCE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

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

Mr. MILLER of California. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, last week the world's AIDS conference was held in Japan. As Members may have noticed from the press, at that meeting there was some medium news, not good, and some discouraging news.

I call the attention of my colleagues to that meeting because the statistics that came from the meeting were discouraging in terms of the spread of AIDS through Asia. In India, the number of AIDS cases will be the largest in the world in a very short period of time. The prospects for a cure or for a vaccine are limited. Therefore, it makes prevention an absolute must, not only a must but a moral responsibility.

I also note that in the past few months we saw a meeting of the G–7. It has been on the agenda of some of us in the Congress to get AIDS on the agenda of the G–7 meetings. It seems to me logical that if the largest economic powers, industrialized countries in the world come together to meet about the future of the world, the economy of the world, that they must take into consideration what AIDS is doing to certain economies throughout the world and what it will do.

So I call again, enlist the support of my colleagues to call upon the administration to put AIDS on the agenda of the next G–7 summit.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 2 o'clock and 19 minutes p.m.) the House stood in recess until 5 p.m.

□ 1703

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLEMAN) at 5 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2182, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–705) on the resolution (H. Res. 521) waiving points of order against the conference report to accompany the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. LIGHTFOOT

Mr. LIGHTFOOT. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. LIGHTFOOT moves that the managers on the part of the House, at the conference of the disagreeing votes on the bill, H.R. 4539, be instructed to insist on disagreement to provisions contained in any Senate amendment regarding the imposition of new or increased user fees, collections or taxes which may be established by the Secretary of the Treasury and which are authorized by law, to insist on disagreement to the amendment to the last proviso set forth in Senate amendment numbered 16, to insist on disagreement to the Senate amendment numbered 26, and to insist on disagreement to the Senate amendment numbered 29.

Mr. LIGHTFOOT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

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

Mr. Speaker, we have a motion to instruct conferees on items which have been considered by the subcommittee, the full Committee on Appropriations, and the House. I think the motion is very straightforward. It instructs conferees to reject new user fees proposed by the Treasury Department. Our subcommittee chose to reject the proposed user fees, totaling some $258 million. They include: a $20 fee for tax filers entering into an installment agreement with IRS to pay taxes owed over time; A $12 fee charged to those persons who request photocopies of tax returns from the IRS; an $8 fee imposed to transmitters of electronic returns; and an increase in the merchandise processing fee and the special occupational tax assessed by the Customs Service and the Bureau of Alcohol, Tobacco and Firearms.

Frankly, many of us feel more user fees are not the answer—they are, quite simply, a roundabout way to increase taxes.

The Senate, however, has included language permitting Treasury to retain the proposed user fees if they are increased. While the language doesn't authorize any new fees, it gives the IRS clear incentive to raise and implement fees on taxpayers.

I would ask Members of the House to insist on the House position, rejecting new taxes and user fees. The Senate language encourages the IRS to boost fees for the activities I described a moment ago.

As I stated earlier, in my view user fees are just a back-door tax increase. Any time the Federal Government levies fees for services which are mandated, we are simply increasing taxes.

Let me point out a couple of other problems I have with the proposed fee increases. First of all, in imposing a fee on taxpayers for obtaining copies of their tax returns, I believe it is patently unfair to charge individuals for services mandated by the government—that is, in my view, an unfunded mandate. We are pretty good at that around here. Generally, taxpayers are requesting copies of their back returns because they must revise them or defend themselves in an audit—a government-induced action.

Mr. Speaker, I was also dismayed to learn the IRS has just announced that, effective October 1, 1994, the charge for furnishing copies of tax returns and related documents will increase by 300 percent—from $4.25 to $14. I have a hard time believing the $14 reflects the true cost to the IRS of providing the copy. Interestingly enough, the President had announced in his budget proposal that this fee would be increased to only $12. I would like to know why this figure has now been increased even further.

With respect to another of the proposed fees, the fee charged to those who file electronically, I am a little baffled by the proposal. The IRS is currently working to modernize its information systems, and has indicated there will be great savings down the road and fewer IRS errors as more taxpayers begin to file electronically. This proposed fee flies in the face of the IRS effort to increase electronic filing. Most members of the Ways and Means Committee would agree tax policy should encourage beneficial types of behavior, rather than have the opposite effect. It seems to me this proposed fee would discourage electronic filing, thereby reducing savings in the outyears to the IRS.

Finally, Mr. Speaker, let me say I have signed a pledge, as have many of my colleagues, to oppose any tax increases and I intend to continue doing so.

Mr. Speaker, the House rejected the fees requested by the President. The conferees should stick to their original position and reject these fees. They are opposed by the authorizing committees, and this opposition has been reflected in a letter signed by Mr. GIBBONS and Mr. PICKLE and received by the Treasury, Postal Subcommittee on July 25, 1994.

I believe there is no need to increase taxes to support additional spending. Reject these new taxes and vote aye on the motion to instruct conferees, and stay with the House position.

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

□ 1710

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments.

Although I am generally opposed to instructing conferees and would prefer that the conferees be free to make those decisions which can best be made and bring about reasonable compromise between the House and the Senate, I understand the gentleman's strong opposition to the imposition of fees, and as all Members know and as he has stated, the Subcommittee on Treasury Postal Service-General Government and the House did not include these fees as a part of its proposal to the House which the House passed. In point of fact, we believe at the fees should not be incorporated in this bill. Therefore, although I oppose generally the concept of instructing conferees, I do not intend to oppose the gentleman's motion at this time.

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

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the comments of the chairman, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COLEMAN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Iowa [Mr. LIGHTFOOT].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOYER, VISCLOSKY, DARDEN, OLVER, BEVILL, SABO, OBEY, LIGHTFOOT, WOLF, ISTOOK, and MCDADE.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4603, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995, AND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1994

Mr. HOYER. Mr. Speaker, on behalf of the gentleman from West Virginia [Mr. MOLLOHAN], I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 2947, by the yeas and nays; and H.R. 4867, by the yeas and nays.

CONCURRING IN SENATE AMENDMENTS TO H.R. 2947, COMMEMORATIVE WORKS ACT AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 2947.

The Clerk read the title of the bill.

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 concur in the Senate amendments to the bill, H.R. 2947, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 56, as follows:

[Roll No. 397]

YEAS—378

Abercrombie	Ehlers	Kolbe
Ackerman	Emerson	Kopetski
Allard	Engel	Kreidler
Andrews (ME)	English	Kyl
Andrews (NJ)	Eshoo	LaFalce
Andrews (TX)	Evans	Lambert
Applegate	Everett	Lancaster
Archer	Ewing	LaRocco
Armey	Farr	Laughlin
Bacchus (FL)	Fawell	Lazio
Bachus (AL)	Fazio	Leach
Baesler	Fields (LA)	Lehman
Baker (LA)	Fields (TX)	Levin
Ballenger	Filner	Levy
Barca	Fingerhut	Lewis (CA)
Barcia	Fish	Lewis (FL)
Barlow	Ford (MI)	Lewis (GA)
Barrett (NE)	Ford (TN)	Lewis (KY)
Barrett (WI)	Fowler	Lightfoot
Bartlett	Frank (MA)	Linder
Barton	Franks (CT)	Lipinski
Bateman	Franks (NJ)	Livingston
Beilenson	Frost	Lloyd
Bentley	Furse	Long
Bereuter	Gallegly	Lowey
Berman	Gekas	Lucas
Bevill	Gephardt	Maloney
Bilbray	Geren	Mann
Bishop	Gibbons	Manton
Bliley	Gilchrest	Manzullo
Blute	Gillmor	Margolies-Mezvinsky
Boehlert	Gilman	Markey
Bonilla	Gingrich	Martinez
Bonior	Glickman	Matsui
Boucher	Goodling	Mazzoli
Brewster	Goss	McCandless
Brooks	Grandy	McCloskey
Browder	Green	McCrery
Brown (CA)	Greenwood	McDermott
Brown (OH)	Gunderson	McHale
Bryant	Gutierrez	McHugh
Bunning	Hall (OH)	McInnis
Burton	Hall (TX)	McKinney
Buyer	Hamburg	McNulty
Byrne	Hamilton	Meek
Callahan	Hancock	Meyers
Calvert	Hansen	Mfume
Camp	Hastert	Mica
Canady	Hastings	Miller (CA)
Cantwell	Hayes	Miller (FL)
Cardin	Hefley	Mineta
Carr	Hefner	Minge
Castle	Herger	Mink
Chapman	Hilliard	Moakley
Clay	Hinchey	Molinari
Clayton	Hoagland	Mollohan
Clinger	Hobson	Moorhead
Clyburn	Hochbrueckner	Morella
Coble	Hoekstra	Murphy
Coleman	Holden	Murtha
Collins (IL)	Horn	Myers
Collins (MI)	Houghton	Neal (MA)
Combest	Hoyer	Neal (NC)
Condit	Hughes	Nussle
Conyers	Hutchinson	Oberstar
Coppersmith	Hutto	Obey
Costello	Hyde	Olver
Cox	Inglis	Ortiz
Coyne	Inhofe	Orton
Crapo	Inslee	Owens
Cunningham	Istook	Oxley
Danner	Jacobs	Packard
Darden	Jefferson	Pallone
de la Garza	Johnson (CT)	Parker
Deal	Johnson (GA)	Pastor
DeFazio	Johnson (SD)	Paxon
DeLauro	Johnson, E.B.	Payne (NJ)
DeLay	Johnson, Sam	Payne (VA)
Dellums	Johnston	Pelosi
Derrick	Kanjorski	Penny
Deutsch	Kaptur	Peterson (FL)
Diaz-Balart	Kasich	Peterson (MN)
Dickey	Kennedy	Petri
Dicks	Kennelly	Pickett
Dingell	Kildee	Pickle
Dixon	Kim	Pombo
Dooley	King	Pomeroy
Doolittle	Kingston	Porter
Dornan	Kleczka	Portman
Duncan	Klein	Poshard
Dunn	Klink	Price (NC)
Durbin	Klug	Pryce (OH)
Edwards (TX)	Knollenberg	Quillen
Quinn	Sharp	Thompson
Rahall	Shaw	Thornton
Ramstad	Shays	Thurman
Rangel	Shepherd	Torkildsen
Ravenel	Shuster	Torres
Reed	Sisisky	Torricelli
Regula	Skaggs	Towns
Richardson	Skeen	Traficant
Roberts	Skelton	Tucker
Roemer	Slaughter	Unsoeld
Rogers	Smith (IA)	Upton
Rohrabacher	Smith (MI)	Valentine
Ros-Lehtinen	Smith (NJ)	Velazquez
Rose	Smith (OR)	Vento
Rostenkowski	Snowe	Volkmer
Roth	Solomon	Vucanovich
Roukema	Spence	Walker
Rowland	Spratt	Walsh
Roybal-Allard	Stark	Watt
Royce	Stearns	Waxman
Sabo	Stenholm	Weldon
Sanders	Stokes	Wheat
Sangmeister	Strickland	Williams
Sarpalius	Studds	Wilson
Sawyer	Stump	Wolf
Saxton	Stupak	Wyden
Schenk	Swett	Wynn
Schiff	Synar	Yates
Schroeder	Talent	Young (AK)
Schumer	Tanner	Young (FL)
Scott	Tauzin	Zeliff
Sensenbrenner	Taylor (NC)	Zimmer
Serrano	Tejeda	
	Thomas (CA)	

NOT VOTING—56

Baker (CA)	Goodlatte	Nadler
Becerra	Gordon	Reynolds
Bilirakis	Grams	Ridge
Blackwell	Harman	Rush
Boehner	Hoke	Santorum
Borski	Huffington	Schaefer
Brown (FL)	Hunter	Slattery
Clement	Lantos	Smith (TX)
Collins (GA)	Machtley	Sundquist
Cooper	McCollum	Swift
Cramer	McCurdy	Taylor (MS)
Crane	McDade	Thomas (WY)
Dreier	McKeon	Visclosky
Edwards (CA)	McMillan	Washington
Flake	Meehan	Waters
Foglietta	Menendez	Whitten
Gallo	Michel	Wise
Gejdenson	Montgomery	Woolsey
Gonzalez	Moran	

□ 1734

Mr. KLINK and Mr. HANCOCK changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I was unavoidably detained on rollcall No. 397, H.R. 2947. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during rollcall vote No. 397 on H.R. 2947 I was unavoidably detained. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, I was not present for the vote on H.R. 2947, rollcall

No. 397. Had I been present, I would have voted "yea."

HIGH-SPEED RAIL DEVELOPMENT ACT OF 1994

The SPEAKER pro tempore (Mr. COLEMAN). The pending business is the question of suspending the rules and passing the bill, H.R. 4867, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California [Ms. SCHENK] that the House suspend the rules and pass the bill, H.R. 4867, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were yeas 281, nays 103, not voting 50, as follows:

[Roll No. 398]

YEAS—281

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bellenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Ehlers
Emerson
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McDermott
McHale
McHugh
McKinney
McNulty
Meek
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NAYS—103

Allard
Archer
Armey
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bliley
Bonilla
Bryant
Bunning
Burton
Buyer
Callahan
Chapman
Clinger
Coble
Combest
Cox
Cunningham
DeLay
Dickey
Doolittle
Dornan
Duncan
Edwards (TX)
Everett
Ewing
Fields (TX)
Frost
Gekas
Geren
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kingston
Kolbe
Kyl
Lancaster
Laughlin
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Long
Lucas
McCrery
McInnis
Meyers
Miller (FL)
Myers
Nussle
Paxon
Peterson (MN)
Petri
Porter
Portman
Pryce (OH)
Quillen
Reed
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Sarpalius
Schroeder
Sensenbrenner
Shuster
Skeen
Smith (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Vucanovich
Walker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—50

Baker (CA)
Becerra
Bilirakis
Blackwell
Boehner
Borski
Brown (FL)
Clement
Collins (GA)
Cooper
Cramer
Crane
Dreier
Edwards (CA)
Flake
Foglietta
Gallo
Gejdenson
Goodlatte
Gordon
Grams
Hoke
Huffington
Hunter
Lantos
Machtley
McCollum
McCurdy
McDade
McKeon
McMillan
Meehan
Menendez
Michel
Montgomery
Nadler
Reynolds
Ridge
Rush
Santorum
Schaefer
Slattery
Smith (TX)
Sundquist
Swift
Thomas (WY)
Visclosky
Washington
Whitten
Wise

□ 1752

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CRANE. Mr. Speaker, I was unavoidably detained and therefore was unable to cast my vote on two of the three recorded votes. I failed to vote on rollcall No. 397 relating to H.R. 2947, legislation relating to the Black Revolutionary War Patriots Foundation, and rollcall No. 398 relating to H.R. 4867, the High Speed Rail Development Act. I had intended to cast my vote on the legislation in question; however, my flight from Chicago to Washington was unavoidably detained due to weather. Fortunately, the outcome of the votes on H.R. 2947 and H.R. 4867 were not decided by a single vote and my vote therefore would not have been determinative.

THE JOURNAL

The SPEAKER pro tempore (Mr. COLEMAN). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 147, not voting 50, as follows:

[Roll No. 399]

YEAS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Bellenson
Berman
Bevill
Bilbray
Bishop
Bonior
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dornan
Durbin
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert

Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Myers
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—147

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Bonilla
Brown (CA)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Hutchinson
Inhofe
Istook
Jacobs
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCrery
McHugh
McInnis
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—50

Becerra
Bilirakis
Blackwell
Boehner
Borski
Brown (FL)
Carr
Clement
Collins (GA)
Cooper
Cramer
Dreier
Edwards (CA)
Flake
Foglietta
Gallo
Gejdenson
Goodlatte
Gordon
Grams
Hoke
Huffington
Hunter
Johnson (CT)
Lantos
Machtley
McCollum
McCurdy
McDade
McKeon
McMillan
Meehan
Menendez
Michel
Montgomery
Nadler
Reynolds
Ridge
Rush
Santorum
Schaefer
Slattery
Smith (TX)
Sundquist
Swift
Thomas (WY)
Visclosky
Washington
Whitten
Wise

□ 1809

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, due to official business, I was not available for rollcall Nos. 397, 398, and 399.

Had I been present I would have voted "aye" on No. 397, "aye" on No. 398 and "aye" on No. 399.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOLDEN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CRIME BILL

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, very soon, the House will pass the crime bill, and the liberal national media will proclaim it to be a great victory for President Clinton.

But will it be? Really?

The President has a 79-seat majority in this House—a huge margin.

Yet the crime bill, despite intense pressure and lobbying by the White House, and despite this 79-seat majority—lost by 15 votes.

This should tell the people how bad this bill really is. And this in a year when everybody wants to vote for a crime bill.

Once a bill is defeated in one Congress, it should not come up again until the next Congress is in place.

Yet we will soon vote on this bill again, after some of the most intensive lobbying, arm-twisting pressure, and power politics this Nation has ever seen.

This is what this bill is now about—politics—not crime.

I spent 7½ years as a criminal court judge before coming to Congress.

I tried primarily the felony criminal cases—the most serious cases.

Yet I voted against this bill twice—Why?

Well, let me tell you first, it had nothing to do with gun control.

This is another myth or falsehood perpetrated by our liberal national media.

They would have everyone believe that the only reason anyone would have voted against this bill was because of pressure from the NRA.

This is totally, completely, 100 percent false.

Most people voted against this bill because they want a real crime bill, a tough crime bill, not a Great Society social work bill.

Most people voted against this bill because what started out as a $22 billion bill ended up as a $33 billion monstrosity with everything but the kitchen sink in it.

Most people voted against this bill because of 9 or 10 billion dollars' worth of social programs, including hundreds of millions for dance lessons, arts and crafts, basketball leagues, and graffiti removal.

Now there is certainly nothing wrong with basketball leagues or graffiti removal. But the cities which need them should do them themselves.

As bad of shape financially as most of our States and cities are in, very few are in as bad fiscal shape as is our Federal Government.

Our Federal Government is presently over $4½ trillion in debt and still losing hundreds of millions more each day.

We are already spending billions we do not have, yet our President and his supporters want us to pass a health bill that will be the most expensive bill ever passed in the history of this country.

Most people voted against this so-called crime bill because the conference actually weakened provisions against our most serious drug dealers and against released sex offenders.

Most people voted against this bill because the President's own FBI Director said it would do more harm than good—at least he was against it until the White House got him muzzled.

Most people voted against this bill because most of the money goes to just a few of our Nation's largest cities. This is supposed to be because these are the areas of highest crime and highest unemployment.

But the bill very much shortchanges and is very unfair to our smaller cities and especially to our small towns and rural areas.

And many people voted against this bill because they want our crime dollars spent on the streets, fighting real crime. They know we will do more to fight crime by spending our crime-fighting dollars on local police and deputies, instead of on Federal bureaucrats and social workers.

They know, too, that most people who have really analyzed this bill say it will allow for the hiring of only a

small fraction of the 100,000 officers its supporters claim.

People all over this Nation are asking why should we send 33 billion of our hard-earned dollars to Washington, DC, where so much of it is going to be lopped off, first by the Federal Government, then by the State governments, and then by our 15 largest cities.

Everyone who has ever dealt with the crime problem knows that by far the biggest single factor is broken homes.

The overwhelming majority of our serious crimes are committed by young men who come from father-absent households.

Already government is taking half of the average person's income in the form of taxes, counting taxes of all types, Federal, State and local.

Most marriages break up due to disagreements over finances—battles over money.

In 1948, the credit for children on tax returns was $600 each. According to the Heritage Foundation, if that had been indexed for inflation, it would be approximately $8,000 today.

What does this have to do with crime—quite simply, it is this: In 1940's and 1950's the Federal Government was really almost encouraging families through its tax policies.

Today, our government is taking so much from our families that it is helping cause them to break down, and thus our crime problem grows worse.

Now, we are going to take $33 billion more from our people to perpetrate a fraud, a cruel hoax—that it is being done to fight crime.

This crime bill will not even put a small dent in our crime problem. It will be passed solely because of politics in a desperate attempt to try to make people who really are not tough on crime look like they are.

□ 1820

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF A CERTAIN RESOLUTION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-707) on the resolution (H. Res. 522) waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

INQUIRY REGARDING PRIVILEGED REPORT ON RESOLUTION WITH RESPECT TO CLAUSE 4(b) OF RULE XI

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

Mr. WALKER. I just wanted to know, Mr. Speaker, if this is a two-thirds rule for purposes of doing the crime rule.

Mr. MOAKLEY. Mr. Speaker, the gentleman is correct.

Mr. WALKER. The idea being, Mr. Speaker, that this gives us the ability, then, if some kind of an arrangement is arrived at, that we would take it up utilizing the two-thirds rule. Is that what the plan is here, Mr. Speaker?

Mr. MOAKLEY. If the gentleman will continue to yield, Mr. Speaker, I cannot hear the gentleman, but the two-thirds rule allows us to take up the rule the same day.

Mr. WALKER. Mr. Speaker, I assume that is predicated on the idea that we would arrive at some kind of arrangement acceptable to both sides, is that correct?

Mr. MOAKLEY. It does not say that, but I am sure it is.

Mr. WALKER. Otherwise, Mr. Speaker, it would be difficult to get two-thirds.

Mr. MOAKLEY. If the gentleman will yield further, this waives the two-thirds requirement.

Mr. WALKER. This waives the two-thirds requirement. So the fact is, what we are trying to do is make certain the House would not have a chance to look at the new bill?

Mr. MOAKLEY. If the gentleman will continue to yield, no, Mr. Speaker. This waives the two-thirds requirement, allowing the majority Members to vote on another rule that will be coming forward addressing the crime bill.

Mr. WALKER. However, Mr. Speaker, it does then, at that point, assure that the House can take up the rule very quickly on a conference report that may get rewritten as a result of some of the negotiations that are going on?

Mr. MOAKLEY. The gentleman is correct.

Mr. WALKER. That makes it, then, more difficult for us to have a chance to look at those new provisions, if in fact we are going to run it out here on a very quick basis, does it not?

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield further, the reality is that we waived the two-thirds in order that if there is any chance we get out of here Friday, this is the only key we can use.

Mr. WALKER. So the idea is that this would be used to try to get the House out of here on Friday to go home, hopefully?

Mr. MOAKLEY. If everything falls in place, not waiving the rule on this would not allow us to take this matter up before Friday.

Mr. WALKER. I thank the gentleman. With all the controversy that has been surrounding the bill, there is some concern on the part of Members that they do want to have a chance to understand what is in this bill.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I was not going to talk on this, but I have some concern. How many pages are in the crime bill, 1,400 pages?

Mr. WALKER. Seven hundred pages, or something.

Mr. BURTON of Indiana. There is at least 700 pages.

Mr. MOAKLEY. If the gentleman will yield further, does the gentleman from Indiana [Mr. BURTON] mean to say that he has not read the bill?

Mr. BURTON of Indiana. If the gentleman will continue to yield, 700 pages, Mr. Speaker? I must admit, I have read the synopsis, but not all 700 hundred pages. That is why I am concerned about running this thing through without Members having a chance to look at the thing before taking it up.

Mr. MOAKLEY. If the gentleman will continue to yield, the rule may not come up until Friday, Mr. Speaker. This is just getting it ready in case all the other pieces of business fall into place. As the gentleman knows, his leadership is at the White House now trying to work out the crime bill.

Mr. WALKER. That is correct, Mr. Speaker, and basically what I am trying to do is figure out how this particular action fits in with the meetings that are taking place. If I understand the gentleman correctly, this is being done in hopes that arrangements can be made that will include a little bit of everybody, that we can move something expeditiously toward the end of the week, and we will move it at a point that everybody will understand what it is we are doing.

Mr. MOAKLEY. If the gentleman will continue to yield, Mr. Speaker, I cannot go that far, that everybody will understand what we are doing. Other than that, I agree with the gentleman.

Mr. WALKER. I thank the gentleman.

AMERICA'S FOREIGN POLICY CREATES MISERY FOR HAITIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I wanted to talk very briefly. While we have been having these very important debates here in this country about crime and health care, and are fully engaged in the U.S. Congress in business for the people of this country, we have a foreign policy that is making life pretty darned miserable in a neighboring country, a place called Haiti.

I have talked many times about this. We read about it almost every day. Today, Mr. Speaker, I had the opportunity to be on the telephone with some of the properly democratically elected members of their congress, their Chamber of Deputies, as it were, and got an update on what is going on down there.

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It is really sort of pathetic that we are not following up the option to negotiate with our colleagues, who were democratically elected, in the Haitian Chamber of Deputies. There are a great number of them. They have invited us to come down and try and work out a negotiated settlement, instead of this threat of invasion, this talk of invasion, all of these Navy ships and Coast Guard cutters we have steaming around down there at this point, and the sword rattling that is going on.

Mr. Speaker, it is not working very well. It is costing us a lot of money. We have estimates of $1 billion or so, and boy, do we need that $1 billion. I would love to be able to plug that into more law enforcement officers for our Nation's streets, and to deal with some of these crime problems that we have been so engaged in.

Mr. Speaker, be that as it may be, we have a very misguided foreign policy in Haiti. It is very expensive. It is probably ill-conceived. It is not going to get results anybody is going to want, in all likelihood, but it has another factor.

Mr. Speaker, I think it is time we pause every so often here. We live very good lives in the United States of America, most of us. We are very fortunate and much blessed to be in this country.

While we are here, Mr. Speaker, have an embargo which is absolutely strangulating Haiti. It is absolutely devastating the poorest people in that country and the middle class in that country. Supposedly the rich can do for themselves, and some of those who are the target of that embargo are actually not feeling the pinch anywhere near some of these other folks are.

We heard today that we have a U.S. hospital up in Limbe, which is up near Cap Haitien, up in the northwest part of the country. That is completely now overwhelmed. They have no more supplies. They have nothing, no medical attention, which is desperately needed for HIV-positive people, TB people, and so forth.

All of this is on the rise. There are no treatments, there is no prevention. There is overcrowding. There is not even food. We cannot simply say, as we keep hearing from Bill Gray, who is the spokesperson for the administration on this, that "We are addressing the food crisis in Haiti by feeding 1 million people a day."

Mr. Speaker, if we are feeding 1 million people a day, we are not feeding them very nourishing food, I understand. Sometimes it is just sort of one bowl of thin porridge. There are some 7 million people in Haiti, and we wonder what is happening to the other 6 million, if we are feeding 1 million. It is very bad times.

Mr. Speaker, We understand that we have supplies that are rotting on the docks that are needed for food and medicine for places like this hospital in Limbe, or the 6 million or so that need the food so badly, and we discover that it cannot get anywhere because there is no gasoline, no transportation, because of the embargo.

□ 1830

We find infants are dying. We find that young women who had jobs before cannot have any jobs now because there is no manufacturing. They have had to shut everything down because of the embargo. Some have gone back to prostitution. Unfortunately, AIDS is a serious problem in Haiti and of course it is now on the increase as a result of all this.

All of this is happening because of the United States policy. It is our foreign policy that is causing these results. The people down in Jacmel in Haiti, a city more on the southern coast, go to a TB clinic, people who have TB who are being treated, and when they go to this clinic, they are not able to get any medication, any treatment for their TB because there is not any because of the embargo. So they sing and they pray instead and they ask the good Lord to save them because there is no medical attention available to them.

I admire that spirit, I admire that commitment, and I admire their trust in the Lord. But we could easily be providing them help for their TB to help correct the problem, and the medical attention that they need and had been getting up until this embargo came along.

What I am saying is that we have a policy here in the wealthiest nation in the world of absolutely devastating a poor country and making life miserable for so many people. It is hard to go to bed at night and think there are 6 million people who are not getting the kind of help, treatment, food, compassionate relief, and attention that I know every American would want to give. If Americans could see the face of poverty and the face of misery that is being directly caused by our foreign policy in Haiti, I do not think it would stand up for 1 second. There would be a revolution here and people would demand that we change our policy and do the right thing for Haiti instead of trying to victimize the poor and the middle class.

I have not spoken much about the middle class, but they are the people who make things work there. They are the managers, the manufacturers, the people who keep things running and provide employment for the working class. Those people are being devastated because there is no job, no investment, no employment for them, the factories do not work, no energy for the factories and so forth. So we are having a deterioration of the basic structure we need to rebuild that country while we are also starving the very poorest.

This is not a policy that makes any sense at all. Why are we doing this? We want democracy in Haiti, we want to see them grow, we want to see them have some prosperity, we want to see them have jobs, we want to see disease eradicated, we want to see starvation eradicated, and everything we are doing is counter to those directions.

I find it astonishing that our colleagues here who care so much about these things and will speak so eloquently and so much from the heart on these subjects when we are dealing with other countries that we talk about can somehow turn a blind eye toward what we are doing in Haiti, pretending it is not happening. It is happening. It is awful, it is happening, and we are responsible for it. How can we do this?

I challenge our administration, Mr. Speaker, to come up with a better policy, and one would surely be to follow this program of dealing with the duly elected members of the Haitian Parliament who are our counterparts duly elected and find a middle road. It is possible to do it. We should do it.

WHY THE CRIME BILL HAS NOT PASSED

The SPEAKER pro tempore (Mr. HOLDEN). Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to talk for 5 minutes, just common sense, about the crime bill that is in front of us and some of the reasons why it was turned down. I hope the public and the Members of this body will think about what is in the bill and why many people voted the way they did.

First of all, this was not a Republican defeat of the crime bill. In the first place, we only have 178 votes in this body. It takes 218 to defeat. There are many people who opposed the crime bill and opposed the rule for the crime bill. First of all, the FBI chief criticized the bill in a recent newspaper statement and his reason was he was concerned that the President's approach toward crime cut the FBI, cut the DEA, cut the INS and cut law enforcement, basic Federal law enforcement agencies that are needed really to be tough on crime. That is the head of our FBI criticizing the bill. There were some 20 committee and subcommittee chairmen, these are all Democrats, who voted against the rule. Many of them voted because they felt that this rule was not proper, that a closed rule would not allow the amendments necessary to improve the bill, and that was a principal reason they opposed the crime bill. Some 58 other Democrats, Members of the House of Representatives, voted against that rule.

Many of them remembered the experience about the Los Angeles earthquake where we were told we needed $8 billion to take care of the people in Los Angeles during their trials in the earthquake. Most Members felt that was appropriate, that if they needed the money to help cure the problems in Los Angeles with the earthquake, they would vote for it. Then as we began to read the bill and later a major television network pointed out that over half of that $8 billion, some $4 billion or more, did not even go near California, it did not even get close to where there was a rumble, in fact. It wound up in Arkansas and West Virginia and places that had nothing to do with the California earthquake. So having been duped once, you can see that a lot of people were nervous about a $33 billion crime bill that so clearly does not address crime with a great portion of the funds.

George Will, a prominent writer and a personality who writes for the Washington Post and others, says:

This crime bill is a bipartisan boondoggle because of the cachet that currently accrues to any legislation with an 'anticrime' label. But the bill sprays money most promiscuously at Democratic constituencies, the so-called (by themselves) 'caring professions'—social workers, psychologists, and others who do the work of therapeutic government.

He warns that it does not address tough problems on crime. He points out that even the midnight sports leagues—first of all, the leagues have to be made up of a specific population, those from specific areas with a prescribed number with HIV positive. He also points out that many of the other programs involved have nothing to do with crime but that are primarily social programs, many of them shopworn, that have come before this body before and have not been able to pass.

Then in my home State, we have a police organization that polled over 3,000 members of their officers and 86 percent opposed aspects of the crime bill because they called it phony, they said it does not address crime, it addresses other questions and it is bureaucratic and will not aid them in their fight against crime.

So there is a widespread concern in this country about this crime bill. It was not a partisan matter, it was a matter that came across party lines, and that is why the vote lost in this last week's attempt.

Is this a crime bill? Well, when you read it and you ask people, both committee staff and you ask prominent people who have been in this House, the first thing they say, "Well, not exactly."

You ask, does it ban 19 assault weapons as the press says? "Well, not exactly." It actually bans several hundred weapons, most of them sports weapons.

My son has a shotgun that he uses to turkey hunt with. It is a gun that I will have to admit, it is not a threat to turkeys much because we have tried for the last 2 years and we have not been able to hit one. It is, however, an assault weapon under the definition of this bill. It has to meet two criterias to be that. It meets three. First of all, it has six shots, it only has to meet five; second, it has a curved handle just before the stock as most shotguns would have; and third, you can affix a bayonet if you want to. You can affix a bayonet to any gun that the stock does not come all the way out to the end. Maybe he should affix a bayonet and try to bayonet the turkeys because he is not having much luck shooting them. But to think of that weapon is ridiculous. In fact most of what people think of as automatic weapons are already banned under Federal statute. Even Uzis and other types of guns that are changed to become automatic weapons violate the Federal statute.

WHY THE CLINTON-GEPHARDT BILL IS BAD FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today concerning why the Clinton-Gephardt bill is bad for senior citizens. For the past 19 months since I first entered Congress, I have held over two dozen town hall meetings throughout my congressional district, I have received over 10,000 letters and phone calls, and I have talked to thousands of constituents, mostly senior citizens, because my district in Florida has the largest number of senior citizens of any congressional district in the United States. My area of Sun City, FL; Port Charlotte, FL; Venice, Sarasota, and Brandenton, FL has the largest percentage of seniors in the Nation, and they are upset.

□ 1840

They are concerned and they are scared. They like what they are getting under Medicare now, and they do not think the change is better for them.

Poll after poll has shown that the seniors are very concerned. It was very surprising last week when the AARP came out supporting the Clinton-Gephardt bill. Last year when Mr. Clinton first made his presentation on health care in September here in the House, and that was a point of popularity for the Clinton bill, the AARP in their bulletin had a little coupon to ask their members to send in to see what they said about the Clinton bill last September and October. They published the results in their monthly bulletin in December and 82 percent of the 25,000 people who had sent in response said they did not like Clinton, and that was when the bill was very popular in the country.

What I would like to do now is identify five very specific reasons why Clinton-Gephardt is bad for senior citizens.

First of all, we have global budgets and price controls, and this amounts to explicitly rationing health care. The plan mandates in 1999 to in effect have zero growth in Medicare spending. Even countries that ration their health care cannot get down to zero growth. What it mandates is that in 1999 that the growth in Medicare spending will be no greater than the growth of the gross domestic product, the GDP, which is about 3 percent or so right now. It does not take into account the fact that we are going to have more Medicare people eligible in 1999. No. It is just based on some economic factor that is based on the business cycle rather than on the needs of senior citizens.

Next is rationing of health care. Seniors are the ones most victimized by rationing of health care. In other countries where they have socialized medicine, in Great Britain, for example, they ration health care by, for example, kidney dialysis is limited to senior citizens over age 65.

The Congressional Budget Office, when they evaluated Mr. Clinton's plan, said, "There was reduced access to new high cost medical technologies in the Clinton plan."

This morning's Wall Street Journal had an interesting editorial by Robert Goldberg who talks very specifically about the rationing of drugs under the Clinton-Gephardt bill as a mere formulary identified under the Clinton-Gephardt bill, and they list drugs that are permitted, and if it is not on the list, senior citizens cannot have that drug unless the physician is willing to go through the bureaucracy and make special requests and such.

There are going to be drug caps put into effect by the year 2005, which sets the maximum amount of money that can be spent for drugs. That is rationing of health care for senior citizens.

The third issue is reduced choice. Under the Clinton-Gephardt bill States are given the option, they are given the option to make Medicare people go under the State-run program. If New Jersey decided to develop a State-run program, the State of New Jersey would have the choice to force all Medicare people to get out of Medicare and go into the State of New Jersey's program, no choice about it for senior citizens. That is not the type of choice seniors were expecting in this plan.

Also the plan under Clinton-Gephardt encourages seniors do get into HMO's, and this is going to really affect the lower income seniors.

Increased taxes. There is no free lunch. We would have thought Congress would have learned with the catastrophic back in 1988 and 1989 that you cannot just increase taxes and have senior citizens say OK, that is OK. For

example, in this bill there is the drug coverage, which is a good idea. But what it is is a $500 deductible for seniors, and it is 80 percent coverage after the first $500 they have paid. They are going to pay $111 a year tax on that. Even if you have a great plan or supplement from say General Motors or someone else, you are still going to pay that $111 whether you use it or not. So there is a $111 tax that you are going to pay to get drug coverage.

There is a higher cigarette tax. I do not smoke, so it will not bother me. But if you are a senior and you smoke, be prepared to pay higher taxes.

And there is the employer mandate. In my district, there are a lot of seniors that have part-time jobs and the employers are going to be discouraged from hiring those seniors part time because they will have to provide them with health care.

The fifth reason is draconian Medicare cuts, $480 billion in Medicare cuts. We are at a very scary time in this health care debate, scary, so no one knows what they are going to do.

Let us put this off and have a rational, intelligent debate on how to have health care, and come back in January and make it the focus of the election in 1994.

COMPROMISING ON THE CRIME BILL

The SPEAKER pro tempore (Mr. HOLDEN). Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I address the House tonight to talk about the crime bill. I do not know if we have said enough about that in America for the last 2 or 3 days. So I want to throw in my 2 cents.

The great moments we have had during the Clinton administration in the legislature, the times when the Clinton administration has passed items which it considers very high on its agenda, they have done so with bipartisan support. The only deviation from that would be the tax increase, but aside from that, NAFTA, family medical leave, and assault weapons ban were all passed on a bipartisan basis.

I think, Mr. Speaker, what we need to do is realize that the best of the Democrats', the best of the Republicans' ideas should always be combined together with the best of the administration's ideas so that we can have the best type of reform and the best type of legislation possible for the American people.

Last week, despite what the President said, there were 58 Democrats who voted against the rule on the crime bill. As I went home and read about it in the newspaper back in Savannah in the First District of Georgia, as I watched it on national news, I was not sure if I was in the same House Chamber that the President was talking about when he blamed his failure to pass it on the NRA and the Republican Party. I am against gun control. I believe in the second amendment. The President and I disagree on that. But I will say this: NRA never contacted me about the crime bill. I am sure they were contacting Members, but they never contacted me. The party leaders did talk, but where I got most of my direction was not from folks in Washington, and not from Republican Party members, and not from the NRA folks, obviously, not from other special interests, but from the sheriffs and police chiefs in the First Congressional District of Georgia.

As we in our office called them, as we faxed to them somewhat of a summary of the crime bill—it was hard to summarize 700 pages in a brief period of time, particularly when the bill had not been written until the day of the vote, but aside from that, from what we had understood we sent out a fax to our police officers. The majority, the overwhelming majority, and by that I mean 90 percent said vote no on this. There is lot of good in the crime bill, but there is a lot of bad in it too.

I think if we could say come up and admit, if the administration will say we can do a better job, the people of America are right, then what we should do tonight during the course of this debate and over the next couple of days is work on a compromise.

Here is my suggestion for the compromise. The bill is about $33 billion. It was about $9 billion in so-called special spending such as midnight basketball, arts and crafts fairs, and self-esteem programs. I think we ought to cut that. I would like to see it eliminated in its entirety, but I realize in certain areas of the country you may need that. For example, in New York City they probably need self-esteem programs. If I was living in New York I probably would too.

But we should reduce that level as much as possible, and then whatever balance we save, put it into the construction of new prisons. When the bill passed the House the construction level on the prisons was over $13 billion. When it came out of conference it was more in the $9 billion range. What we should do is put the balance into keeping our streets safe by keeping the criminal element off of the street so they do not harm your family members.

The other part is since out of 100,000 new police officers only 20,000 are paid for, what we should do is put the balance into that. I think that compromise makes sense.

But let us just say it does not. Why not then give the money back to the States and let them decide if they are going to put that money to self-esteem programs or a new prison construction or new police officers. I trust the great State of Georgia to make the decisions on that, and I am sure 435 Members of Congress trust their own home States to make decisions on that. I think that would give a great cooperative effort between the State and Federal levels of government, and it would promote I think a better harmony between the two entities as opposed to always handing down to the State government unfunded mandates. That is the first part of the compromise I would suggest.

The second part I would suggest is a separate vote on the assault weapons ban.

□ 1850

That way the President and everybody else who is against the second amendment can jump on gun owners of America and the NRA and all that and they could have a good old second-amendment bashing. But that way it would be a separate issue. We already passed the assault-weapon ban in the House.

The third thing, no retroactive appeals for people who have already been sentenced, which the bill would do. Let us eliminate that.

The fourth and final thing, Mr. Speaker, would be to promote the Byrne grant program more in rural America, which is an antidrug program which is helping rural America tremendously. It is kind of hidden in this bill. It is in there, but let us build upon it.

Mr. Speaker, I appreciate your time. I appreciate the Members of the House listening.

WHITEWATER DEVELOPMENT CORP. AND THE MADISON SAVINGS & LOAN DEBACLE

The SPEAKER pro tempore (Mr. HOLDEN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, it appears that the White House, President Clinton, and his supporters continue to try to do damage control involving the Madison Savings & Loan debacle and the Whitewater Development Corp.

Last week I talked about Jean Lewis, who was the investigator with the Resolution Trust Corporation that was investigating Whitewater and the Madison Savings & Loan affair.

She sent two criminal referrals to the Justice Department, to the attorney in Little Rock investigating these allegations. She sent the first criminal referral to the U.S. attorney in Little Rock, I think, in September 1992.

At that time a gentleman named Charles Banks was the U.S. Attorney. Now, shortly after that, when President Clinton was elected, he fired all of

the Republican U.S. attorneys across the country and replaced them with his own people, and he replaced the gentleman in Little Rock with his former law student. Her name is Paula Casey. She was appointed by Bill Clinton. He taught her when she was studying law. She worked for Bill Clinton in his campaign, and her husband was appointed to a State job by Governor Clinton. So obviously she had a bias toward President Clinton. I think she probably, because she was a friend of his and was appointed by him, wanted to protect him from any involvement in the Whitewater mess.

Neverless, Jean Lewis sent to the attorney in Little Rock, the U.S. attorney, a referral stating that over $100,000 in Madison funds were illegally funneled into the Whitewater Development Corp. to pay the company's bill. She identified at least a dozen companies that siphoned Madison funds to Whitewater. The Clintons, Bill and Hillary Clinton, were identified as "potential beneficiaries of the check-kiting scheme," her memo stated, and I went into this before, but tonight I want to go into it a little bit more, because there are some new developments that happened over the weekend.

Her memo stated that James McDougal and his partners in Whitewater, including the Clintons, were intelligent individuals, the majority of them attorneys, who must have concluded McDougal was making the payments for their benefit. She also said, "If you know your mortgages are being paid but you are not putting money into the venture, you also know the, venture is not cash-flowing, would you not question the source of funds being used for your benefit?" She also said, "It was my belief that the losses to Madison from the Whitewater account alone would easily exceed $100,000."

Now, the second referral took place in September of 1993, and Mrs. Lewis' second criminal referral filed in that year charged Madison Savings & Loan had illegally diverted $60,500 to Bill Clinton's 1984 campaign for Governor.

Her referral charged that the campaign was an alleged participant in the illegal conspiracy. Obviously Bill Clinton would have known about that. The referral also contained additional information on the relationship between Madison Savings & Loan and the Whitewater Development Corp., and then in October 1993, Paula Casey, the U.S. attorney who was a law student taught by Bill Clinton, who was appointed by Bill Clinton, whose husband had been appointed to a State job by Bill Clinton, and who was a personal friend of Bill Clinton, she formally declined to investigate the first criminal investigation that was sent by Miss Lewis to Mrs. Casey.

After Jean Lewis' second criminal referral had been reported to the press, Paula Casey recused herself from the case. The Justice Department officials in Washington then determined an investigation had to be opened, and Mr. Fiske took over the entire investigation in January of 1994.

On November 10, 1993, Jean Lewis was removed from the Whitewater case allegedly because of a personality conflict. She was doing too good a job digging around and finding out things and bringing to the attention of the U.S. attorney violations of the law which could have resulted in several criminal indictments, and so she was removed from the case because of a "personality conflict" with the attorney on the case.

In a letter typed that day, she said she was ordered off the case by "powers that be."

In February 1994, on February 2, after both of her referrals were made public, Jean Lewis was visited by April Breslaw, an RTC attorney from Washington, DC; according to Mrs. Lewis, April Breslaw pressured her to change her conclusions about the criminal referrals in Madison Savings & Loan and Whitewater. Mrs. Lewis said April Breslaw told her people at the top would be happier if they had answers to the questions about Whitewater that would get them off the hook. Miss Lewis said two of the head people April Breslaw was talking about were the RTC Deputy Chief Officer, Jack Ryan, and RTC General Counsel Ellen Kulka. Jean Lewis recorded the meeting. Congressman JIM LEACH heard the tape and said it substantiated her account of the meeting that they were trying to get her off of everybody's back, particularly the White House. Both Kulka and Ryan worked directly under Deputy Treasury Secretary Roger Altman, the RTC's Acting Director and close friend of the President.

That very same day Roger Altman had a secret meeting at the White House with White House Counsel Bernie Nussbaum to discuss the Whitewater-Madison investigation.

Jean Lewis, even though she was taken off the case, refused to change her views or statements and sought protection as a whistleblower under Federal law.

Now we come to this weekend, and it was reported that Jean Lewis has been relieved of her position with the RTC, as well as two of her superiors. They have taken them, and not only taken them off this case, as they did with Miss Lewis, but now they have removed them completely from the RTC.

I quote now from the paper. "'They have been placed on leave, and I have no further comment,' said Gene Jankowski, a spokesman for the agency's Kansas City office. However, an agency official in Kansas City, speaking on condition of anonymity, said the three will be under investigation for 'certain matters pertaining to their job performance.'"

So because she has blown the whistle and sent two criminal referrals to Mrs. Casey down in Arkansas, the U.S. attorney down there, a friend of Clinton's, she is now losing her job.

Now, Miss Lewis wrote nine criminal referrals that are at the heart of the Whitewater affair, including the one that named Bill Clinton's 1994 gubernatorial campaign as a beneficiary. Some $12,000 in Madison Guaranty Savings & Loan Association funds were deposited into Clinton's campaign account at another bank. Those conclusions were being probed by Special Counsel Robert Fiske, replaced last week by former Reagan and Bush administration official Kenneth Starr. Starr is expected to investigate those matters and whether depositor funds were diverted from Madison to the Whitewater Development Corp., owned by S&L owner James McDougal and then Governor Clinton and his wife.

Lee Ausen, who supervises both Iatorio and Lewis, was placed on administrative leave as well. They are trying to get him out of his job. The document said all three were instrumental in forwarding the criminal referrals to the Justice Department in the face of initial opposition within the Resolution Trust Corporation.

The move drew immediate reaction from JIM LEACH here on Capitol Hill, the ranking Republican on the Banking Committee. Mr. LEACH said,

> I am sure the RTC wouldn't take this step lightly, but this would appear to be a blatant effort to discredit the work product of a criminal investigative unit that has embarrassed the powers that be,

That is, those at the White House and those who support the White House.

Beyond that, Mr. LEACH said it is a little early to say anything more about it.

However, the article goes on,

> Their performance was called into question by critics in recent weeks, particularly during the congressional hearings on Whitewater. During the hearings, RTC attorney April Breslaw complained that Lewis surreptitiously recorded a conversation in which Breslaw told her top agency officials would be happy to conclude that Whitewater had not caused a loss to Madison.

So she was upset because, when she went in there trying to get Miss Lewis off the back of the White House and was asking these tough questions and sending criminal referrals down to the U.S. attorney in Little Rock, Paula Casey, that she tape-recorded that conversation, and Miss Breslaw was very, very upset that her words were not only spoken but were recorded and that she could not back out and say she did not say it when she was trying to get all of this investigation stopped.

□ 1900

This whole case stinks to high heaven. This administration is doing everything they can to stop the investigation into Whitewater and into the

Madison Savings & Loan debacle. Now today they have gotten the three people who had the most to do with the criminal referrals to Paula Casey, the attorney in Arkansas, they are trying to get them fired. They are being removed from their job because they are doing their jobs.

This is—you could expect this in the old Soviet Union when the KGB was in charge over there, but you sure would not expect it in this day and age in the United States of America.

I want to talk a little bit about Paula Casey. She is the U.S. attorney in Little Rock. As I said before, she worked on Bill Clinton's Presidential campaign in 1992, she was also one of his law students. Her husband was appointed to a State job by then-Governor Bill Clinton. Jean Lewis, as I just said, made these two criminal referrals, and they did not do anything about them.

Paula Casey let them sit on her desk and would not do anything, even though it stated that $100,000 from Madison Guaranty Savings & Loan was illegally funneled into the Whitewater Development Corporation. After it sat on her desk all year, Paula Casey, who was appointed by Bill Clinton, refused to investigate it. And then the heat was turned up by the press.

In 1993 the second criminal referral from Jean Lewis was made, and it charged that the money was diverted, $50,000, to Bill Clinton's 1984 gubernatorial campaign for reelection.

After the second referral, things got so hot in Little Rock that she rescued herself from the case. But why did she not rescue herself from the case in the first place? Because that was the time when we could have gotten to the bottom of this thing. She let it sit there, sit there, sit there, so the coverup could continue.

So why did Jean Lewis's first criminal referral sit on Paula Casey's desk for over a year without any action being taken on it? We are talking about $100,000 of taxpayers' money.

Why did Paula Casey refuse to open an investigation into Whitewater and Madison Savings & Loan? Why did not Paula Casey, the U.S. attorney appointed by Bill Clinton, recuse herself from the first referral? She has a very serious conflict of interest. I mean it is so apparent. They would have investigated Bill Clinton's connection to Whitewater, Madison Savings & Loan. She was appointed by Clinton, taught by Clinton, her husband got a job from Bill Clinton, and yet she would not let somebody else investigate it. Why not?

Why did Paula Casey not recuse herself from the second criminal referral only after it had been revealed in the press? It is obvious why: Because it got too hot.

Are Paul Casey's actions on this case being investigated by the Justice Department's ethics office? And if they are not investigating that, then why are they not? Because the Justice Department should be looking into her nonaction for over a year in that first referral.

Now, David Hale, I want to talk about him and Paula Casey's connection here. At the time of the first criminal referral from the RTC was gathering dust on her desk, Paula Casey, the U.S. attorney appointed by Bill Clinton, was negotiating with David Hale. David Hale was the head of the Capital Management Services, Inc., a small-business investment company. He pleaded guilty in Federal court to making fraudulent loans. According to the Wall Street Journal, among his bad loans were $300,000 to a company controlled by Susan McDougal, a Whitewater partner with her husband, and Bill and Hillary Clinton.

Some $110,000 of this loan may have ended up in the Whitewater account.

He told reporters that he was pressured by then-Governor Bill Clinton to make the loan to Mrs. McDougal for the $300,000. Mr. Hale was a former municipal court judge appointed by Bill Clinton. Paula Casey, when she found out all about this, as U.S. attorney down there, should have recused herself from this case immediately. Once she found that out, she should have gotten out and had a special prosecutor start investigating this. There clearly was a conflict of interest in negotiating with a person who had information on the possible wrongdoing of Bill Clinton as Governor of Arkansas, but she chose to let it sit on her desk for a year and not do anything about it.

She was obviously trying to hold the lid on this thing. There was lively correspondence between Randy Coleman, Mr. Hale's attorney, and Paula Casey. Mr. Hale was seeking a negotiated plea bargain, as people who know they are going to go to jail do. That is a normal thing. I am not sure he should let him off, I do not think he should.

Nevertheless, he was trying to negotiate a plea bargain. What he was trying to do was say, "Listen, I will go under cover. I will not tell anybody about this. You don't have to tell anybody. You can wire me, you can put a wire on me and I will go out and talk to all the people involved in the scheme, this $300,000," including, I suppose, the Clintons, "and then if you think the information that I gather in this plea bargain agreement through the wire and the undercover investigation, then maybe you will give me a lighter sentence."

She would not negotiate with the guy. Evidently, she did not want him to go undercover to find out all the information on the Whitewater-Madison case and $300,000 loan.

In one of the letters Mr. Coleman wrote to her, Mr. Hale's attorney, he said, "I cannot help but sense the reluctance of the U.S. attorney's office to enter into plea negotiations in this case. I cannot help but believe that this reluctance is born out of the potential political sensitivity and fallout regarding the information which Mr. Hale could provide to your office, but at the same time, it is information which would be of substantial assistance in investigating the banking and borrowing practices of some individuals in the elite political circles of the State of Arkansas." Now, who do you think he was talking about there?

He was talking about Bill and Hillary Clinton.

"I can certainly understand the reluctance of anyone locally, to engage in these matters, political realities being what they are." In other words, because of all the political pressure down there and because of the political pressure he knew would be on the attorney appointed by Bill Clinton, Paula Casey as the U.S. attorney down there, he knew the political pressure would be so great that they would not try to get to the bottom of it.

And he said, went on to say, "Would it not be appropriate at this point for your office to consider terminating your participation in this investigation and to bring in an independent prosecutorial staff who are not so involved with the history of the personalities and circumstances of the case?" In other words, "let's bring somebody in from outside who will really investigate this thing and prosecute those who need to be prosecuted, who are not tied to all these political leaders down there, including Bill and Hillary Clinton, and who may be involved as direct beneficiaries, according to Mr. Hale, of this $300,000 loan."

Regarding Mr. Hale's offer of information, Mr. Coleman says, "I have offered an informal pro offer of Mr. Hale's information for evaluation of its quality and content, but it received absolutely no interest," from your office, "in the process." I added the words "in your office."

Now, in subsequent letters, Mr. Coleman reiterates Mr. Hale's willingness to provide information for an undercover operation.

In the view of Mr. Coleman, Paula Casey was not seriously interested in Mr. Hale's offer of information. When Mr. Hale was publicly indicted, any chances of an undercover investigation went right out the window because once it was made public, it was too late.

Again, Paula Casey should have recused herself from the case in the beginning, but since she did not, she should have obtained information from Mr. Hale in order to thoroughly investigate this case. Paula Casey recused herself in November, but by then it was too late to wire Mr. Hale, to have an undercover investigation, to find out who was involved in all this chicanery that led to this $300,000 loan, part of

which he says went into the Whitewater Corp.

So here are some questions that need to be answered once again: Why did she not, Paula Casey, immediately recuse herself from the case? Why did she show so little interest in the information that Mr. Hale offered? Did Bill Clinton or anyone at the White House or the Justice Department pressure her not to recuse herself from the case? Did Bill Clinton or anyone else at the Justice Department tell her not to pursue the information Mr. Hale offered? And was Paula Casey's lack of interest in pursuing Mr. Hale's information in the best interest of the justice process and the American people?

You know, Mr. Speaker, the more we get into this, the more you can see, and I know the American people do not have the ability to look into this like Members of Congress do and like I have, but the more you get into it, the more it stinks. And the more you get into it, the more you see how they are moving people around trying to keep the lid on the Whitewater-Madison Guaranty Bill Clinton gubernational connection. It is just unbelievable.

And now they have gone so far as to take three people who sent criminal referrals to Paula Casey down in Arkansas and they are firing them. They are laying them off. Mr. Speaker, I will tell you, I hope the media will really dig into this. They have been starting to investigate it. I appreciate the media for doing that.

But there is so much to this that needs to be brought to the attention of the American people, I do not see how the White House can keep the lid on this much longer, I really do not. But they are sure doing their very best, dead-level best to do it.

So, Mr. Speaker, I want to say to my colleagues tonight I hope they will read the article that was in the paper today and start asking questions, and I hope many members of the media will. I will be back in the weeks to come to get into more questions about the Whitewater-Madison Guaranty, Paula Casey, Jean Lewis, Mr. Hale connection.

I would just like to say if Jean Hale is paying any attention to this, Mr. Speaker, she really deserves the accolades of the American people for sticking to her guns. She has been under so much pressure, she has been under so much pressure to back off in this RTC investigation. She has, I think, been physically and mentally hurt by all of the adverse pressure that has been brought to bear upon her. But she has hung in there. She is a tough lady. And if she happens to be paying any attention, at least some Members of Congress, some people in this country, think she is to be congratulated for being such a hardworking, patriotic person who is doing her job as an investigator for the RTC.

□ 1910

Mr. Speaker, with that, I will end my special order, but I want to yield to the gentleman from North Carolina [Mr. TAYLOR] so he can conclude his.

Mr. TAYLOR of North Carolina. Mr. Speaker, I appreciate the appearance of the gentleman from Indiana [Mr. BURTON] here tonight in talking about this injustice. I would like to continue to point out a few things about the crime bill.

Mr. Speaker, we are talking about common sense. We are talking about a need to have tough crime laws, well funded crime laws, but we are not getting them in the billion-dollar crime bill.

A lot of people have asked, first of all, "Is this really a crime bill?"

The response is, "Not exactly."

You ask the question, "Doesn't this take out 19 assault weapons that are a scourge in the cities and causing crime all across the country?"

And the response is, "Not exactly."

The gun control portion of the crime bill goes far beyond 19 assault weapons. In fact, the assault weapons, Mr. Speaker, that most people think about, the automatic weapons of mass destruction, are already illegal under previous Federal law. One cannot make them more illegal. Even changing some of the semiautomatic weapons to full automatic weapons is a violation of Federal law, and here again you cannot make that more illegal. It does, however, affect hundreds of sports weapons and weapons that today most people do not think of as automatic weapons.

I mentioned earlier this evening that my son's shotgun that he hunts turkeys with is classified as an automatic weapon because it meets two criteria, and that is all it needs to meet of the list of criteria for shotguns that will determine that it is an automatic weapon. It holds six shots. It can only hold five. It has a curved stock, and it can fit a bayonet which has three.

As I pointed out, my son has not been bayoneting any turkeys, so he is not much of a threat with this weapon. I suggested he put a bayonet on it and try it, but I heard from the society against the bayoneting of turkeys that was formed this evening and objecting to that. I am saying that somewhat in jest, but, when we think that there are weapons that we think of as ordinary sports weapons that will be classified under this law as automatic weapons, you see that it is not exactly 19 assault weapons that it is going after, but a number of weapons that meet the criterion of assault, as defined, and we find that only a small fraction of the crimes in my State, less than one-hundredth of 1 percent nationwide, it is less than three-tenths of 1 percent of the crimes committed are committed with these large assault weapons, and then we ask the question:

"Did the President ask to increase law enforcement for this body?"

Well, not exactly. He came before the budget presented to the subcommittee on appropriations on which I sit on Commerce, Justice and State, and he asked to cut 847 FBI work force, he asked to cut 200 agents from DEA, and he asked to cut the INS. Now that is not exactly bolstering law enforcement.

But you say, "I read 100,000 police are going to be added to the streets of this country." Well, not exactly. When you look at the funding that was passed by Congress; in fact we passed it today already through the conference report, there is enough funding, about $13,000 per officer, and it is estimated the cost of maintaining that officer is between $45 and $65,000. It is estimated that you would be able to put approximately 20,000 officers on the street, not 100,000, and they are not there for long periods of time. First of all, they have to be recruited, not from reserves or necessarily officers that have applied at police departments already. The have to be a special quota of people based on race, and sex, and other sorts of things. This may meet the criterion of a given city, and it may not, but they will only be there for a few years, and then the Federal Government withdraws the funding. The funding runs out, and it is left up to the local communities then to fund those police, and so, if they cannot fund them today, it is not likely they will be able to fund them tomorrow, so even the 20,000 police disappear.

And then we ask the question, "Does this legislation give stronger sentences and tougher sentences?" You know, there was all the talk about three strikes and you're out, and stronger sentencing, and all that sort of thing, and so you ask that question, and the answer is not exactly. It releases 16,000 convicted drug pushers because it abolishes the mandatory sentences for those drug pushers.

In the racial quota section of it——

Mr. BURTON of Indiana. I would just like to say to my colleague I wish you would restate that because I think the American people really need to know that this bill is going to—it is a crime bill supposedly, and it is going to release 16,000 convicted drug dealers back on the streets, 16,000. That is amazing.

Mr. TAYLOR of North Carolina. By abolishing the mandatory sentence that is now in existence, all of these will have a chance to appeal and will probably be released on time served, and so it is expected that some 16,000 convicted drug pushers will be released, and in the future there will be no mandatory sentences, as there are today, for drug pushers. Now most people do not think of that as strengthening sentencing for crime.

Then, as the bill was originally presented, the racial quota section of it actually abolished capital punishment, if you can believe the National Association of District Attorneys. Their

statement was that the racial justice quota system would abolish capital punishment. Now the conference has removed that, and so it is not part of the bill that came before us the other day, but it was in the original bill presented by the President, and most people would not see that as toughening sentencing by abolishing capital punishment.

And then there is the question of the truth-in-sentencing, and everyone wanted to see a situation where the sentences that were given in the States were required to be carried out. In other words, the provision called for 85 percent of the sentence to be served before the individual was eligible for parole.

The bill, as it is now before us, has been watered down substantially. To receive funding local States only have to make progress toward longer sentences. They are not required to see that the convicted felon serves 85 percent of their sentence, as was originally proposed. They only need to see that they make progress in that direction. Here again that is not what most people would think of in getting truth-in-sentencing and in toughening sentencing.

And then finally does the bill give $10.5 billion for prisons as the conference report claims? Well, not exactly. What it gives is $2.2 billion less than that because it is estimated that the conference report for purposes—that is $2.2 billion in the non-trust spending, and this has been referred to on Capitol Hill as funny money, and so the committee has said that it will never be spent, it can only be used as a figure to balloon that figure up to $10.5 billion. So, you are not getting $10.5 billion as the conference report suggests for prisons. You are getting $2.2 billion less than that.

Today's appropriation committee, the Subcommittee on Commerce, Justice and State, appropriated $15.567 billion for crime prevention and the judiciary. That is passed. It does not require the passage of the crime bill for that to be enacted. It puts back to 1992 levels the number of FBI personnel that were recommended to be removed, and even some removed in the last Congress, and it reinstates INS agents. It also puts back DEA agents. It adds substantial conference spending to stop illegal immigration. There is $284 million for illegal immigration initiatives. There is over $130 million to help the States offset some of the costs for jailing illegal aliens. There is $54.5 million, will allow the hiring of hundreds of additional Border Patrol agents and 100 new support personnel.

□ 1920

There is additional funding for DEA and FBI to 1992 levels. So this Congress is making progress on real crime spending, on real crime control. I think the reason that both Democrats and Republicans killed the rule was because it is being pushed as something that it is not. When the American people ask, did we pass a bill that would be tough on crime, that would provide money for real crime prevention, I think this body wants to say something more than "not exactly."

Mr. BURTON of Indiana. Let me just add a couple of other concerns I had. I was not going to talk about the crime bill, but since my colleague has done such an eloquent job of discussing it, there is a couple of other concerns I had.

Both the House and Senate put provisions in the bill which dealt with sex offenders who would move from one State to another, convicted sex offenders that would rape women or molest children. There was a program that was to be initiated in the legislation which would inform communities through computerization if a person was a convicted section offender, if they applied for jobs in day care centers or in other places where they might have an opportunity to perpetrate those kinds of crimes or atrocities on women or children again

That provision was changed dramatically in the bill to where it really is not going to be able to do the job that we wanted. I think everybody in this country that is conversant with the child molesting that is going on, the rapes that are taking place, and the violent attacks on women, though that this provision was something that was essential and should have been in that bill. They watered it down in conference committee. So when the rule came back, I think many people, myself included, thought that that was something that should have been left in there, and that was one of the reasons why we voted against the rule.

The last thing that concerns many of us is the $9.3 billion, $9,300 million, that they have in there social programs.

Now, midnight basketball might be something that is beneficial in certain communities, and maybe we ought to do something like that. I do not know. But why not vote on that separately, on a straight up and down vote, instead of adding it into this bill as part of a social engineering program?

There is so much money that is being spent, at a time when our deficit is out of control and the national debt continues to rise in a very rapid manner.

So I think that what we should do, there was an article in the paper today talking about bringing these amendments up one at a time and allowing the American people to judge their Congressmen and Congresswomen based on the votes we cast on each one of these provisions. Do we wanted $9.3 billion for these social programs, midnight basketball and everything else? We should be allowed to be accountable for that, instead of having it in a 700-page bill. Do we want provisions in there to make sure every community in the country will know if a convicted child molester or rapist comes in that community and gets a job that might allow him to do it again? There are things that we should be talking about. These are things the American people would like to see us vote on. But we are not getting a chance to. They are bringing it out in a bill that thick that nobody has read. We are going to find out when we go home a lot of things we have not talked about are in that bill. That is doing a disservice to the American people.

We do not need any more omnibus bills, these Christmas-tree bills with everything under the sun in them that we cannot possibly read or understand until 3 or 4 days from the time we get the bill to the time we pass it.

So I agree with my colleague. There are a lot of things wrong with this bill, and I think we should defeat the rule and the bill in its present form. If we make some changes that make it palatable, let us have time to study it before we pass it.

Mr. TAYLOR of North Carolina. I would like to say just briefly, most people did not understand what the vote on the rule meant. The closed rule means that we would not be allowed to make any amendments, as the gentleman has suggested we should be making to this bill. The public would not see any debate, there would be no opportunity for amendment. It would have to be voted on, the entire $33 billion, up or down in one swoop. I think the public wants to see more deliberation by this body. They want to see more individual votes, and have some understanding of each part.

I appreciate the gentleman taking the time to point this out for the public.

Mr. BURTON of Indiana. I agree with you. If there is one thing the American people want, it is accountability. You do not get it in this bill.

CONFERENCE REPORT ON H.R. 4603

Mr. MOLLOHAN submitted the following conference report and statement on the bill (H.R. 4603) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes:

CONFERENCE REPORT (H. Rept. 103-708)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4603) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and

making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, 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 2, 5, 7, 9, 11, 12, 13, 14, 17, 36, 37, 43, 44, 47, 48, 49, 63, 66, 68, 71, 74, 76, 85, 86, 87, 89, 90, 91, 94, 96, 98, 99, 106, 109, 116, 117, 121, 124, 132, 133, 134, 135, 136, 137, 138, 142, 143, 151, and 157.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 10, 18, 26, 30, 32, 39, 40, 42, 51, 54, 56, 69, 78, 79, 81, 83, 102, 103, 104, 113, 114, 120, 122, 128, 130, 146, 148, 149, 153, 156, 160, 161, and 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$98,100,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$62,000,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *: Provided, That of the funds made available in fiscal year 1995 under chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended: (a) $2,000,000 shall be available for the District of Columbia Metropolitan Area Drug Enforcement Task Force; (b) not to exceed $500,000 shall be available to make grants or enter contracts to carry out the Denial of Federal Benefits program under the Controlled Substances Act, as amended by the Crime Control Act of 1990 (21 U.S.C. 862); and (c) $500,000 shall be available to carry out the provisions of the Anti Car Theft Act of 1992 (Public Law 102-519), for grants to be used in combating motor vehicle theft, of which $200,000 shall be available pursuant to subtitle B of title I of said Act, and of which $300,000 shall be available pursuant to section 306 of title III of said Act: Provided further, That funds made available in fiscal year 1995 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles*

, and

on page 3 line 10 through and including line 12 of the House engrossed bill, H.R. 4603, strike "; (c) $6,000,000 shall be available for implementation of the Federal Bureau of Investigation's National Instant Background Check System"; 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:

Delete the matter stricken by said amendment and delete the matter inserted by said amendment

, and

strike all on page 4, line 10 of the House engrossed bill, H.R. 4603, and all that follows down through and including line 6 on page 5; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$120,185,000*; 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:

Delete the matter stricken by said amendment, and delete the matter inserted by said amendment

, and

strike all on page 8, line 5 and all that follows down to and including line 10 of the House engrossed bill, H.R. 4603; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$417,202,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

Delete the matter stricken by said amendment and delete the matter inserted by said amendment

, and

strike all on page 11, line 9 and all that follows done to and including line 14 of the House engrossed bill, H.R. 4603; 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 stricken and inserted by said amendment, insert the following: *$80,655,000: Provided, That notwithstanding any other provision of law, not to exceed $39,640,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvement Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reducd as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $41,015,000: Provided further, That any fees received in excess of $39,640,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995;* and the Senate agree to same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agreed to the same with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$829,723,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *In addition, for all reasonable and necessary expenses to implement the Attorney General's Violent Crime Task Force Initiatives in the United States Attorney Offices, $15,000,000, to remain available until expended, including the reasonable and necessary expenses of intergovernmental, interlocal, cooperative and task force agreements, however denominated, and contracts with State and local prosecutive and law enforcement agencies engaged in the investigation and prosecution of crimes of violence and drug trafficking crimes.*

And the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$103,190,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554), of which $62,593,000 shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, not to exceed $40,597,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended by section 111 of Public Law 102-140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: Provided further, That the $103,190,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $62,593,000: Provided further, That any of the aforementioned fees collected in excess of $40,597,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$396,847,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$374,943,000*; 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 sum proposed by said amendment, insert: *$2,206,871,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$757,204,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,102,671,000;* 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:

Delete the matter stricken by said amendment and delete the matter inserted by said amendment

, and

strike all on page 22, line 12 and all that follows down to and including line 22 of the House engrossed bill, H.R. 4603; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$50,000,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$75,000,000*; 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 sum proposed by said amendment, insert: *$280,000,000*; 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 the matter proposed by said amendment, insert:

SEC. 110. Paragraph 524(c)(9) of title 28, United States Code, is amended by adding subparagraph (E), as follows:

"(E) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) above, any excess unobligated balance remaining in the Fund on September 30, 1994 shall be available to the Attorney General, without fiscal year limitation, for any federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.".

And the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 112. Section 1404(a)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(5)(B)) is amended by striking "1994" and inserting "1955".

SEC. 113. Notwithstanding any other provision of law—

(a) No transfers may be made from Department of Justice accounts other than those authorized in this Act, or in previous or subsequent appropriations acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code.

(b) No appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.

And the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert the following: *SEC. 114.*

And insert the following:

SEC. 115.

(a) IN GENERAL.—Except as provided in subsection (c), an individual described in subsection (b) may be appointed noncompetitively, under a career or career-conditional appointment, to a position in the competitive service if—

(1) the individual meets the qualification requirements prescribed by the Office of Personnel Management for the position to which appointed;

(2) the last previous Federal employment of the individual was as an employee of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(3) the individual is appointed to such position within two years after separating from the Criminal Justice Information Services Division.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) on the date of the enactment of this Act—

(A) is an employee of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) is serving in an appointed position (i) to be relocated from Washington, District of Columbia, to Clarksburg, West Virginia, and (ii) that is excepted by law or regulation from the competitive service; and

(2) has not relocated with his or her position in the Criminal Justice Information Services Division to Clarksburg, West Virginia.

(c) APPLICATION.—This section does not apply to an individual serving on the date of the enactment of this Act in an appointed position on a temporary or term basis.

(d) This section may be cited as the "Criminal Justice Information Services Placement Assistance Act".

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$233,000,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum "$166,832,000" insert: *$185,232,000* and in lieu of the sum "$50,432,000" insert: *$68,832,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$94,428,000: Provided, That notwithstanding any other provision of law, not to exceed $39,640,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $54,788,000: Provided further, That any fees received in excess of $39,640,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995: Provided further, That section 605 of Public Law 101–162 (103 Stat. 1031), as amended, is further amended by striking "$25,000" and inserting in lieu thereof "$45,000"*; 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:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum "$900,000" named in said amendment, insert: *$74,856,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$265,000,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

Delete the matter stricken by said amendment and in lieu of the sum "$554,000,000" insert: *$525,000,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,835,000,000*; 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:

Restore the matter stricken of said amendment, amended to read as follows: *That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, in addition to fees currently being assessed and collected, additional fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering marine sanctuary and aeronautical charting programs: Provided further, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1995, so as to result in a final general fund appropriation estimated at not more than $1,829,000,000: Provided further, That any such additional fees received in excess of $6,000,000 in fiscal year 1995 shall not be available for obligation until October 1,*

1995: Provided further,; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *: Provided further, That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation: Provided further, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000, and any grant made in fiscal year 1995 to a State which did not receive funding under this program in fiscal year 1994 shall not exceed $800,000: Provided further, That of the total amount appropriated in this paragraph, $16,000,000 shall be available for the integrated program office for convergence of civilian and military polar-orbiting meteorological satellites*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$97,600,000; of which $2,500,000 is for a grant to the City of Kansas City, Missouri, for development of a weather and environmental center; and of which the following amounts shall be available to carry out continuing construction activities: $3,500,000 for a grant for construction of a Multispecies Aquaculture Center in the State of New Jersey; $1,000,000 for a grant to the Mystic Seaport, Mystic, Connecticut, for a maritime education center; $5,200,000 for a grant to the Center for Interdisciplinary Research and Education in Indiana; and $2,000,000 for a grant for the construction of the Massachusetts Biotechnology Research Institute in Boston; and all sums in this paragraph are*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: Provided, That none of the funds made available under this heading may be used to guarantee loans for the purchase of any new or existing fishing vessel.

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 sum proposed by said amendment, insert *$136,000,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$266,450,000, to remain available until expended; of which $930,000 is for a grant to the Michigan Biotechnology Institute; $1,000,000 is for a grant to the Emerging Technologies Institute in Sacramento, California; $1,700,000 is for a grant to the Massachusetts Biotechnology Research Institute; $1,200,000 is for a grant to the Center for Global Competitiveness in Loretto, Pennsylvania; and $3,400,000 is for a grant to the Textile Clothing Technology Center*; 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 sum stricken and inserted by said amendment, insert the following: *$43,900,000, of which $31,872,000 shall remain available until expended: Provided, That $600,000 is available only for a grant for the NTTC to implement a Minority Apprenticeship Program in Technology Management; $100,000 is available only for a grant for a Minority Economic Opportunity Center in Cleveland, Ohio; and $200,000 is available only for a grant for the U.S.-Africa Trade and Technology Center in Savannah, Georgia*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$16,407,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$83,000,000, to remain available until expended, of which $6,000,000 is available only for the acquisition of high performance computing capability: Provided, That of the offsetting collections credited to this account, $2,195,000 are permanently canceled: Provided further, That the funds made available under this heading are*

, and

on page 48, line 23 of the House engrossed bill, H.R. 4603, strike "to remain available until expended,"; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum "$12,000,000" insert: *$8,000,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$29,000,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment, insert *$64,000,000*; 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 matter stricken and inserted by said amendment, insert the following: *and for trade adjustment assistance, $408,024,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$24,240,000*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,340,127,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$59,346,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$47,500,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$8,800,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$76,100,000*

, and

on page 63, line 4 of the House engrossed bill, H.R. 4603, after "priated." insert the following:

Of the budgetary resources available to the Maritime Administration of the Department of Transportation during fiscal year 1995, $360,000 are permanently canceled. The Secretary of Transportation shall allocate the amount of budgetary resources canceled among the Department's Maritime Administration accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account. for the purposes of this paragraph, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

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:

In lieu of the sum proposed by said amendment, insert: *$150,000,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$258,175,000 of which $15,000,000 shall be available to implement section 24 of the Small Business Act, as amended, including $500,000 to be made available only to the City of Buffalo, New York: Provided, That section 24(e) of the Small Business Act (15 U.S.C. 651(e)) is amended by striking "fiscal years 1992 through 1994" and inserting in lieu thereof "fiscal years 1995 through 1997"; Provided further, That section 112(c)(2) of the Small Business Administration Reauthorization and Amendment Act of 1988 (102 Stat. 2996) is amended by striking "October 1, 1994" and inserting "October 1, 1997"*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$77,375,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$3,375,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$9,596,000*; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$278,305,000 as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee program, and of which the following shall remain available until September 30, 1996: $15,990,000 for the Small Business Investment Company Debentures Program; $7,398,000 for the Specialized Small Business Investment Company Program; and $20,457,000 for the Small Business Investment Company Participating Securities Program, and of which $30,000,000 shall be used to pre-pay the Federal Financing Bank for debentures guaranteed by the Administration pursuant to section 503 of the Small Business Investment Act: Provided, that such costs, including the cost of modifying such loans, shall be as defined in section 602 of the Congressional Budget Act of 1974. In addition, for expenses not otherwise provided for, of the Small Business Administration, $27,350,000 of which: $750,000 shall be available for a grant to the North Carolina Biotechnology Center for a demonstration project which would integrate small business formation and preparation of a biotechnology workforce; $500,000 shall be available for continuation of a grant to the Van Emmons Population marketing Analysis Center, Towanda, Pennsylvania, for an integrated small business data base to assist Appalachian Region small businesses; $1,000,000 shall be available for continuation of a grant to the City of Prestonsburg, Kentucky, for small business development assistance; $375,000 shall be available for a grant to the State of Nebraska for establishing the Nebraska Micro Enterprise Initiative to include a clearinghouse and training and counseling programs; $3,000,000 shall be available for continuation of a grant to the National Center for Genome Resources in New Mexico to provide consulting assistance, information and related services to small businesses and for related purposes; $1,000,000 shall be available for continuation of a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; $500,000 shall be available for a grant to an entity in Bozeman, Montana, to establish a small business assistance center to assist small businesses to qualify and participate in the Small Business Innovation Research (SBIR) program; $1,000,000 shall be available for continuation of a grant to Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for a small business consulting and assistance center for entrepreneurial opportunities; $1,500,000 for a grant to a consortium in Buffalo, New York, to provide assistance to small businesses for technical improvement of commercial industrial products; $250,000 shall be available for a grant to the Western Massachusetts Enterprise Fund to expand microlending to entrepreneurs and small businesses; $400,000 shall be available for continuation of a grant to the State of Ohio, Department of Development, International Trade Division to assist small businesses to expand export opportunities; $1,000,000 shall be available for continuation of a grant to assist the development of a small business consulting, information and assistance center in hazard, Kentucky; $2,000,000 shall be available for continuation of a grant to the WVHTC Foundation for build-out, equipment, and operations costs for a small business incubator facility and for an outreach grant program to assist small business economic development; $125,000 shall be available for a grant to an organization in Bowling Green, Kentucky, to establish a small business pilot program to convert municipal waste into a marketable product; $2,500,000 shall be available for a grant to the City of Carbondale, Pennsylvania, to establish and operate a small business incubator facility; $500,000 shall be available for continuation of a grant to the New York City Public Library for construction and related costs for the Industry and Business Library; $200,000 shall be available for continuation of a grant to assist the Small Business Institute program of the Small Business Administration to establish and operate a National Data Center Small Business Institute program in Conway, Arkansas; $4,000,000 shall be available for a grant to the Unified Technology Center in Cleveland, Ohio, the assist small businesses in the design of high quality environmentally sound processes; $1,250,000 shall be available for a grant to the City of Whitesburg, Kentucky, to develop and equip a facility to promote the development of small businesses and enhance economic development; $2,500,000 shall be available for a grant to the City of Wheeling, West Virginia, for the Oglebay Small Business Rural Development Center; $1,000,000 shall be available for a grant for a Small Business Development Institute in North Philadelphia, Pennsylvania, for a facility to assist and train minority small businesses; $250,000 shall be available for continuation of a grant to the City of Espanola, New Mexico, for the second phase of the development of the Espanola Plaza project to assist small businesses and enhance economic development; $1,000,000 shall be available for a grant to North Central West Virginia Community Action to establish a small business rural enterprise training interstate and microloan demonstration program; $500,000 shall be available for a grant to the Mississippi Delta Small Business Technology Project, Little Rock, Arkansas for technology education for small business owners and employees; and $250,000 shall be available for a grant to establish a small business incubator facility in West Charlotte, North Carolina*

, and

on page 68, line 5 of the House engrossed bill, H.R. 4603, strike ", as authorized by" and all that follows through "note" on line 6, page 68.

And the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment

, and

on page 68, line 6 of the House engrossed bill, H.R. 4603, strike "of which $30,000,000 shall be used" and all that follows down to and including the period on line 12, page 68.

And the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *SEC. 402.*

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:

In lieu of the sum proposed by said amendment, insert: *$1,731,416,000*

; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *: Provided, That hereafter all receipts received from a new charge from expedited passport processing shall be deposited in this account as an offsetting collection and shall be available until expended: Provided further, That hereafter all receipts received from an increase in the charge for Immigrant Visas in effect on September 30, 1994, caused by processing an applicant's fingerprints, shall be deposited in this account as an offsetting collection and shall remain available until expended. Of the funds appropriated under this heading: not to exceed $4,000,000 shall be available for grants, contracts, and other activities to conduct research and promote international cooperation and environmental and other scientific issues; not to exceed $600,000 shall be available to carry out the activities of the Commission on Protecting and Reducing Government Secrecy; and not to exceed $300,000 shall be available to carry out activities of the Office of Cambodian Genocide Investigations. None of the funds appropriated under this heading shall be available to carry out the provisions of section 101(b)(2)(E) of Public Law 103-236.*

Of the funds provided under this heading, $28,356,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and $15,000,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service (DTS), except that such latter amount shall not be available for obligation until the expiration of the 15-day beginning on the date on which the Secretary of State and the Director of the Diplomatic Telecommunications Service Program Office submit the DTS planning report required by section 507; 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 sum proposed by said amendment, insert: *not to exceed $117,864,000*; and the Senate agree to the same.

Amendment numbered 125::

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

$877,222,000, of which not to exceed $4,000,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization; 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:

After the word "taken" in said amendment, insert: *, and anticipated,*; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$533,304,000, of which not to exceed $288,000,000 is available to pay arrearages accumulated in fiscal year 1994 and not to exceed $23,092,000 is available to pay other outstanding arrearages: Provided, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for the United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers*; and the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$6,644,000*

, and

on page 82, line 11 of the House engrossed bill, H.R. 4603, strike "$15,000,000" and insert in lieu thereof *$10,000,000*.

And the Senate agreed to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In subsection (c) of said amendment, after "1994" insert the following: *and shall cease to have effect on October 1, 1997*; and the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 507.(a) DIPLOMATIC TELECOMMUNICATIONS SERVICE FINANCIAL MANAGEMENT.—In fiscal year 1995 and each succeeding fiscal year—

(1) the Secretary of State shall provide funds for the operation of the Diplomatic Telecommunications Service (DTS) in a sufficient amount to sustain the current level of support services being provided by the DTS, and no portion of such amount may be reprogrammed or transferred for any other purpose;

(2) all funds for the operation and enhancement of the DTS shall be directly available for use by the Diplomatic Telecommunications Service Program Office (DTS-PO); and

(3) the DTS-PO financial management officer shall be provided direct access to the Department of State financial management system to independently monitor and control the obligation and expenditure of all funds for the operation and enhancement of the DTS.

(b) DTS POLICY BOARD.—Within 60 days after the date of the enactment of this Act, the Secretary of State and the Director of the DTS-PO shall restructure the DTS Policy Board to provide for representation on the Board, during fiscal year 1995 and each succeeding fiscal year, by—

(1) the Director of the DTS-PO;

(2) the senior information management official from each agency currently serving on the Board;

(3) a senior career information management official from each of the Department of Commerce, the United States Information Agency, and the Defense Intelligence Agency; and

(4) a senior career information management official from each of 2 other Federal agencies served by the DTS, each of whom shall be appointed on a rotating basis by the Secretary of State and the Director of the DTS-PO for a 2-year term.

(c) DTS CONSOLIDATION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of State and the Director of the DTS-PO shall carry out a program under which total DTS consolidation will be completed before October 1, 1995, at not less than five embassies of medium to large size.

(2) PILOT PROGRAM REQUIREMENTS.—Under the program required in paragraph (1)—

(A) each participating embassy shall be provided with a full range of integrated information services, including message, data, and voice, without additional charge;

(B) a combined transmission facility shall be established and jointly operated, with open access to all unclassified transmission equipment;

(C) an unclassified packet switch communication system shall be installed and shall serve all foreign affairs agencies associated with the embassy;

(D) separate classified transmission systems (including MERCURY) shall be terminated; and

(E) all foreign affairs agency systems requiring international communications capability shall obtain such capability solely through the DTS.

(3) PILOT PROGRAM REPORT.—Not later than January 15, 1996, the Secretary of State and the Director of the DTS-PO shall submit to the Committees on Appropriations of the House and Senate a report describing the actions taken under the program required by this subsection. The report shall include a cost-benefit analysis for each embassy participating in the program.

(d) DTS PLANNING REPORT.—Not later than January 15, 1995, the Secretary of State and the Director of the DTS-PO shall submit to the Committees on Appropriations a DTS planning report. The report shall include—

(1) a detailed plan for carrying out the pilot program required by subsection (c), including an estimate of the funds required for such purpose; and

(2) a comprehensive DTS strategy plan that contains detailed plans and schedules for—

(A) an overall DTS network configuration and security strategy;

(B) transition of the existing dedicated circuits and classified transmission systems to the unclassified packet switch communications system;

(C) provision of a basic level of voice service for all DTS customers;

(D) funding of new initiatives and of replacement of current systems;

(E) combining existing DTS network control centers, relay facilities, and overseas operations; and

(F) reducing the extensive reliance of DTS-PO on the full-time services of contractors.

And the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: *of which not less than $9,500,000 is available until expended only for activities related to the implementation of the Chemical Weapons Convention, and*; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the sum provides by said amendment, insert: *$42,500,000*; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$238,279,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$500,000 is available for the Mike Mansfield Fellowship Program*; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$468,796,000*

, and

on page 89, line 26 of the House engrossed bill, H.R. 4603 strike "$239,735,000" and insert in lieu thereof *$229,735,000*.

And the Senate agree to the same.

Amendment numbered 150:

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That funds appropriated under this Act used by the Board of International Broadcasting or the Broadcasting Board of Governors to relocate offices or operations of RFE/RL, Incorporated, from Munich, Germany, to Prague, Czech Republic, shall be made available only from funds provided for the Board for International Broadcasting in this paragraph: Provided further, That none of the funds provided by this Act for the United States Information Agency, except for amounts made available for transfer to the Board for International Broadcasting, shall be available for any excess cost to implement the plan required by Sec. 310 of Public Law 103-236: Provided further, That no funds appropriated under this heading may be expended for the payment of retroactive operating costs, including rent on facilities, in Prague, or for the payment of operating costs prior to the date of signing a lease by RFE/RL, Incorporated: Provided further, That not less than the amount appropriated by this Act for the Office of Inspector General, Board for International Broadcasting shall be available for*

semiannual reviews of RFE/RL, Incorporated and that on-site review is maintained at the current level throughout the duration of the relocation transition; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

RADIO FREE ASIA

For expenses necessary to carry out the Radio Free Asia program as authorized by section 309 of the International Broadcasting Act of 1994 (title III of the Foreign Relations Authorization Act of 1994, Public Law 103–236), $10,000,000, to remain available until expended.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) and the International Broadcasting Act of 1994 (title III of the Foreign Relations Authorization Act of 1994, Public Law 103–236), including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$4,000,000*; and the Senate agree to the same.

Amendment numbered 155:

That the House recede from its disagreement to the amendment of the Senate numbered 155, 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 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 section number named in said amendment, insert: *SEC. 609.*

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:

In lieu of the heading, "Sec. 611. Religious Liberty." in said amendment, insert: *SEC. 610.*

, and

in subsection (b)(1) after "guidelines", insert: *at this time*; and the Senate agreed to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert:

TITLE VIII—DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance to carry out the provisions of subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968, as amended, notwithstanding the provisions of section 511 of said Act, $450,000,000, to remain available until expended, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program.

STATE CRIMINAL RECORDS UPGRADE

For grants, contracts, cooperative agreements, and other assistance authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103–159 (107 Stat. 1536), $100,000,000, to remain available until expended, of which up to $6,000,000 may be used for implementation of the Federal Bureau of Investigation's National Instant Background Check System: Provided, That not to exceed one percentum of the amount appropriated herein shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.

STATE CORRECTIONAL GRANTS

For grants to States to develop, construct, or expand military style boot camp prison programs which include coordinated, intensive aftercare services for inmates following release, $24,500,000, to remain available until expended: Provided, That not to exceed one percentum of the amount appropriated herein shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.

DRUG COURTS

For grants, contracts, cooperative agreements, and other assistance to implement drug court programs which combine intensive probationary supervision and mandatory drug testing and treatment as an alternative punishment for young, non-violent drug offenders, $29,000,000, to remain available until expended: Provided, That not to exceed one percentum of the amount appropriated herein shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.

GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

For grants, contracts, cooperative agreements, and other assistance to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving crimes against women, $26,000,000, to remain available until expended: Provided, That not to exceed one percentum of the amount appropriated herein shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.

OUNCE OF PREVENTION COUNCIL

For grants by the Ounce of Prevention Council, $1,500,000, to remain available until expended.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

For necessary expenses, as authorized by section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), $130,000,000, to remain available until expended: Provided, That the Attorney General shall promulgate regulations to (a) prescribe requirements for program participation eligibility for States, (b) require verification by States of the eligible incarcerated population data with the Immigration and Naturalization Service, (c) prescribe a formula for distributing assistance to eligible States, and (d) award assistance to eligible State: Provided further, That of the amount appropriated herein, one-third shall be distributed on a preliminary basis no later than 120 days after the beginning of the fiscal year, according to regulations promulgated by the Attorney General: Provided further, That the remaining two-thirds of the amount appropriated herein shall be distributed after final application for program participation to be submitted by the States by September 30, 1995: Provided further, That not to exceed one percentum of the amount appropriated herein shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

In addition to amounts otherwise made available in this Act, for necessary expenses of the Executive Office for Immigration Review associated with the President's Immigration Initiative, $17,400,000, of which not to exceed $6,000,000 shall remain available until expended.

COMMUNITY POLICING

For grants, contracts, cooperative agreements, and other assistance for the Cops on the Beat Program, $1,300,000,000 to remain available until expended, of which $200,000,000 shall be available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program provided in the supplemental appropriation for Justice Assistance contained in the Supplemental Appropriations Act of 1993 (Public Law 103–50, 107 Stat. 246): Provided, That not to exceed $11,000,000 of the amount appropriated herein shall be available for salaries and expenses for program administration, of which $900,000 shall be transferred to and merged with the management and administration program of the Justice Assistance appropriation.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

In addition to amounts otherwise made available in this Act for "Salaries and Expenses, General Legal Activities", $4,600,000 for necessary expenses of the Civil Division associated with the President's Immigration Initiative, of which not to exceed $1,500,000 shall remain available until expended.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

In addition to amounts otherwise made available in this Act for "Salaries and Expenses, United States Attorneys", $6,800,000 for necessary expenses associated with the President's Immigration Initiative, of which not to exceed $2,000,000 shall remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

In addition to amounts otherwise made available under this heading in this Act for "Salaries and Expenses", $100,600,000 to implement the President's Immigration Initiative, of which not to exceed $32,000,000 shall remain available until expended.

BORDER CONTROL SYSTEM MODERNIZATION

For the development, testing, evaluation and procurement of new automation and communications systems and other new technologies necessary for the administration and enforcement of the laws relating to immigration, naturalization and alien registration, not otherwise provided for, $154,600,000, to remain available until expended.

GENERAL PROVISION

Upon enactment of a bill establishing the Violent Crime Reduction Trust Fund and reducing

discretionary spending limits, amounts made available under each heading under this title shall be rescinded, and an amount equal to the amount under each such heading shall be made available from such Trust Fund under the same terms and conditions contained in this title. Obligations and outlays incurred prior to the establishment of such Trust Fund shall, after enactment, be recorded against amounts made available from the Trust Fund under the appropriate heading as if such obligations and outlays had originally been made from such Trust Fund.

This title may be cited as the "Violent Crime Control Appropriations Act, 1995".

And the Senate agree to the same.

ALAN B. MOLLOHAN,
NEAL SMITH,
BOB CARR,
JAMES P. MORAN,
DAVID E. SKAGGS,
DAVID E. PRICE,
DAVID R. OBEY,
HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
JOSEPH M. MCDADE,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
FRANK R. LAUTENBERG,
JIM SASSER,
BOB KERREY,
ROBERT C. BYRD,
PETE V. DOMENICI,
TED STEVENS,
MARK O. HATFIELD,
PHIL GRAMM,
MITCH MCCONNELL,
THAD COCHRAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement by the House and Senate in explanation of the effect of the action by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

The conference agreement provides a total of $315,350,000 from the General Fund of the Treasury for the programs administered by the Office of Justice Programs. The conference agreement also appropriates $2,066,000,000 in Title VIII for new grant programs authorized under the Crime Bill which are to be administered by the Office of Justice Programs. The disposition of each amendment under this heading and a detailed description of the agreement for each program follows—

JUSTICE ASSISTANCE

Amendment No. 1: Appropriates $98,100,000 instead of $96,600,000 as proposed by the Senate and $94,100,000 as proposed by the House for the following programs:

[In thousands of dollars]

	Fiscal year—				
	1994 enacted	1995 request	1995 House	1995 Senate	1995 conference
National Institute of Justice	22,500	22,995	23,000	25,500	27,000
SECURES Pilot Program	.....	.....	(500)	.....	(500)
Defense/law enforcement technology transfer	.....	.....	.....	(3,000)	(4,500)
Bureau of Justice Statistics	20,943	21,373	21,379	21,379	21,379
Emergency Assistance	.....	.....	.....	.....	.....
Missing Children	6,621	6,621	6,721	6,721	6,721
Safe Return Program	(650)	(650)	(750)	(750)	(750)
Regional Information Sharing System	14,491	.....	14,500	14,500	14,500
White Collar Crime Information Center	(850)	.....	(850)	(850)	1,400
Management and Administration	25,550	28,586	28,500	28,500	27,100
Total	90,105	79,575	94,100	96,600	98,100

Defense/Law Enforcement Technology Transfer.—The conferees support the efforts of the Departments of Justice and Defense to identify defense and other advanced technologies for law enforcement purposes. To this end, the conference agreement provides $5,000,000 to assist the National Institute of Justice (NIJ) in its efforts to adopt technologies for law enforcement purposes. Within this amount, $3,000,000 is provided to establish a law enforcement technology information network in conjunction with the Regional Information Sharing System as discussed in the Senate report, $1,500,000 is provided for a technology commercialization initiative, and $500,000 to test the SECURES program in an operational environment as disccussed in the House report.

National White Collar Crime Center.—The conference agreement provides a total of $1,400,000 for the National White Collar Crime Center (NWCCC) for fiscal year 1995. This program, which was funded in previous years under the Regional Information Sharing System, provides assistance to State and local law enforcement and regulatory agencies in addressing multi-jurisdictional white collar crimes. Of the amount provided, $850,000 is for the ongoing operations of the NWCCC, and $550,000 is to allow for the establishment of an expanded research and training capability for the NWCCC in order to enhance the efforts of State and local criminal investigators and prosecutors against white collar crime.

Management and Administration.—The conference agreement provides for a total of $35,910,000 to manage and administer the programs of the Office of Justice Programs (OJP). The conference agreement for the various new grant programs to be administered by the OJP provides authority for the transfer of funds for such expenses. The agreement assumes that the OJP will be allowed to fill an additional 72 positions to administer these new grant programs, above the 365 positions requested for ongoing program administration. Funding for management and administration is derived as follows:

Program	Amount	Positions
Direct appropriation	$27,100,000	285
Transfer from juvenile justice programs	4,800,000	80
Transfer from community policying	900,000,000	20
Transfer from other new grant programs	3,110,000	52

Amendment No. 2: Deletes the Sense of the Senate provision concerning research on the crime of stalking. The conferees agree that the Department should make every effort to assist State and local agencies in their efforts to protect victims of stalking crimes.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE GRANTS

Amendment No. 3: Appropriates $62,000,000 for discretionary law enforcement assistance grants instead of $68,500,000 as proposed by the House and $68,000,000 as proposed by the Senate.

Amendment No. 4: The conference agreement restores language designating $2,000,000 for the D.C. Metropolitan Area Drug Enforcement Task Force and $500,000 for the Denial of Federal Benefits program from the amounts provided for discretionary law enforcement assistance grants as proposed by the House and stricken by the Senate. The agreement also deletes a separate appropriation of $500,000 for the Anti Car Theft Act included in the House bill and stricken by the Senate, and instead designates $500,000 from within discretionary grants for this purpose. The agreement also includes language proposed by the Senate and not in the House bill concerning programs for the prosecution of driving while intoxicated charges. Last, the agreement deletes an appropriation of $6,000,000 for the FBI's National Instant Background Check System included in both the House and Sente bills because these expenses are funded under the Upgrade Criminal History Records appropriation in Title VIII.

Byrne Discretionary Grants.—The conference agreement provides for the full $50,000,000 authorized for the Edward Byrne Memorial Discretionary Grant Program, to include:

(A) $3,000,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff).

(B) $1,750,000 for a grant to DARE America to continue and expand the Drug Abuse Resistance Education program.

(C) $4,350,000 for a continuation grant to the Boys and Girls Clubs of America.

(D) $1,000,000 for Criminal Information Systems for a continuation grant to the SEARCH Group, Inc.

(E) $2,000,000 for a grant to continue the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force.

(F) $200,000 for a grant to develop automated speech storage and retrieval software for incident reports as described in the Senate report.

(G) $500,000 for Anti Car Theft Act grants.

The conferees are aware of a number of other projects which will enhance State and

local law enforcement. Within the overall amounts provided in the conference agreement for discretionary grants administered by the Bureau of Justice Assistance (BJA), the conferees expect the BJA to examine the following proposals, provide grants if warranted, and report its intentions to the Committees on Appropriations of the House and Senate:

The projects described on pages 15 and 16 of House Report 103-552, and the following additional projects—

A continuation grant for the Organized Crime Narcotics (OCN) program.

A continuation grant for the Financial Investigations (FINVEST) program.

A continuation grant for the National Crime Prevention Council's drug abuse prevention programs in schools and communities.

A continuation grant for the National Association of Town Watch.

A grant to continue and expand the successful technical assistance provided by the Institute for Intergovernmental Research to the Interagency Criminal Alien Program.

A grant to the National Judicial College to provide drug legal education and training to State and local trial judges.

A grant to a statewide court system in a small jurisdiction to develop a cost-effective court delay reduction program through the increased use of magistrates and other judicial personnel.

A grant to an early intervention counseling program in Buffalo, NY, which works with the courts to assist young men and women between the ages of 16 to 21 charged with their first criminal offenses and who are at risk of stigmatization and recidivism.

A grant to study the effects of police officers bill of rights legislation, to be conducted in conjunction with an organization representing rank and file police officers.

BYRNE FORMULA GRANT PROGRAM

Amendment Nos. 5 and 6: The conference agreement for amendment numbers 5 and 6 deletes the entire paragraph appropriating funds for the Byrne Formula Grant program. The House bill provides $804,280,000 for an expanded Byrne Program, while the Senate bill provides $423,000,000 for the traditional Byrne program. The agreement provides $450,000,000 for the traditional Byrne program in title VIII of the bill under amendment number 163.

Amendment No. 7: Deletes the Sense of the Senate provision concerning use of Byrne Discretionary Grants for a grant to the National Victim Center. The conferees agree that the Department of Justice has authority to examine such a grant proposal and encourage the Department to give every consideration to such a proposal.

JUVENILE JUSTICE PROGRAMS

Amendment No. 8: Appropriates $144,000,000 for the Juvenile Justice and Delinquency Prevention (JJDP) Program and designates amounts for specific JJDP programs as proposed by the Senate amendment, instead of $146,500,000 and the designations proposed by the House.

Amendment No. 9: Appropriates $11,250,000 for programs authorized under the Victims of Child Abuse (VOCA) Act and designates amounts for specific VOCA programs as proposed by the House, instead of $9,750,000 and the designations proposed by the Senate.

The following chart compares the conference agreement to the amounts contained in the House and Senate bills for Juvenile Justice Programs for fiscal year 1995:

[In thousands of dollars]

Program/Activity	Fiscal year—				
	1994 enacted	1995 request	1995 House	1995 Senate	1995 conference
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT					
Title II: Part A—Management & Admin	4,250	5,000	5,000	5,000	5,000
Part B—Formula Grants	58,310	68,600	68,600	68,600	70,000
Part C—Discretionary Grants	22,440	26,400	26,400	26,400	25,000
Subtotal	85,000	100,000	100,000	100,000	100,000
Part D—Youth Gangs	5,000	12,000	7,500	10,000	10,000
Part E—State Challenge	.....	15,000	15,000	10,000	10,000
Part G—Juvenile Mentoring	4,000	.....	4,000	4,000	4,000
Title V: Delinquency Prevention Grants	13,000	25,000	20,000	20,000	20,000
Total—JJDP programs	107,000	152,000	146,500	144,000	144,000
VICTIMS OF CHILD ABUSE ACT					
Subtitle A—Improve Investigation/Prosecution:					
Regional Advocacy Centers	500	500	500	500	500
Local Advocacy Centers	1,000	1,000	2,000	1,000	2,000
@Nat'l Center for Prosecution of Child Abuse	1,500	1,500	1,500	1,500	1,500
Nat'l Network for Child Advocacy Centers	(500)	.....	500	.....	500
Subtitle B—Court Appoint Special Advocates:					
Training/Technical Assistance	1,000	1,000	1,000	1,000	1,000
Expand local programs	3,500	3,500	5,000	5,000	5,000
Subtitle C—Child Abuse Training/Tech Ass't	500	500	750	750	750
Total—Victims of Child Abuse Act	8,000	8,000	11,250	9,750	11,250
Total, Juvenile Justice Programs	115,000	160,000	157,750	153,750	155,250

JJDP Discretionary Grants.—The conference agreement provides $25,000,000 for discretionary grants authorized under Part C of the JJDP Act, to include the following programs as described in both the House and Senate reports:

$600,000 for State Advisory Groups (SAGs);

$100,000 for the SAG Information Center;

$3,500,000 for the National, Coordinated Law Related Education (LRE) programs;

$2,300,000 to the National Council of Juvenile and Family Court Judges;

$1,000,000 to the Teens, Crime and the Community Program;

$500,000 for grants as described on page 20 of Senate Report 103-309, as follows: (a) to support a model multi-disciplinary crisis intervention program for child victims and their families, and (b) to study violence committed by and against juveniles in rural communities in the South.

The conferees are aware of a number of other projects which will enhance State and local law enforcement. Within the overall amounts provided in the conference agreement for Juvenile Justice and Delinquency Prevention discretionary grants, the conferees expect the Department to examine each of the following proposals and to provide grants if warranted, and to submit a report to the Committees on Appropriations on its intentions for each proposal:

The projects described on pages 18 and 19 of House Report 103-552, the projects described on page 20 of Senate Report 103-309, and the following additional projects—

A grant to the Henry Ford Health System to develop a model program of adolescent violence intervention and acute crisis intervention through school-based programs and other community advocacy initiatives.

A grant to the North Omaha Bears project described on page 19 of Senate Report 103-309.

COMMUNITY POLICING

Amendment No. 10: Deletes the appropriation for Community Policing proposed by the House and stricken by the Senate. Funding for this program is contained in title VIII of the bill.

NEW GRANT PROGRAMS

Amendment Nos. 11-14: Deletes the appropriations for State Correctional Grants, Drug Courts, Grants to Combat Violent Crimes Against Women, Community Schools Supervision Grants, and the Ounce of Prevention Council proposed by the Senate. There was no provision for these programs in the House bill. Funding for these programs is addressed in title VIII of the bill.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 15: Appropriates $120,185,000 for General Administration instead of $119,904,000 as proposed by the House and $121,267,000 as proposed by the Senate. The agreement provides for the following: (1) requested adjustments to base; (2) requested reductions for locality pay absorption, FTE reductions, and administrative savings; and (3) the requested increase of $281,000 for the Pardon Attorney. In addition, $17,400,000 is provided for this account in title VIII of the bill for the Executive Office for Immigration Review as part of the President's Immigration Initiative.

Amendment No. 16: The conference agreement deletes the entire paragraph appropriating funds for the Executive Office for Immigration Review associated with the

President's Immigration Initiative as proposed in both the House and Senate bills. Funding for this program is addressed in title VIII of the bill.

COMMUNITY POLICING

Amendment No. 17: Deletes language proposed by the Senate which would provide an appropriation for Community Policing. The House included no such provision. Funding for this program is addressed in title VIII of the bill.

WEED AND SEED PROGRAM FUND

Amendment No. 18: Appropriates $13,456,000 for the Weed and Seed Program as proposed by the Senate instead of $13,150,000 as proposed by the House. The conferees agree with the program direction provided in the Senate report concerning continuation of grant awards, expansion of the Weed and Seed strategy, and selection of additional neighborhoods.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 19: Appropriates $417,202,000 for General Legal Activities, instead of $411,786,000 as proposed by the House and $428,664,000 as proposed by the Senate. In addition, $4,600,000 is provided for this account in title VIII of the bill for the Civil Division as part of the President's Immigration Initiative.

The conference agreement provides for the following: (1) requested adjustments to base; (2) requested reductions for locality pay absorption, FTE reductions (except for $2,206,000 for the Criminal Division), and administrative savings; and (3) program enhancements of $4,710,000, as follows—

Environment and Natural Resources Division	$3,138,000
Office of Legal Counsel	72,000
Immigration-related employer/employee education	1,500,000

Amendment No. 20: The conference agreement deletes the entire paragraph appropriating funds for the Civil Division associated with the President's Immigration Initiative as proposed in both the House and Senate bills. Funding for this program is addressed in title VIII of the bill.

SALARIES AND EXPENSES, ANTITRUST DIVISION

Amendment No. 21: Appropriates $80,655,000, instead of $85,155,000 as proposed by the Senate and $75,655,000 as proposed by the House. Provides for collection of $39,640,000 in offsetting fee collections in fiscal year 1995, instead of $33,460,000 as proposed by the Senate, and $35,460,000 as proposed by the House. Provides for a final (net) appropriation of $41,015,000 instead of $51,695,000 as proposed by the Senate and $40,195,000 as proposed by the House. Provides that any fee collections in excess of $39,640,000, instead of $35,460,000 as proposed by the House and $33,460,000 as proposed by the Senate, be available in fiscal year 1996.

The conference agreement assumes total budget (obligational) authority of $85,155,000 for the Antitrust Division for fiscal year 1995, of which $4,500,000 is derived from prior year unobligated balances. The agreement provides for the following: (1) requested adjustments to base; (2) restoration of requested FTE reductions associated with locality pay absorption; (3) a $227,000 reduction in GSA rent; and (4) a program increase of $16,533,000 and an estimated 100 positions for enhanced enforcement activities.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

Amendment No. 22: Appropriates $829,723,000 for the United States Attorneys instead of $820,177,000 as proposed by the House and $832,723,000 as proposed by the Senate. In addition, $6,800,000 is provided for this account in title VIII of the bill as part of the President's Immigration Initiative.

The conference agreement provides for the following: (1) requested adjustments to base; (2) restores $9,546,000 of the requested $12,546,000 in FTE reductions; and (3) requested reductions for administrative savings and locality pay absorption.

The conferees endorse the need to review the allocation of Assistant U.S. Attorneys as discussed in the Senate report.

Teamsters Union Election.—The conferees support the ongoing efforts of the Department of Justice to rid the International Brotherhood of Teamsters of mob dominance. While the conferees agree that it is in the best interest of the nation to have a mob-free union, it is most beneficial to the union itself. The conferees also agree that the Justice Department should not be bearing the full cost of the supervision of this upcoming election. As such, the conferees agree that $1,500,000 of the amounts available to the U.S. Attorneys for fiscal year 1995 may be allocated for this purpose. However, the conferees further agree that for fiscal years 1996 and 1997 the cost for the supervision of this election shall be shared by the Justice Department, the Department of Labor and the International Brotherhood of Teamsters.

Amendment No. 23: Appropriates $15,000,000 to implement the Attorney General's Violent Crime Task Force Initiative instead of $25,000,000 as proposed by the Senate. The House included no such provision.

The conference agreement also deletes language proposed by the House and stricken by the Senate which would appropriate funds to the U.S. Attorneys to implement the President's Immigration Initiative. Funding for this program is addressed in title VIII.

UNITED STATES TRUSTEE SYSTEM FUND

Amendment No. 24: Appropriates $103,190,000 instead of $100,469,000 as proposed by the House and $104,889,000 as proposed by the Senate. Provides that $62,593,000 of this appropriation shall be derived from the U.S. Trustees System Fund, instead of $61,593,000 as proposed by the House and $64,292,000 as proposed by the Senate. Provides for offsetting fee collections of $40,597,000 as proposed by the Senate, instead of $38,876,000 as proposed by the House. Provides for a final (net) appropriation of $62,593,000 instead of $61,593,000 as proposed by the House and $64,292,000 as proposed by the Senate. Makes any fee collections over $40,597,000 available in fiscal year 1996.

The conference agreement provides total new budget (obligational) authority of $103,190,000 for the U.S. Trustees for fiscal year 1995. The agreement provides for requested adjustments to base, request FTE reductions and locality pay absorption, $1,821,000 to reduce debtor/trustee fraud and mismanagement, and $900,000 to enhance supervision of chapter 11 cases.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

Amendment No. 25: Appropriates $396,847,000 instead of $390,185,000 as proposed by the House and $403,055,000 as proposed by the Senate.

The conference agreement appropriates $396,847,000 for the U.S. Marshals Service for fiscal year 1995, an increase of $32,142,000 above the request. These additional resources are provided primarily to staff new courthouses to be opened, and new judgeship to be filled, in fiscal year 1995. Specifically, the agreement provides for the following: (1) requested adjustments to base, FTE reductions and administrative savings, seized asset management changes and $92,000 for the D.C. Superior Court; (2) $12,000,000 related to new judgeships; (3) $3,648,000 for prisoner and court security; (4) $10,724,000 for staffing and $1,942,000 for non-personnel costs of new courthouses; (5) $2,000,000 for high threat trials; (6) $750,000 for U.S. Marshal pay disparity; and (7) $18,000,000 for the anticipated costs of law enforcement availability pay.

Law Enforcement Availability Pay.—As a result of receiving law enforcement availability pay, Deputy U.S. Marshals will be working an average of one additional hour of overtime per day. This amounts to a 10 percent increase in productivity, which has the same effect as adding on an additional 250 deputies. Because of this increased availability of on-board deputies, the conferees agree to provide $8,000,000 less for staffing new courthouses and high threat trials than the Marshals Service requested.

SUPPORT OF UNITED STATES PRISONERS

Amendment No. 26: Appropriates $298,216,000 as proposed by the Senate instead of $299,465,000 as proposed by the House.

The conferees understand that the $298,216,000 provided under the conference agreement, when added to the $31,046,000 in available prior year funds, will provide sufficient resources to allow the U.S. Marshals to handle current estimated jail days for fiscal year 1995.

ORGANIZED CRIME DRUG ENFORCEMENT

Amendment No. 27: Appropriates $374,943,000 instead of $383,250,000 as proposed by the House and $369,943,000 as proposed by the Senate.

The conference agreement provides the full budget request plus a $5,000,000 program increase for enhanced national drug intelligence activities. The conference agreement appropriates funds for agencies involved in OCDE efforts as follows:

[In thousands of dollars]

Agency	*Amount*
Drug law enforcement:	
Drug Enforcement Administration	$93,704
Federal Bureau of Investigation	95,571
Immigration & Naturalization Service	10,563
U.S. Marshals Service	1,172
U.S. Customs Service	28,133
Bureau of Alcohol, Tobacco & Firearms	10,300
Internal Revenue Service	37,147
U.S. Coast Guard	868
State & local overtime (reimb)	(5,300)
Subtotal	277,458
Drug Intelligence Activities:	
Drug Enforcement Administration	2,195
National Drug Intelligence Center	5,000
Federal Bureau of Investigation	11,403
Subtotal	18,598
Prosecutions:	
U.S. attorneys	75,287
Criminal division	755
Tax division	1,293
Subtotal	77,335
Administrative support	1,552
Total	374,943

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Amendment No. 28: Appropriates $2,206,871,000 for the FBI instead of

$2,178,218,000 as proposed by the House and $2,230,511,000 as proposed by the Senate.

The conference agreement provides an increase of $75,804,000 above the request for the FBI in fiscal year 1995, as follows: (1) $44,800,000 to restore special agent staffing back to the 10,475 peak on-board level reached in 1992, along with 301 associated support positions; (2) $7,500,000 to restore 250 field support positions; (3) $11,800,000 to hire 153 additional support personnel to replace special agents being transferred from headquarters to the field; (4) $6,360,000 to restore headquarters support personnel needed to ensure Brady Act compliance; (5) $4,500,000 for digital telephony requirements; and (6) $844,000 to continue the FBI's present policy of reimbursing for the travel expenses to train State and local law enforcement officers.

Background investigations.—Included in the amounts provided for restoration of FBI special agents are positions eliminated in prior years associated with background investigations. The conferees understand that it may be more cost-effective to contract out for some or all of this responsibility, and will entertain a reprogramming of funds for this purpose should the Director determine that it is more cost effective to do so.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 29: Appropriates $757,204,000 for the salaries and expenses of the DEA instead of $742,497,000 as proposed by the House, and $760,801,000 as proposed by the Senate.

The conference agreement provides an increase of $36,862,000 above the request, in order to restore DEA agent positions back to the 3,702 peak on-board level reached in 1992, as well as associated support positions. The conferees agree that these new agent positions are intended for domestic, and not overseas, enforcement activities.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

Amendment No. 30: Provides for the purchase of 813 motor vehicles as proposed by the Senate instead of 346 as proposed by the House.

Amendment No. 31: Appropriates $1,102,671,000 instead of $1,098,602,000 as proposed by the House and $1,164,856,000 as proposed by the Senate.

Amendment No. 32: Adds language, as proposed by the Senate, limiting overtime payments to INS employees to $25,000 for the calendar year beginning January 1, 1995. The House bill limited overtime payments to $25,000, but did not specify a starting date.

Amendment No. 33: The conference agreement for amendment number 33 deletes the entire paragraph appropriating funds for the INS associated with the President's Immigration Initiative in the Crime bill as proposed in both the House and Senate bills. Funding for this program is addressed in title VIII of the bill.

BORDER PATROL

The conference agreement for the Immigration and Naturalization Service provides for a total of almost 1,000 additional Border Patrol agents on the line in fiscal year 1995. The conferees agree that the INS should give first priority to the deployment of additional agents to "hot spot" areas along the border which are experiencing significant increases in apprehensions.

EXAMINATIONS FEE ACCOUNT

The conferees understand the INS will have a lower level of receipts in the Examinations Fee Account than originally anticipated in the 1995 President's Budget. Because of uncertainty of the receipt level in 1995, the conferees recommend approval of funding in the amount of $291,097,000 for the Examinations Fee Account. This spending level is based upon the 1994 reprogrammed level of $277,971,000, and an increase of $13,126,000 to provide for additional land border inspectors and related support associated with implementation of new fees for application processing services provided at land border ports. This level is based on estimated receipts to the Examinations Fee Account in FY 1995 of $292,060,000, of which, $14,683,000 is associated with the proposed fees for services provided at land border ports.

Assumed in the funding level is the conferees' recommendation to permanently transfer $6,569,000 in funding association with overseas enforcement efforts from the Examinations Fee Account to the Salaries and Expenses appropriation. This reverses a shift made to the Examinations Fee Account in FY 1991 and recognizes the growing importance of INS' overseas enforcement operations in deterring illegal entry into the United States. The recommended transfer will more adequately align expenditures from this account with adjudication and naturalization processes and their related support. The conferees expect the INS to utilize the $6,569,000 in fee receipts freed up by this transfer to reduce the backlog in adjudication and naturalization cases.

The conferees understand that the recommended funding level may not provide INS with the full cost of inflationary increases. Therefore, should INS realize higher Examinations Fee receipts in FY 1995 than the current estimate, the conferees expect INS to utilize those funds for base inflationary costs, as necessary, and, to the extent possible, provide additional resources for the processing of naturalization applications. The conferees expect to be provided appropriate notification of changes in spending plans as delineated by the reprogramming requirements in the bill.

CONSTRUCTION

Amendment No. 34: Appropriates $50,000,000 for the INS Construction account, instead of $100,000,000 as proposed by the Senate. The House had no such provision. The conferees recommend $50,000,000 in a new construction account for the border infrastructure requirements of the Immigration and Naturalization Service. The conferees understand that the Border Patrol strategy being developed by the INS recognizes different methods of gaining "prevention through deterrence" depending on location, terrain, and a mix of technology and agents. The conferees further understand that in certain areas such as Arizona, New Mexico, and South Texas, traffic checkpoints are utilized as a front line enforcement strategy as a result of difficult terrain. The conferees expect that the resources recommended for improving border infrastructure for the Border Patrol be prioritized in such a way that these and other front line enforcement efforts are enhanced. Therefore, the first priority for obligations from this account should be for Border Patrol stations, for station-related infrastructure, and for the front line enforcement activities described above. The agreement does not include funds for additional service processing centers as proposed by the Senate.

Traffic Checkpoints.—The conferees also understand that the INS is in the process of reviewing the need to continue traffic checkpoint operations in Southern California (San Clemente/Temecula) due to the enhanced front line activities in San Diego. The conferees agree that infrastructure improvements to these checkpoints should be considered only if results of these reviews indicate a level of effectiveness that enhances front line activities in these areas, and the Committees on Appropriations have been notified pursuant to normal reprogramming procedures. Should the INS determine that these checkpoints are no longer cost-effective, the conferees expect that associated Border Patrol agents be transferred immediately to the border.

IMMIGRATION EMERGENCY FUND

Amendment No. 35: Appropriates $75,000,000 for the Immigration Emergency Fund, instead of $8,500,000 as proposed by the Senate. The House had no such provision. The conferees agree to include this level of funding as a contingency against potential expenses arising from movement of immigrants toward our shores from nations in varied states of political and economic disintegration.

PRESIDENT'S IMMIGRATION INITIATIVE

Including amounts to be provided from the General Fund, the Violent Crime Trust Fund, as well as fee accounts, the conference agreement for this bill provides a total of $2,106,564,000 for the INS for FY 1995, a 29 percent increase above fiscal year 1994 enacted levels. These amounts allow for program enhancements of $475,299,000 to implement the President's Immigration Initiative, as follows:

General Fund/Trust Fund Appropriations:	
700 new/250 redirected Border Patrol Agents	$54,500,000
110 additional Land Border Inspectors	5,000,000
Enhanced automation/communications/equipment	154,600,000
Expedited detention/deportation resources	17,500,000
Enhanced asylum processing	24,000,000
Overseas enforcement activities	6,569,000
Enhanced employer sanctions	6,328,000
Naturalization pilot project	500,000
Border infrastructure enhancements	50,000,000
Immigration emergencies	75,000,000
Offsetting fee collections:	
168 new airport inspectors/support/detention	18,944,000
200 new land border inspectors	13,126,000

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

Amendment No. 36: Appropriates $2,356,404,000 as proposed by the House instead of $2,400,104,000 as proposed by the Senate. The conference agreement, when added to prior year carryover of $30,000,000 provides for requested adjustments to base, requested reductions for FTE, locality pay, administrative savings and closure of FPC Tyndall, and the following program enhancements:

Activation of new prison facilities	$107,858,000
Prisoner population increases	18,366,000
Contract confinement	15,591,000

NATIONAL INSTITUTE OF CORRECTIONS

Amendment No. 37: Appropriates $10,344,000 for the National Institute of Corrections as

proposed by the House instead of $10,144,000 as proposed by the Senate. The agreement provides for the D.C. Corrections Department Study described in the House report.

BUILDINGS AND FACILITIES

Amendment No. 38: Appropriates $280,494,000, for the buildings and facilities of the Federal Prison System instead of $238,094,000 as proposed by the House and $243,324,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, FTE reductions and locality pay absorption, and provides for the following program enhancements:

Pollock, LA FCC security upgrade	$80,400,000
Edgefield, SC FCC security upgrade	15,000,000
Western Region FCC site/planning	10,300,000
Beaumont, TX FCC site/planning	7,500,000
Forrest City, AR FCI expansion	6,000,000
Mid-Atlantic FCI expansion	8,370,000
NE Region FCI expansion	7,250,000
Mid-Atlantic FCC EIS/Design	550,000
Cooperative Agreement Program	20,000,000
Marshals Service Holding Facilities	9,903,000
Oklahoma FDC Lease	8,655,000
Modernization and Repair	3,297,000

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

COMMISSARY FUND

Amendment No. 39: Deletes the words "and thereafter" as proposed in the Senate amendment. The House bill included these words in order to make permanent this provision (Sec. 107) to allow the Prison System to collect interest on unobligated balances in the Commissary Fund. The conference agreement makes this authority available only for fiscal year 1995 pending permanent legislation.

LITIGATION REIMBURSEMENT

Amendment No. 40: Adds language (Sec. 109) proposed by the Senate and not in the House bill authorizing the Department of Justice to be reimbursed by other agencies for expenses associated with litigation of extraordinary size and complexity on behalf of that agency.

ASSETS FORFEITURE FUND

Amendment No. 41: Adds language (Sec. 110), proposed by the Senate and not in the House bill, which provides the Attorney General with authority to allocate surplus amounts in the Assets Forfeiture Fund in fiscal year 1995. The conference agreement makes technical amendments to the Senate language to conform to existing law.

IMMIGRATION PILOT PROJECT

Amendment No. 42: Adds language (Sec. 111) proposed by the Senate and not in the House bill to allow for the creation of a land border inspections pilot project on the California border. Current law allows for such projects on the Northern border only. The conference agreement will enable the INS and Customs Service to test the feasibility of a commuter-type lane at a border crossing in the San Diego area.

SENSE OF THE SENATE

Amendment Nos. 43 and 44: Deletes Sense of the Senate provisions not in the House bill concerning immigration policies and enforcement of child support laws.

VICTIMS OF CRIME

Amendment No. 45: Adds language (Sec. 112) proposed by the Senate and not in the House bill, which extends from fiscal year 1994 to 1995 the formula for distribution of base amounts for crime victim assistance grants.

The conference agreement also adds new language (Sec. 113), not in either the House or Senate bills, which prohibits the transfer of Justice Department funds unless such transfers are authorized in this Act, in part II of 28 U.S.C., or in 42 U.S.C. 10601. This provision also limits authority to allocate Justice Department funds to the Department and the Office of Management and Budget.

MEETING WITH PRESIDENT OF MEXICO

Amendment No. 46: Adds a Sense of the Congress (Sec. 114) proposed by the Senate, and not in the House bill, that the President of the United States and the President-elect of Mexico should meet to discuss immigration issues.

The conference agreement also adds language, not in either the House or Senate bills, which would make employees of the FBI's Criminal Justice Information Services Division who choose not to relocate out of the Washington, D.C., area eligible for competitive service appointments in other agencies. This authority will assist the FBI in finding jobs for these employees thus avoiding costly and demoralizing reductions-in-force (RIFs). The language is supported by the Office of Personnel Management, and the Congressional Budget Office has scored the legislation at no cost to the Federal government. The conferees believe this authority provides the FBI Director with a prudent management tool, and will in fact save money since the Bureau will be able to avoid costly RIF proceedings for some employees.

Amendment No. 47: Deletes language proposed by the Senate to transfer $350,000,000 from Contributions to International Organizations and Contributions for International Peacekeeping Activities to reimburse states for the cost of incarcerating illegal aliens. No such provision was included in the House bill.

Amendment Nos. 48 and 49: Deletes a Sense of the Senate regarding the Case of United States v. Knox, and a Sense of the Senate regarding the escort of aliens being deported.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Amendment No. 50: Appropriates $9,000,000 instead of $9,500,000 as proposed by the House and $8,413,000 as proposed by the Senate.

Amendment No. 51: Deletes a provision proposed by the House and stricken by the Senate which would have limited the compensation of the Special Assistant to each of the Civil Rights Commissioners to 150 billable days per year.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Amendment No. 52: Appropriates $233,000,000 instead of $238,000,000 as proposed by the House and $240,000,000 as proposed by the Senate.

The conferees are concerned about the lack of clarity with respect to the Commission's budget justification materials and expect the Commission to review this matter and consult with the Appropriations Committees and the Office of Management and Budget to insure that budget justifications developed to support the fiscal year 1996 budget request of the Commission strictly comply with OMB Circulars on this matter.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

Amendment No. 53: Appropriates $185,232,000, instead of $166,832,000 as proposed by the House and $198,232,000 as proposed by the Senate. Provides for $116,400,000 in offsetting fee collections as proposed by both the House and Senate. Provides for a final (net) appropriation of $68,832,000, instead of $50,432,000 as proposed by the House and $81,832,000 as proposed by the Senate. Restores language proposed by the House and stricken by the Senate which makes fee collections in excess of $116,400,000 available for obligation in fiscal year 1996.

The conference agreement provides total budget authority of $185,232,000 for the FCC for fiscal year 1995. These amounts provide requested adjustments to base to fully fund the increased staff hired by the Commission in FY 1994 to implement the Cable Act. The agreement also provides for a program enhancement of $15,800,000 to fund an estimated 225 additional personnel already approved by the Office of Management and Budget to handle the Commission's expanding workload, and an increase of $2,600,000 for infrastructure modernization.

Big LEO.—The conferees are concerned over ramifications of further delays in the low earth orbit technology (Big LEO) proceeding currently before the Commission (CC Docket No. 92-166). The conferees endorse the schedule for completion of the rulemaking discussed in the Senate report, and urge the Commission, consistent with its policies and regulations as well as the Communications Act, to take appropriate action on all pending applications and waiver requests at the earliest possible date.

Amendment No. 54: Adds language proposed by the Senate and not in the House bill which restores FCC funding restrictions contained in last year's Appropriations Act. The conference agreement prohibits the use of funds by the FCC to: (1) Change or reexamine changes of current policies governing comparative licensing, distress sales and tax certificate policies intended to expand opportunities for minorities; (2) diminish the number of VHF channels assigned for noncommercial education television stations; and (3) reexamine rules governing cross-ownership of newspapers and broadcast stations.

The conferees agree that the prohibition against FCC to change or reexamine changes of current policies governing minorities is intended to prevent the Commission from backtracking on its policies that provide incentives for minority participation in broadcasting. The conferees further agree that the prohibition does not prohibit the Commission from taking steps to create greater opportunities for minority ownership.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

Amendment No. 55: Appropriates $94,428,000 instead of $95,428,000 as proposed by the House and $98,928,000 as proposed by the Senate. Provides for collection of $39,640,000 in offsetting fee collections, instead of $33,460,000 as proposed by the Senate, and $35,460,000 as proposed by the House. Provides a final (net) appropriation of $54,788,000 instead of $59,968,000 as proposed by the House and $65,468,000 as proposed by the Senate. Restores House language stricken by the Senate allowing fee collections in excess of $39,640,000 to be available in fiscal year 1996. Provides for an increase in Hart-Scott-Rodino premerger filing fees from $25,000 to $45,000 as proposed by the House, instead of $25,000 to $40,000 as proposed by the Senate.

The conference agreement provides total budget (obligational) authority of $98,928,000 for fiscal year 1995 for the Federal Trade Commission when prior year unobligated balances of $4,500,000 are included. The agreement provides the FTC with their full adjustments to base, including GSA rent reductions, and restores proposed FTE and administrative reductions. The agreement provides a program enhancement of $2,105,000 to allow for an additional 25 positions for the Commissions' enforcement activities. The conferees agree that since these additional positions are being funded from increased fee collections and not from the General Fund of the Treasury, associated FTE should be exempt from current FTE ceilings.

Amendment No. 56: Adds language proposed by the Senate and not in the House bill which restores FTC funding restrictions contained in last year's Appropriations Act. The conference agreement restricts the Commission as follows: (1) prohibits the use of FTC funds to engage in rulemakings concerning unfairness in advertising; (2) establishes limits on public participation; (3) prohibits the use of FTC funds to petition the Patent Commissioner for cancellation of a registered trademark; and (4) prohibits FTC from studying or investigating agricultural marketing orders or agricultural cooperatives. The agreement includes an exception to nullify the restrictions upon enactment of an FTC Authorization Act for fiscal year 1995. While the conference report for the Federal Trade Commission Act Amendments of 1994 has passed the House, it has not yet passed the Senate, and the conferees agree that these restrictions are too critical to remove from this bill pending Senate action and enactment of the authorization bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

Amendment No. 57: Appropriates $74,856,000 instead of $900,000 as proposed by the House and $57,856,000 as proposed by the Senate. The agreement also deletes language proposed by the Senate, and not in the House bill, which would have raised section 6(b) registration fees from 1/50th of one percent to 1/29th of one percent.

The conference agreement, along with $50,000,000 in prior year carryover, provides the SEC with total budget (obligational) authority of $125,856,000, which the conferees understand is $155,144,000 below the amount needed to maintain current services in fiscal year 1995. The agreement is also $178,726,000 below the total budgetary resource level provided the Commission in the Senate bill.

The conferees were obliged to remove the language added by the Senate because of a jurisdictional dispute over allowing the SEC to retain offsetting collections derived from section 6(b) registration fees. The Ways and Means Committee of the House of Representatives has indicated its opposition to this fee language, even though it is similar to language included in Appropriations Acts for the past three years, and is the exact language contained in last year's Act. Under the Constitution, revenue measures must originate in the House, and the House may return to the Senate any bill containing a revenue provision, such as this fee language, that originates in the Senate. The conferees reluctantly agreed to remove the Senate fee language in order to avoid the return of the bill to the Senate, which could have delayed the emergency supplemental requested for the flooding in Florida, Alabama, and Georgia.

By removing the Senate fee language, the SEC will be unable to collect an estimated $238,000,000 in fees in fiscal year 1995. As such, this agreement only provides the SEC with sufficient budgetary resources to operate at current service levels for approximately 5 months. The conferees are confident that an agreement can be worked out by that time to resolve the fee issue so that the SEC can receive the funding it needs to fully protect the investing public. Failure to arrive at a compromise on this fee issue could endanger the securities markets and result in increased fraud and malpractice in the securities and financial markets. The nation needs a strong SEC and the conferees encourage a quick resolution to this problem.

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Amendment No. 58: Appropriates $265,000,000 for the core research programs of the National Institute of Standards and Technology (NIST) instead of $279,420,000 as proposed by the House and $260,000,000 as proposed by the Senate.

The amount provided in the conference agreement fully funds the adjusted base program for this account, and provides an additional $39,000,000 for program enhancements. Within this increase, the conferees agree that $5,000,000 is for the international trade and standards program and $7,000,000 is for environmental technologies. The conferees expect NIST and the Department of Commerce to submit a reprogramming notification to the House and Senate Appropriations Committees, under the standard reprogramming procedures contained in section 605 of this Act, indicating the proposed distribution of the remaining program increase by research category.

INDUSTRIAL TECHNOLOGY SERVICES

Amendment No. 59: Appropriates $525,000,000 for NIST external programs, instead of $495,960,000 as proposed by the House and $554,000,000 as proposed by the Senate, and includes language proposed by the Senate which will enable NIST to continue support for manufacturing technology centers that have existed for six years. The House bill contained no similar provision. The conference agreement deletes language proposed by the House and stricken by the Senate which would have delayed the availability of certain amounts provided under this heading.

The conferees support the efforts of NIST to promote the awareness of the Advanced Technology Program (ATP) throughout industry, particularly among small businesses and in geographically dispersed areas. The conferees also support the language included under the manufacturing extension partnership (MEP) program in both the House and Senate reports regarding the needs of rural areas and other areas serviced by geographically dispersed manufacturers.

The conferees note the establishment of the Environmental Technology Initiative under the Environmental Protection Agency (EPA) to promote the development of environmental technologies. The conferees expect NIST to coordinate with EPA and other agencies to maximize the impact of all Federal funding for development and commercialization of environmental technologies and to ensure that there is no program duplication in this area.

The following table reflects the distribution of these funds by program category:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

[In thousands of dollars]

	1994 appropriation	1995			
		Request	House	Senate	Conference
Extramural research:					
Advanced Technology Program (ATP)	199,489	451,000	431,000	441,000	431,000
Manufacturing Extension Program (MEP):					
Manufacturing extension centers	27,235	38,065	38,065	85,200	69,000
LINKS	.....	17,000	17,000	17,000	15,600
State extension (STEP)	3,000	6,000	6,000	8,000	6,000
Subtotal, MEP	30,235	61,065	61,065	110,200	90,600
Outreach/Baldrige Award	2,800	6,895	3,895	2,800	3,400
Total	232,524	518,960	495,960	554,000	525,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 60: Appropriates $1,835,000,000 for the operations of the National Oceanic and Atmospheric Administration (NOAA) instead of $1,792,978,000 as proposed by the House and $1,850,000,000 as proposed by the Senate.

Amendment No. 61: Restores language proposed by the House and stricken by the Senate which allows for the collection of fees totalling $6,000,000 related to the costs of administering NOAA's marine sanctuary program and the aeronautical charting program, and reducing the final general fund appropriation to $1,829,000,000. The conference agreement does not include language proposed by the House and stricken by the Senate on fees related to living marine resources (fisheries) programs. The House bill allowed for the collection of fees totalling $41,000,000 and resulted in a final appropriation of $1,751,978,000.

Amendment No. 62: Restores language proposed by the House and stricken by the Senate allowing receipts resulting from an increase in the price of aeronautical charts above the level in effect on September 30, 1993, to be credited as an offsetting collection to this account; includes language proposed by the Senate setting a minimum and maximum level for Coastal Zone Management (CZM) grants and adds new language, not in either bill, allowing not to exceed $800,000 for grants to any new State entering the CZM program in fiscal year 1995; and includes language, similar to that included in the Senate amendment, designating that $16,000,000 of the funds provided shall be available for the integrated program office for the convergence of civilian and military polar-orbiting meteorological satellites. The Senate amendment designated $22,000,000 for this purpose; the House bill contained no provision on this matter.

The conference agreement does not include language proposed by the Senate designating $450,000 of the funds provided for the Great Lakes Fishery Commission. The conferees have included this amount in the total amount provided under NOAA for international fisheries commissions, but have agreed that it is not necessary to designate this amount in bill language.

The conferees concur with language included in the House report regarding the structure of NOAA's fiscal year 1995 budget submission, and encourage the Department and NOAA to work with the Committees on Appropriations of the House and the Senate, as well as the appropriate authorizing committees, to develop a budget structure which better meets the requirements of all concerned.

The following table reflects the conference recommendation for the programs and activities funded under this account:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	FY 1995 House	FY 1995 Senate	FY 1995 Conference
	(Dollars in Thousands)				
NATIONAL OCEAN SERVICE:					
Mapping, Charting, and Geodesy:					
Mapping and Charting	$28,500	$29,005	$30,000	$33,000	$31,000
Automated Nautical Charting System II	1,300	1,300	1,250	1,250	1,250
Subtotal	29,800	30,305	31,250	34,250	32,250
Geodesy	17,900	19,332	18,762	18,762	18,762
SC Cooperative geodetic survey	554	0	0	1,000	1,000
Land Information System	1,200	0	1,000	0	1,000
Subtotal	19,654	19,332	19,762	19,762	20,762
Total, Mapping, Charting, and Geodesy	49,454	49,637	51,012	54,012	53,012
Observation and Assessment:					
Observation and Prediction	11,800	12,787	12,423	13,000	12,423
Circulatory survey program	700	700	700	700	700
California marine observation buoys	140	0	0	0	0
Chesapeake Bay observation buoys	400	0	400	0	400
Ocean services	4,442	4,442	4,442	4,442	4,442
COAP	400	400	375	0	0
Subtotal	17,882	18,329	18,340	18,142	17,965
Estuarine and Coastal Assessment	2,420	2,753	2,753	2,753	2,753
Coastal ecosystem health/ocean assessment	17,369	21,925	21,925	24,528	24,528
Damage assessment	1,200	1,200	1,200	1,200	1,200
Transfer from Damage Assessment Fund	29,796	8,500	8,500	8,500	8,500
S. Carolina Wetland Management Demo	500	0	0	0	0
Oil Pollution Act of 1990	1,395	1,395	1,300	1,395	1,300
Subtotal	52,680	35,773	35,678	38,376	38,281

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
	(Dollars in Thousands)				
Coastal Ocean Science					
Coastal Ocean program	10,200	11,433	10,000	11,433	11,000
Oil Spill Research	0	0	1,000	0	800
Nat'l Institute Environmental Renewal	800	0	500	0	500
Maui algal bloom crisis	0	0	0	0	0
Subtotal	11,000	11,433	11,500	11,433	12,300
Total, Observation and Assessment	81,562	65,535	65,518	67,951	68,546
Ocean and Coastal Management:					
Coastal Management					
CZM grants	41,500	37,966	42,000	49,000	45,500
Acquisition of estuarine sanctuaries	3,214	3,214	3,500	3,214	3,350
CZM program administration	0	3,671	0	0	0
Charleston,SC, spec.area mgt. plan	1,000	0	0	1,000	1,000
Nonpoint pollution control	4,000	4,000	5,000	5,000	5,000
Subtotal	49,714	48,851	50,500	58,214	54,850
Ocean Management	1,500	0	0	0	0
Marine sanctuary program	9,000	12,000	12,500	13,000	12,000
Hawaii humpback mar. sanct. institute	150	0	0	0	0
Subtotal	10,650	12,000	12,500	13,000	12,000
Total, Ocean and Coastal Management	60,364	60,851	63,000	71,214	66,850
TOTAL, NOS	191,380	176,023	179,530	193,177	188,408

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
	(Dollars in Thousands)				
NATIONAL MARINE FISHERIES SERVICE:					
Information Collection & Analyses:					
Resource Information	52,872	73,000	73,000	64,473	66,000
Conservation engineering by catch	1,416	716	1,216	716	800
Antarctic research	1,200	1,200	1,200	1,200	1,200
Fishery resource data error reduction	960	960	960	960	960
Oyster disease research	1,500	1,500	0	1,500	0
Marine mammal research	2,314	2,314	2,314	2,314	2,314
Protected species research	3,630	3,630	3,630	4,000	3,630
Chesapeake Bay Studies	1,890	1,890	1,890	1,890	1,890
Right whale research	214	214	214	214	214
Gear entanglement studies	651	651	651	651	651
MARFIN	3,780	3,780	3,780	3,780	3,780
SEAMAP	1,340	1,340	1,340	1,340	1,340
Aquaculture	2,500	2,500	2,500	2,500	2,500
Stuttgart	576	0	0	0	0
Alaskan groundfish surveys	661	661	661	661	661
Bering Sea pollock research	945	945	945	945	945
West Coast groundfish	780	780	780	780	780
New England stock depletion	1,116	1,116	1,116	1,116	1,116
Hawaii stock management plan	500	0	0	500	500
Yukon River chinook salmon	700	700	700	700	700
Winter Run chinook salmon	250	250	250	250	250
Atlantic salmon research	710	710	710	710	710
Gulf of Maine groundfish survey	567	567	567	567	567
Dolphin safe technologies	500	500	500	500	500
Habitat research/evaluation	470	470	470	470	470
Pacific salmon treaty program	5,587	5,587	5,587	5,587	5,587
Fish cooperative inst. enhancement	384	384	0	450	410

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
(Dollars in Thousands)					
Hawaiian monk seals	520	520	500	520	520
Stellar sea lion recovery plan	1,440	1,440	1,440	1,440	1,440
Hawaiian sea turtles	240	240	240	240	240
Atlantic bluefin tuna research	300	0	300	0	300
Center for Shark Research	140	0	0	0	0
Halibut/Sablefish IFQ's	1,200	1,200	1,200	1,200	1,200
United States & Canada lobster study	300	0	0	0	0
Subtotal	92,153	109,765	108,661	102,174	102,175
Fishery Industry Information					
Fish statistics	10,500	14,000	14,000	12,000	12,000
Alaska groundfish monitoring	4,500	4,500	4,500	5,400	5,200
PACFIN/catch effort data	2,046	2,046	2,300	2,046	2,300
Rec. fishery harvest monitoring	2,395	2,395	2,400	3,000	2,900
Subtotal	19,441	22,941	23,200	22,446	22,400
Information Analyses & Dissemination	20,112	21,915	22,600	20,890	21,000
Computer hardware and software	1,500	5,500	5,500	5,000	5,000
Subtotal	21,612	27,415	28,100	25,890	26,000
Total, Info., Collection, & Analyses	133,206	160,121	159,961	150,510	150,575
Conservation and Management Operations:					
Fisheries Management Programs	13,500	19,954	19,954	15,000	16,000
Columbia River hatcheries	10,300	10,300	9,500	10,400	10,300
Colombia River smolt	100	0	0	0	0
Columbia River end. species studies	288	288	288	288	288
Regional councils	8,556	8,556	8,556	9,000	8,556
International fisheries commissions	800	400	400	1,250	1,250
Management of George's Bank	480	480	480	480	480

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
(Dollars in Thousands)					
Rebuild Nations Fisheries:					
– Beluga whale committee	192	0	192	200	200
– Pacific tuna management	1,800	1,800	0	2,200	2,000
Subtotal	36,016	41,778	39,370	38,818	39,074
Protected Species Management	4,000	6,196	5,600	5,000	5,000
ESA listing & status review	930	930	930	930	930
Tissue bank & stranding network	295	295	295	295	295
Driftnet act implementatn/high seas salmon assessmt	3,278	3,278	2,500	3,000	3,000
Marine Mammal Protection Act	7,750	7,750	9,000	7,750	8,000
Endangered Species Act recovery plan	218	7,322	6,000	8,000	7,000
Fishery observer training	150	0	120	417	300
East Coast observers	700	700	700	700	700
Subtotal	17,321	26,471	25,145	26,092	25,225
Habitat Conservation	6,200	8,679	7,500	7,000	8,000
Enforcement & Surveillance	12,000	16,886	15,500	16,000	15,500
Total, Conservation and Mgmt. Opns	71,537	93,814	87,515	87,910	87,799
State and Industry Assistance Programs:					
Grants to States					
Interjurisdictional fisheries grants	3,156	3,156	3,156	3,156	3,156
Anadromous grants	2,108	2,108	2,108	2,108	2,108
Anadromous fishery project	250	250	250	250	250
Interstate fish commissions	295	295	1,000	4,600	4,000
North Atlantic fishery reinvestment	1,500	3,500	2,800	4,000	2,800
Subtotal	7,309	9,309	9,314	14,114	12,314

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
	(Dollars in Thousands)				
Fisheries Development Program:					
Fisheries trade promotion activities	1,700	1,700	1,500	1,500	1,500
Product quality and safety	9,000	9,021	9,000	11,010	9,250
Hawaiian fisheries development	750	0	0	750	750
Seafood Inspection	5,500	5,500	4,300	5,500	5,000
Marine biotechnology	1,750	1,750	1,750	2,200	2,000
Subtotal	18,700	17,971	16,550	20,960	18,500
Total, State & Industry Assist. Progs	26,009	27,280	25,864	35,074	30,814
TOTAL, NMFS	230,752	281,215	273,340	273,494	269,188
OCEANIC AND ATMOSPHERIC RESEARCH:					
Climate and Air Quality Research:					
Interannual & Seasonal Climate Research	7,945	8,015	8,015	8,000	8,000
Long–Term Climate & Air Quality Research	26,376	31,544	28,392	26,376	27,300
High Performance Computing	1,000	15,452	6,500	1,000	6,500
Subtotal	27,376	46,996	34,892	27,376	33,800
Climate and Global Change/GLOBE	63,000	84,012	66,000	74,000	78,000
Total, Climate and Air Quality	98,321	139,023	108,907	109,376	119,800
Atmospheric Programs					
Weather Research	30,356	33,874	33,370	30,870	33,670
Wind profiler	4,350	0	4,350	4,000	4,350
Federal/state weather mod. grants	3,000	0	3,300	0	3,100
Southeastern storm research	372	0	400	0	400
Subtotal	38,078	33,874	41,420	34,870	41,520

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
	(Dollars in Thousands)				
Solar–Terrestrial services and research	5,000	5,627	5,500	5,000	5,500
Total, Atmospheric Program	43,078	39,501	46,920	39,870	47,020
Ocean and Great Lakes Programs:					
Marine Prediction Research	9,200	9,572	9,572	9,572	9,572
GLERL	4,558	4,558	4,558	4,558	4,558
Great lakes nearshore research	200	200	200	200	200
VENTS	2,496	0	0	2,496	2,496
SE US/Caribbean FOCI program	500	0	500	0	450
GLERL/Zebra mussel	911	0	911	0	911
Lake Champlain study	290	0	0	200	150
Pacific Island technical assistance	190	0	190	190	190
Subtotal	18,345	14,330	15,931	17,216	18,527
Sea Grant					
Sea grant college program	43,200	43,238	44,000	55,000	49,000
Sea grant–oyster disease	0	0	1,500	0	1,500
Sea grant–zebra mussel	2,800	0	2,800	0	2,800
National coastal R&D instutute	1,100	0	1,000	1,000	1,000
Subtotal	47,100	43,238	49,300	56,000	54,300
Undersea Research Program					
NOAA Undersea Research Program	18,100	0	16,000	18,000	18,000
Maine marine research center	1,900	1,900	0	1,900	1,500
Subtotal	20,000	1,900	16,000	19,900	19,500
Total, Ocean & Great Lakes Programs	85,445	59,468	81,231	93,116	92,327
TOTAL, OAR	226,844	237,992	237,058	242,362	259,147

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
	(Dollars in Thousands)				
NATIONAL WEATHER SERVICE:					
Operations and Research:					
Local Warnings and Forecasts	319,868	322,640	322,640	333,900	323,140
MARDI	75,000	120,457	115,946	115,946	115,946
WSFOs – maintain 8 stations	752	752	752	752	752
Data buoy maint. for Hawaii	542	542	542	542	542
Pacific & Alaska Region HQ	366	366	366	866	366
Agricultural & fruit frost program	2,316	2,316	2,316	2,300	2,316
Fire weather services	449	449	449	449	449
Susquehanna River Basin Flood Sys	900	669	1,250	669	1,250
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Flood Warning System/Colorado River	288	288	288	288	288
Samoa	200	0	100	100	100
Regional climate centers	3,000	0	3,000	3,200	3,200
California data buoys	200	200	200	0	200
Subtotal	439,477	484,275	483,445	494,608	484,145
Central Forecast Guidance	28,555	31,217	30,000	29,169	29,169
Atmospheric and Hydrological Research	2,400	2,629	2,600	2,500	2,500
Total, Operations and Research	470,432	518,121	516,045	526,277	515,814
Systems Acquisition:					
Public Warning and Forecast Systems					
NEXRAD	120,000	79,641	79,641	79,641	83,141
ASOS	18,135	17,534	17,534	17,534	17,534
AWIPS/NOAAPort	43,564	49,550	39,550	35,000	35,000
Computer Facility Upgrades	8,000	13,874	10,000	13,000	10,000
Total, Systems Acquisition	189,699	160,599	146,725	145,175	145,675
TOTAL, NWS	660,131	678,720	662,770	671,452	661,489

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
	(Dollars in Thousands)				
NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE:					
Satellite Observing Systems:					
Polar spacecraft and launching	139,000	159,078	151,370	147,678	146,675
Polar convergence/joint program office	0	0	0	22,000	16,000
Geostationary spacecraft and launching	123,746	138,047	133,000	134,562	132,610
Ocean remote sensing	0	0	0	10,800	6,000
Environmental observing services	49,443	51,798	51,700	51,161	51,500
Total, Satellite Observing Systems	312,189	348,923	336,070	366,201	352,785
Environmental Data Management Systems :	22,000	24,787	22,881	22,881	24,500
Data and Information Services	15,300	10,300	10,300	9,500	11,300
Total, EDMS	37,300	35,087	33,181	32,381	35,800
TOTAL, NESDIS	349,489	384,010	369,251	398,582	388,585
PROGRAM SUPPORT:					
Administration and Services:					
Executive direction and administration	25,000	26,456	25,500	25,500	25,500
GLOBE	0	7,000	7,000	0	1/
Systems Program Office (SPO)	1,100	2,588	1,800	2,500	1,800
Subtotal	26,100	36,044	34,300	28,000	27,300
Central Administrative Support	38,000	38,194	37,898	37,898	37,898
Retired Pay Commissioned Officers	7,706	7,706	7,706	7,706	7,706
Total, Administration and Services	71,806	81,944	79,904	73,604	72,904
Marine Services	62,037	62,599	62,599	62,599	62,599
Fuel pricing	0	0	0	−500	−500
Total, Marine Services	62,037	62,599	62,599	62,099	62,099

1/ GLOBE funding of $7 million included under the Climate and Global Change Program in the Office of Oceanic and Atmospheric Research.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

	FY 1994 Appropriation	FY 1995 Request	House	Senate	Conference
(Dollars in Thousands)					
Aircraft Services	9,100	9,180	9,180	9,180	9,180
Critical safety & instrumentation	400	400	400	5,500	4,000
Total, Aircraft Services	9,500	9,580	9,580	14,680	13,180
TOTAL, Program Support	143,343	154,123	152,083	150,383	148,183
General Reduction	0	0	0	−450	0
DIRECT OBLIGATIONS	1,801,939	1,912,083	1,874,032	1,929,000	1,915,000
Rental cost reductions	0	−2,054	−2,054	−2,054	−2,054
REIMBURSABLE OBLIGATIONS	368,232	316,235	316,235	316,235	316,235
TOTAL OBLIGATIONS	2,170,171	2,226,264	2,188,213	2,245,235	2,231,235
FINANCING:					
Deobligations	−22,990	−15,000	−15,000	−15,000	−16,000
Reimbursable Obligations:					
Federal funds	−331,427	−280,626	−280,626	−280,626	−280,626
Non−federal funds	−36,805	−35,609	−35,609	−35,609	−35,609
BUDGET AUTHORITY	1,778,949	1,895,029	1,856,978	1,914,000	1,899,000
FINANCING FROM PROPOSED TRANSFERS & NEW FEES:					
Promote and develop American fisheries	−54,800	−55,500	−55,500	−55,500	−55,500
Damage assessment & restoration revolving fund	−29,796	−8,500	−8,500	−8,500	−8,500
B.A. Subtotal	1,694,353	1,831,029	1,792,978	1,850,000	1,835,000
Fisheries fees	0	−82,000	−35,000	0	0
Aeronautical chart fees	0	−3,000	−3,000	0	−3,000
Marine sanctuary fees	0	−3,000	−3,000	0	−3,000
APPROPRIATION, ORF	1,694,353	1,743,029	1,751,978	1,850,000	1,829,000

Activities funded under this conference agreement for the National Oceanic and Atmospheric Administration which were originally addressed in only the House report (H. Rept. 103-552) or the Senate report (S. Rept. 103-309), are provided in accordance with any direction given in that report, unless expressly modified in the following statement.

NATIONAL OCEAN SERVICE

Within the total amount provided for NOAA, the conference agreement includes a total of $188,408,000 for the National Ocean Service (NOS).

Of the amount provided for mapping and charting, the conferees intend that funds be used to support installation and operation of current, wind, tide, salinity and water level measuring devices in the Houston Ship channel and Galveston Bay as described in the House report.

Within the $11,000,000 provided for the Coastal Ocean program, $700,000 is for the continuation of research at the Baruch Institute as described in the Senate report.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes $269,188,000 for the National Marine Fisheries Service (NMFS). The amount provided assumes no offsetting fee collections for living marine resources fees as proposed by the House. The conferees continue to encourage NOAA to work with the authorizing committees to examine appropriate fee proposals, particularly fees related to controlled access regimes and special management practices as required by Fishery Management Plans. It is the position of the conferees that if such fees were to be authorized, all revenues collected through new marine resource fees should be used only for enhancement of the fisheries management programs.

The conference agreement includes a total of $2,300,000 for the management of highly migratory species, such as bluefin tuna and swordfish, as proposed in the House report. This amount includes $150,000 for aerial surveys of bluefin tuna.

The conferees concur with the designation of funds provided under resource information for MARMAP and for the Hatfield Marine Science Center as stated in the Senate report. The conference agreement also includes $5,200,000 for Alaskan groundfish monitoring to be distributed according to the direction given in the Senate report.

The conference agreement includes $4,000,000 for interstate fisheries commissions, including $500,000 for the three interstate commissions and $3,500,000 for the implementation for the Atlantic Coastal Fisheries Cooperative Management Act.

The conferees support the use of funds provided for the aquaculture program in accordance with language included in both the House and Senate reports.

The conferees have provided $8,000,000 for habitat conservation. Within that amount, $1,000,000 is provided as a one-time grant to the State of Alaska for the protection and restoration of salmon habitat in the Kenai River watershed area of Alaska. The Kenai River and its tributaries support sport and commercial fisheries valued at $100,000,000 annually, and fish habitat degradation has become an increasing concern. The State of Alaska should use these funds to continue developing programs to restore and protect the Kenai River fish habitat, and to work with the appropriate Federal, State and local organizations in carrying out these programs.

The conferees are aware of public health concerns related to the consumption of raw molluscan shellfish by at-risk consumers, and believe that a comprehensive education program is the appropriate response to the problems of at-risk consumers. The conferees are aware that NMFS has identified $500,000 in Saltonstall-Kennedy funds (made available in previous years) which may be used for these purposes. The conferees support the use of these funds for a multi-year program, that includes industry participation, to educate at-risk consumers and the medical community regarding the public health concerns related to the consumption of raw molluscan shellfish.

Within the base funding for Marine Mammal Protection Act, the conferees intend that NOAA continue to fund existing programs at the fiscal year 1994 levels including $1,500,000 for marine resources observers in the North Pacific and $500,000 for harbor seal research by the State of Alaska. The conferees endorse the House report language requesting NOAA to fund a proposal for a coordinated response to the management of marine mammal populations off the coast of Washington State, and believe such a coordinated response should include the coast of Oregon as well.

The conference agreement includes $2,800,000 for the North Atlantic fishery reinvestment program. The conferees endorse the language included in the Senate report expressing concerns that the Department of Commerce should not bear the sole responsibility for the Federal government's response to socio-economic impacts arising from the crash in the New England groundfish fishery.

Amounts provided for the RECFIN program are provided in accordance with the Senate report.

The conferees note that both the House and Senate reports encourage NOAA to develop marking programs for salmon and other endangered fish stocks as an innovative management strategy. The conferees encourage NOAA to consider funding pilot programs for salmon marking and to submit a reprogramming of funds for such activities if necessary.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes $259,147,000 for NOAA's Oceanic and Atmospheric Research.

The conferees have provided a total of $78,000,000 for the Climate and Global Change program, which includes $7,000,000 for the GLOBE program as proposed by the Senate. The House report displayed this amount for GLOBE under a separate line item in the NOAA table. Within the remaining $71,000,0000 for the Climate and Global Change program, $26,800,000 is provided for research on the role of oceans on climate.

The amounts provided in the conference agreement under weather research include funding for the PROFS program as proposed by the House, $300,000 for a one-time grant to the University of North Dakota for an agricultural weather initiative, and $500,000 above the base for the Health of the Atmosphere program. The conferees would be willing to consider a reprogramming of base funds from within OAR to increase the amounts available for the Health of the Atmosphere initiative.

The conferees recommend $1,500,000 for the University of Maine Regional Marine Research Center. No funds are provided for additional centers or planning efforts. The amounts provided for the National Undersea Research Program (NURP) include $3,800,000 for the Hawaii center. The conferees also concur with the House report language regarding funding for the national office.

NATIONAL WEATHER SERVICE

The conference agreement includes $661,489,000 for the National Weather Service (NWS). Within the amount provided for local warnings and forecasts, $500,000 is included for a weather buoy and three monitoring stations in Prince William Sound, Alaska. The conferees concur with language included in the Senate report regarding an increase above base funding for the Stoneville, MS, weather station.

The conferees endorse the intent of NOAA to follow up on concerns expressed by the Congress with respect to the adequacy of coverage in certain areas of the country under the NWS modernization plan, by arranging for an independent review of the NWS implementation plan. The conferees expect NOAA to consider in this independent review the specific coverage concerns highlighted in the House and Senate reports, in floor debate and through other communication from the Congress, and to provide periodic updates to the Committees on Appropriations of the House and the Senate on the status of this review.

The conferees endorse the report language included in the House report regarding NOAA weather radio.

The fiscal year 1995 NWS Implementation Plan for Modernization states that the Jackson, Kentucky Weather Service Office will remain unchanged under weather service modernization and continue to provide services to Eastern Kentucky. The conferees believe the unique climatological and meteorological conditions of Eastern Kentucky made it necessary for the area to receive the highest quality of weather service to protect the life and safety of the residents. Therefore, the conferees expect the NWS to procure and install a NEXRAD system in Jackson, Kentucky, and have provided the necessary funding increases under NEXRAD system acquisition and under the NOAA construction account to carry out this direction.

NATIONAL ENVIRONMENTAL SATELLITE DATA, AND INFORMATION SERVICE

The conference agreement includes $388,585,000 for NOAA's National Environmental Satellite, Data, and Information Service.

The conferees endorse the Senate report language on the converged polar satellite program and have included $16,000,000, designated in the bill, for the integrated program office for a converged polar satellite system.

The conferees have provided $6,000,000 to initiate an ocean satellite remote sensing program, instead of $10,800,000 as proposed by the Senate.

The conferees are supportive of the National Performance Review recommendations directing NOAA to organize the implementation of a National Environmental Data Index. The conferees share an interest in seeing the Federal government coordinate and integrate the environmental data resources found in various Federal agencies in order to ensure maximum benefit from our investment and to avoid duplication of efforts. The conferees urge NOAA to initiate a plan for implementation of the National Environmental Data Index as part of its fiscal year 1996 budget request.

The conferees intend that NOAA continue to maintain fourteen coastal data buoys, as provided in the House report. The conferees expect NOAA to submit a long-term plan for funding these data buoys as part of its fiscal year 1996 request.

PROGRAM SUPPORT

The conference agreement includes $148,183,000 for NOAA program support. Within the amounts provided for aircraft instrumentation, $3,600,000 if for acquisition of doppler radar capability for the new NOAA hurricane reconnaissance aircraft.

The conference agreement assumes $16,000,000 in deobligations of prior year funds.

COASTAL ZONE MANAGEMENT FUND

Amendment No. 63: Restores language proposed by the House and stricken by the Senate which makes funds provided under this heading available for purposes set forth in 16 U.S.C. 1456a(b)(2). The Senate bill had proposed new language designating $3,671,000 for CZM program administration costs and $4,129,000 for CZM section 306 grants.

CONSTRUCTION

Amendment No. 64: Appropriates $97,600,000 for the NOAA construction account instead of $100,000,000 as proposed by the Senate and $52,000,000 as proposed by the House, and designates in the bill the following amounts: $2,500,000 for a grant to Kansas City, Missouri for the development of a weather and environment information and demonstration center; and continuations of the following ongoing construction projects funded in previous years: $1,000,000 for a grant to Mystic Seaport in Mystic, Connecticut for a maritime education center; $3,500,000 for a Multispecies Aquaculture Center in the State of New Jersey; $2,000,000 for the construction of the Massachusetts Biotechnology Center Research Institute in Boston; and $5,200,000 for the Center for Interdisciplinary Research and Education in Indiana. These designations were not included in either the House or Senate bills.

The conferees intend that funds provided under this account in previous fiscal years for the purpose of establishing a biotechnology innovation center in Boston be made available to the Massachusetts Biotechnology Research Institute (MBRI).

The conference agreement also includes a total of $32,800,000 for fisheries and oceans facilities, of which $11,000,000 is for the construction of the interagency Estuarine Habitats Research Laboratory in Lafayette, Louisiana. This facility is to be staffed, operated and supported by agencies other than the National Oceanic and Atmospheric Administration, such as the Corps of Engineers. Also, $2,600,000 of this amount is included for the completion of a wharf and support facilities at the Marine Science Center in Newport, Oregon. Another $7,500,000 is included within that amount to initiate expansion of the National Marine Fisheries Service Southeastern Laboratory. This new facility will house NOAA, State of South Carolina Marine Resources, and other agency personnel. The remaining funds provided under the fisheries/oceans facilities line are for ocean and fisheries facilities of NOAA, including the consolidation of NOAA facilities in Juneau, Alaska.

Within the amount provided for National Estuarine Research Reserves, $980,000 is for acquisition of real property to expand the ACE basin estuarine reserve in South Carolina.

The conferees concur with language included in the House report on the relocation of the NMFS Tiburon laboratory.

Within the amount provided for Columbia River hatchery facilities, $6,500,000 is included for irrigation screens as recommended in the Senate report.

The conferees agree with the Senate report language regarding the need for $4,000,000 within the funds provided for environmental compliance for cleanup and removal activities on St. George and St. Paul Islands, Alaska.

The conference agreement includes the following amounts for the NOAA construction account:

[In thousands of dollars]

Construction:	
NOAA Facilities Maintenance	$4,000
Sandy Hook lease	1,500
Environmental compliance	6,000
Boulder lab—above standard costs	2,000
NEXRAD WFO construction	20,300
Columbia river facilities	8,200
Silver Spring consolidation	2,300
NOAA research facilities	1,900
Fisheries/oceans facilities	33,200
Other facilities	14,200
Nat'l Estuarine Research Reserve	4,000
Subtotal, Construction	97,600

FISHING VESSEL OBLIGATIONS GUARANTEES

Amendment No. 65: Appropriates $250,000 in subsidy funding for the fishing vessel obligation guarantee program, instead of $459,000 as proposed by the House, and includes new language not in the House bill which restricts availability of these loan guarantees for the purpose of purchasing new vessels. The Senate bill contained no provision on this matter.

The conferees have included language which is intended to ensure that these funds are not used for purposes which contribute to the overcapitalization of the fishing industry. The conferees intend that the funds provided be available for the refinancing of existing debt, renovation and repair of existing vessels and facilities, and construction of new shoreplants for underutilized species, aquaculture and waste reduction.

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

Amendment No. 66: Appropriates $16,900,000 for the Department of Commerce Office of Inspector General as proposed by the House instead of $17,250,000 as proposed by the Senate. The conferees concur with language included in the House report (H. Rept. 103-552) regarding the transfer of funds from other Commerce agencies to support the audit activities of the Office of Inspector General. The conferees agree that the fiscal year 1996 Department of Commerce budget request should reflect a base transfer of these funds to the Office of Inspector General.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

Amendment No. 67: Appropriates $136,000,000 for salaries and expenses of the Bureau of the Census instead of $141,272,000 as proposed by the House and $135,000,000 as proposed by the Senate.

Within the amounts provided, the conferees expect the Census Bureau to begin the proposed efforts to modernize and restructure the standard industrial classification (SIC) code system. The conferees continue to be concerned about the number of statistical briefs on a variety of subjects released by the Census Bureau and expect a thorough review of the need for these reports to be conducted as soon as possible to identify possible savings which could be reprogrammed to cover other high priority programs.

PERIODIC CENSUSES AND PROGRAMS

Amendment No. 68: Appropriates $142,576,000 for the Census Bureau's periodic account, including the decennial census program, as proposed by the House instead of $145,000,000 as proposed by the Senate.

The amount provided in the conference agreement includes the funding recommended in the House report for the Bureau to continue its efforts to prototype high performance computing technologies necessary for the Year 2000 Census. The conferees also support the continuation of the program to develop intercensal poverty estimates.

The conferees expect the Census Bureau to continue examining its unliquidated obligations to identify amounts which could be deobligated and reprogrammed to cover other priority needs related to the Year 2000 Census. The conferees expect the Census Bureau to submit quarterly reports to the House and Senate Committees on Appropriations on the status of obligation of funds as described in the House report. The conferees expect the Census Bureau to submit a reprogramming notification to the House and Senate Committees on Appropriations before obligating any more than the currently anticipated $2,772,000 in recoveries of prior year obligations identified in the budget request.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Amendment No. 69: Appropriates $46,937,000 for the Commerce Department's economic and statistical programs as proposed by the Senate instead of $48,615,000 as proposed by the House.

The conferees understand that there has been considerable debate over the years as to the objectivity, methodology, and applicability of "Integrated Environmental-Economic Accounting" or "Green GDP". The conferees understand that the Department has completed the development of Phase I of this initiative. the conferees believe that an independent review, by an external organization such as the National Academy of Sciences, should be conducted to analyze the proposed objectivity, methodology, and application of environmental accounting. The conferees expect BEA to use $400,000 under this account to fund this independent study, as suggested by the House report. The conferees expect BEA to suspend development of Phase II of this initiative until the review has been completed and the results have been submitted to the Committees on Appropriations of the House and the Senate, as well as the appropriate authorizing committees.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Amendment No. 70: Appropriates $266,450,000 for the International Trade Administration, instead of $268,723,000 as proposed by the House and $262,000,000 as proposed by the Senate, and adds language designating funds as follows: $1,000,000 for a grant to the Emerging Technologies Institute (ETI) in Sacramento, California; $930,000 for a grant to the Michigan Biotechnology Institute; $1,700,000 for the Massachusetts Biotechnology Research Institute in Worcester; $1,200,000 for the Center for Global Competitiveness in Loretto and Latrobe, Pennsylvania; and $3,400,000 for the Textile Clothing Technology Corporation. These designations were not included in either the House or Senate bills.

The following table displays the amounts provided for ITA by program component:

[In thousands of dollars]

	1994 Appropriation	1995			
		Request	House	Senate	Conference
US&FCS	136,598	152,102	.....	155,102	149,420
Import administration	32,341	32,890	.....	25,902	30,000
International economic policy	19,748	20,509	.....	23,155	21,000
Trade development	59,903	56,289	.....	57,841	66,030
Total	248,590	261,790	268,723	262,000	266,450

The conferees reiterate that the amounts displayed in the above table serve as a base for reprogramming. The conferees agree that any change in the use of funds from the purposes for which provided, including having one ITA component pay for the requirements of another, is subject to submission of a reprogramming notification in accordance with Section 605 of this Act. The conferees also expect to receive notification of reprogramming for any change in the use of carryover funds from the purpose for which originally appropriated.

The conferees have reviewed the Department of Commerce's response to the Senate report language regarding the expansion of export assistance centers/one stop shops, and reorganizing domestic United States and Foreign Commercial Service (US&FCS) along a "hub and spoke" concept. The conferees have concerns about the process which was used to carry out the notification of the Committees on Appropriations of the House and the Senate of the reorganization proposal. The conferees do not consider press releases to be an appropriate manner by which to respond to Appropriations Committee requests for information.

The conferees generally support the proposal put forward by the Department and the US&FCS. However, the conferees are concerned with and do not approve the proposed siting of some of the new US&FCS domestic offices. The conferees expect that the new export assistance center for the Carolinas, with three FTE, be established in Greenville, South Carolina, which is a center for foreign investment and American export firms. The conferees are also concerned that the most recent proposal for export assistance fails to include several states, including the State of Kentucky. The conferees expect US&FCS to locate a district export assistance center in Somerset, Kentucky.

The conferees agree that the US&FCS, as it expands its overseas network, should hire American citizens wherever practicable. The conferees understand that in some cases, hiring foreign nationals for these positions may be more practical or more cost efficient. The conferees expect a hiring ratio of one foreign national employee for every American citizen hired with the enhanced funding provided.

The conferees have been made aware of concerns that the effectiveness of the antidumping statute is being diminished by increasing instances of foreign companies engaging in subterfuges in order to avoid antidumping duties. The purpose of the antidumping statute is to prevent foreign companies from engaging in illegal pricing schemes by charging less in foreign markets than in the home market. The conferees understand that often, foreign companies operating in protected home markets will dump products in the United States in order to capture market share, while collecting profits in their closed home markets. The antidumping statute was enacted to ensure that American producers can sell their products at a fair price. The conferees also understand that in many cases, foreign companies found guilty of dumping will establish related party subsidiaries that import the dumped goods and absorb the duties, thus allowing the goods to still be sold at a dumped price.

The conferees believe that the Import Administration should publish, in its Administrative Reviews of outstanding orders, the amount of the dumping duty that is being absorbed by a related party. Furthermore, the conferees expect the Import Administration to report back to the Committees on Appropriations of the House and the Senate, as well as the appropriate authorizing committees, on what steps have been taken to prevent companies from circumventing dumping orders.

The conferees agree that up to $500,000 of the amounts provided for ITA should be used to establish an export center in Tokyo, as proposed in the Senate report (S. Rept. 103–309).

Within the funds available under this account for the market development cooperator program, the conferees encourage ITA to consider funding programs which assist American high technology firms in developing joint ventures and strategic alliances with overseas partners.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Amendment No. 71: Appropriates $38,823,000 for the Bureau of Export Administration as proposed by the House instead of $36,161,000 as proposed by the Senate.

The conferees agree that funding for the Bureau of Export Administration is of the highest priority and would consider a transfer of funds under section 205 of this Act to cover any shortfalls in this account.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Amendment No. 72: Appropriates $43,900,000 for the Minority Business Development Agency instead of $44,000,000 as proposed by the Senate and $42,428,000 as proposed by the House, and includes language, not in either the House or Senate bills, designating funds for the following items: $600,000 for a grant for the NTTC to establish a Minority Apprenticeship Program in Technology Management in cooperation with Historically Black Colleges and Universities; $100,000 for a grant to establish a Minority Economic Opportunity Center in Cleveland, Ohio, to assist minority businesses in the areas of business and financial development and exporting; and $200,000 for a grant to provide funding to the U.S.-African Trade and Technology Center at Savannah State College in Georgia to assist small and minority businesses in expanding trade-facilitating technology transfer.

The conferees support efforts within the Department of Commerce to coordinate the mission of MBDA with the Technology Administration in order to provide expanded opportunities for minority businesses and entrepreneurs.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 73: Appropriates $16,407,000 for the salaries and expenses of the U.S. Travel and Tourism Administration (USTTA) instead of $14,907,000 as proposed by the House and $17,907,000 as proposed by the Senate.

Amendment No. 74: Deletes language proposed by the Senate which would require USTTA to charge additional user fees for its services, products, and information to result in an additional $3,000,000. The House-passed bill continued no similar provision.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

Amendment No. 75: Appropriates $83,000,000 for the salaries and expenses of the Patent and Trademark Office, instead of $88,329,000 as proposed by the House and $75,000,000 as proposed by the Senate, and includes language, not in either bill, designating $6,000,000 of the funds provided for the acquisition of high performance computing capability for the PTO. The conference agreement also includes language, not in either bill, which permanently cancels $2,195,000 of offsetting collections in this account related to government-side GSA rental cost reductions.

The conferees believe that the acquisition of high performance computing capability will ensure that the Patent and Trademark Office is best able to serve its users in the future. The conferees are aware of the development of a metacomputing center in close proximity to the PTO headquarters. This center will be an open site that is easily accessible by the private sector and the Federal government. The conferees believe that the development of such a center will obviate the need for Federal agencies such as the PTO to individually purchase high performance computing equipment at a great cost to the Federal taxpayer and fee paying users of the Patent and Trademark Office.

The conferees expect the Patent and Trademark Office to use $500,000 from within available resources to develop a program to provide technical assistance to help foreign governments enforce intellectual property laws as proposed in the Senate report under the International Trade Administration.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

Amendment No. 76: Appropriates $10,000,000 for the Under Secretary of Commerce for Technology and the Office of Technology Policy as proposed by the House instead of $11,237,000 as proposed by the Senate.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

Amendment No. 77: Restores language stricken by the Senate appropriating $8,000,000 to the National Technical Information Service for the implementation of the American Technology Preeminence Act, instead of $12,000,000 as proposed by the House.

The conferees have been made aware of concerns that some of the programs proposed in the original budget request for this account were potentially duplicative of the responsibilities of the Government Printing Office (GPO). The conferees expect NTIS and

the Department of Commerce to develop a proposal, to be coordinated with the Government Printing Office, describing the proposed uses of these funds and the delineation of responsibilities of both NTIS and GPO relative to the American Technology Preeminence Act. The conferees expect the Department to submit this proposal to the Committees on Appropriations of the House and the Senate by November 1, 1994, and expect that none of the funds provided under this heading will be expended until this proposal has been received and reviewed under the Committee's standard reprogramming procedures contained in section 605 of this Act.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 78: Appropriates $20,981,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA) as proposed by the Senate instead of $21,056,000 as proposed by the House.

Amendment No. 79: Provides language proposed by the Senate which will allow NTIA to carry over reimbursable payments from other Federal agencies, such as the Department of Defense. The House bill contained no similar provision.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

Amendment No. 80: Appropriates $29,000,000 for the Public Broadcasting Facilities, Planning and Construction program (PBFP) instead of $26,000,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 81: Designates $1,500,000 for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT) as proposed by the Senate instead of $700,000 as proposed by the House.

INFORMATION INFRASTRUCTURE GRANTS

Amendment No. 82: Appropriates $64,000,000 for the Information Infrastructure Grants program instead of $70,000,000 as proposed by the House and $52,000,000 as proposed by the Senate.

The conferees concur with the language included in the House report noting the value of the creation of a national information highway to rural and remote areas, and urge NTIA to give particular consideration to applications which would lead to increased telecommunications access in areas where such service is not readily available.

The conferees support the competitive selection and award of information infrastructure grants. In this regard, the conferees endorse the review and consideration of the various proposals named in the House and Senate reports should applications be submitted. The conferees have been made aware of the following technical change in the description of a proposal listed as item number (5) in the House report, and encourage NTIA to consider an application as follows:

(5) a proposal by the NCexCHange and the Southeastern Regional Alliance in North Carolina to assist non-profit organizations and businesses in using the telecommunications infrastructure.

Amendment No. 83: Provides language proposed by the Senate clarifying that activities of the Advisory Council on National Information Infrastructure may be supported within funds provided for program support activities under this heading. The House bill contained no similar provision.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Amendment No. 84: Restores language proposed by the House and stricken by the Senate designating trade adjustment assistance as a use of the funds provided under this heading and provides $408,024,000 for the economic development assistance programs instead of $338,524,000 as proposed by the House and $412,198,000 as proposed by the Senate. The following table shows a comparison of the recommended conference agreement to the amounts provided by the House and Senate:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

[In thousands of dollars]

	Fiscal year—				
	1994	1995 request	1995 House	1995 Senate	1995 conference
Public works grants	160,000	130,924	175,000	174,000	195,000
Planning assistance	26,000	26,000	26,598	27,272	26,598
Technical assistance (including University Centers)	10,600	10,600	10,926	10,926	10,926
Defense Economic Conversion	80,000	140,000	80,000	140,000	120,000
Research and evaluation	500	500	500	0	500
Trade adjustment assistance	10,000	0	10,000	10,000	10,000
Economic adjustment grants	35,542	19,000	35,500	50,000	45,000
Total	322,642	327,024	338,524	412,198	408,024

The conferees are interested in EDA's proposed Competitive Communities concept to assist distressed communities in developing the necessary industrial base to compete in the global marketplace. The conferees expect EDA to submit a detailed plan for implementation of a pilot program for competitive communities. In this plan, EDA should address concerns expressed by both the House and Senate appropriations and authorizing committees that the program be structured in such a way that both defense conversion-impacted communities and traditional communities benefit equally from this innovative concept. Further, the plan should be structured so that it benefits rural areas as well as urban centers. The conferees expect the Department and EDA to submit this detailed plan no later than December 1, 1994. Upon review of the proposal by the appropriate committees, the House and Senate Committees on Appropriations would be willing to consider a reprogramming proposal for the Competitive Communities program, to be submitted by January 31, 1995 in accordance with the Committees' standard reprogramming procedures included in Section 605 of this Act. The conferees intend that any funds proposed for reprogramming for this purpose from amounts provided under defense conversion in this Act would be used to fund the competitive communities concept only in defense-impacted communities. Likewise, any reprogramming from other Title IX funds for this purpose should only be directed toward competitive communities programs in traditional, non-defense communities.

Amendment No. 85: Deletes language proposed by the Senate earmarking funds provided under this heading for the trade adjustment assistance program and the Title I Public Works grant program. The House bill continued no similar provision.

The conferees have agreed to provide funding for both of these programs; a table displaying the amounts provided for all EDA assistance programs is included under Amendment No. 84.

The conferees endorse EDA's review and consideration of all viable proposals named in both the House and Senate reports accompanying this bill, should those proposals be submitted. The conferees have also been made aware of the following additional proposals for economic development assistance, and encourage EDA to consider applications for these proposals within applicable procedures and guidelines:

(1) a proposal from the Southern Kentucky Economic Development Corporation for the implementation of a strategic plan for industrial recruitment and economic development within southern and eastern Kentucky;

(2) a proposal from the Wood County Development Authority to develop an industrial park;

(3) a proposal from the State of North Carolina and Pembroke State University for the development of a Regional Center for Economic, Community and Professional Development;

(4) a proposal from the City of Akron, Ohio, for exhibition development at the National Invention Center; and

(5) a proposal from the City of Pittsburgh for a grant for site assembly and infrastructure development for the Federal North Redevelopment Project.

SALARIES AND EXPENSES

Amendment No. 86: Appropriates $32,205,000 for the EDA salaries and expenses as proposed by the House instead of $36,000,000 as proposed by the Senate.

The conferees support the language included in the House report regarding the regional versus headquarters staffing.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Amendment No. 87: Deletes language proposed by the Senate requiring that not to exceed $6,177,000 of the savings associated with procurement reform be assigned to the National Oceanic and Atmospheric Administration (NOAA). The House bill contained no similar provision.

The conferees agree with the intent of the Senate amendment that the burden of the procurement reform reductions to be taken by the Department not be borne disproportionately by NOAA and that NOAA should not be allocated more than one-half the total reduction required under this provision. The conferees expect the Department to notify

the House and Senate Committees on Appropriations of the distribution of these proposed procurement savings under the reprogramming procedures contained in Section 605 of this Act.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 88: Appropriates $24,240,000 instead of $24,157,000 as proposed by the House and $24,323,000 as proposed by the Senate.

CARE OF THE BUILDING AND GROUNDS

Amendment No. 89: Appropriates $3,000,000 as proposed by the House instead of $3,045,000 as proposed by the Senate.

United States Court of Appeals for the Federal Circuit.

SALARIES AND EXPENSES

Amendment No. 90: Appropriates $13,438,000 as proposed by the House instead of $13,362,000 as proposed by the Senate.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

Amendment No. 91: Appropriates $11,685,000 as proposed by the House instead of $11,765,000 proposed by the Senate.

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Amendment No. 92: Appropriates $2,340,127,000 instead of $2,323,455,000 as proposed by the House and $2,409,318,000 as proposed by the Senate.

The following table reflects the net increase of $16,672,000 provided by the conference agreement above the House level:

[In thousands of dollars]

Base adjustments:	
Increased Article III judge vacancies	−$9,000
New space for FY 1995	−2,330
Annualization of space for FY 1994	+9,073
Program increases:	
Magistrate Judges/staff	+3,300
Clerks Offices:	
(1) Deputy Clerks/Courts of Appeals	+1,100
(2) Deputy Clerks/District Courts	+3,529
(3) Deputy Clerks/Bankruptcy Courts	−10,986
Probation and pretrial services:	
Workload Requirements	+15,486
Automation:	
Judiciary automation fund	+3,500
Facilities:	
Tenant alterations	+3,000

The conferees are agreed that the Judicial Conference of the United States should establish new United States Magistrate Judge positions on the basis of additional workload requirements and other additional, appropriate criteria. The conferees note that the conference agreement does not fully fund the budget request for additional magistrates. Therefore, the conferees expect that the Judicial Conference should reevaluate the need for new magistrate positions and establish such positions in the districts of greatest need.

FEES OF JURORS AND COMMISSIONERS

Amendment No. 93: Appropriates $59,346,000 instead of $62,692,000 as proposed by the House and $56,000,000 as proposed by the Senate.

COURT SECURITY

Amendment No. 94: Appropriates $97,000,000 as proposed by the House instead of $97,532,000 as proposed by the Senate.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

Amendment No. 95: Appropriates $47,500,000 instead of $46,500,000 as proposed by the House and $47,734,000 as proposed by the Senate.

The conferees are concerned about the lack of information available from the General Services Administration concerning the delivery of new space and facilities projects for the Judiciary. This information is critical to the Committees' funding decisions on the budget requests for the Salaries and Expenses account for Courts of Appeals, District Courts, and Other Judicial Services. The conferees expect that the Administrative Office of the United States Courts will develop its own data base to keep track of approved space and facilities projects in order to provide the Appropriations Committees with timely information on the status of such projects.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Amendment No. 96: Appropriates $18,828,000 as proposed by the House instead of $19,739,000 as proposed by the Senate.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

Amendment No. 97: Appropriates $8,800,000 instead of $8,468,000 as proposed by the House and $9,200,000 as proposed by the Senate.

GENERAL PROVISIONS—THE JUDICIARY

Section 305

Amendment No. 98: Deletes a provision proposed by the Senate which would have extended the operating authority for the Judiciary Automation Fund for five years. The House bill contained no provision on this matter.

Section 306

Amendment No. 99: Deletes a provision proposed by the Senate which would have permitted the Judiciary's contributions to the Civil Service Retirement Fund to be paid back to the Judiciary when United States bankruptcy and magistrate judges elect to transfer their coverage from the Civil Service Retirement System or the Federal Employee's Retirement System to the retirement program established under the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988. The House bill contained no provision on this matter.

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

Amendment No. 100: Appropriates $76,100,000 for the Maritime Administration's Operations and Training account as proposed by the House instead of $78,000,000 as proposed by the Senate, and adds language, not in either bill, which permanently cancels $360,000 of the budgetary resources made available to the Maritime Administration for fiscal year 1995 procurement and procurement-related activities.

READY RESERVE FORCE

(INCLUDING RESCISSION)

Amendment No. 101: Appropriates $150,000,000 for the maintenance and operations of the Ready Reserve Force instead of $179,415,000 as proposed by the House and $138,000,000 as proposed by the Senate.

Amendment No. 102: Rescinds $158,000,000 from the unobligated balances available under the Ready Reserve Force as proposed by the Senate. The House bill included a rescission of $27,000,000 from the funds made available under this heading in Public Law 103–121.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

Amendment No. 103: Appropriates $1,894,000 for the Commission on Immigration Reform as proposed by the Senate instead of $1,494,000 as proposed by the House.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 104: Appropriates $1,384,000 for the Marine Mammal Commission as proposed by the Senate instead of $1,320,000 as proposed by the House.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 105: Appropriates $258,175,000 and inserts the following new provisions which were not in either the House or the Senate bill: an earmark of $15,000,000 to implement section 24 of the Small Business Act as amended, including $500,000 to be made available only to the City of Buffalo, New York; a provision which would continue to authorize the Natural Resources Development Program at $30,000,000 per year from fiscal year 1995 through fiscal year 1997; and a provision which amends section 112(c) of the Small Business Administration Authorization and Amendment Act of 1988 through fiscal year 1997. This provision concerns the interest rate on certified development company loans. The House had proposed only an appropriation of $258,900,000 for the Salaries and Expenses account, and the Senate had proposed only an appropriation of $233,468,000 for this purpose.

The following table shows the distribution of the funds provided in the conference agreement for the SBA Salaries and Expenses account, including the funds earmarked in Amendment Nos. 107 and 108:

SBA salaries and expenses—fiscal year 1995

[In thousands of dollars]

	agreement
7(j) Program	8,073
SCORE	3,250
SBI	3,000
Women's Business Ownership Act of 1988 demonstration grants	4,000
SBDC	74,000
SBDC central Europe	1,000
SBDC defense economic transition	3,375
Veteran's outreach	445
International trade	481
Advocacy research	1,533
PASS	1,098
Title IV of the Women's Business Ownership Act of 1988	200
White House Conference	2,490
Microloan technical assistance	9,000
Empowerment zones	1,786
Export assistance centers	3,202
BIC/OSCS	1,400
Natural Resources Development Program	15,000
Pittsburgh District Video Production	150
Paperless Procurement Program	500
Subtotal	113,620
Other salaries and expenses	133,742
Total program level salaries & expenses	267,525
Financing offsetting collections	−9,350
Total appropriation	258,175

The conference agreement includes $150,000 for the continuation of a Video Production

Program which was established as a pilot program for Western Region II, Pittsburgh District of the Small Business Administration. The conferees are agreed that these funds are to be used for the program which was established in Johnstown, Pennsylvania for the development of industry-specific video catalogs that showcase small businesses to prime contractors, export partners, and trade missions. The conferees understand that the pilot program engendered strong interest among small businesses who now wish to participate because of the potential they see in this program.

The conference agreement also includes $500,000 to establish a pilot program for small businesses designed to advance their transition to a paperless procurement environment. The conferees understand that the Department of Defense and the Office of Management and Budget are considering instituting an entirely new way to do business with the Federal government—a proposed evolution to an all-electronic system. While the conferees are advised that this initiative has the potential to save substantial amounts, conversion to a paperless environment is not without its costs and many small businesses have neither the funds nor the capability to insure their continued involvement in Federal procurement activities in such a new procurement environment. The conferees, therefore, expect the Small Business Administration to initiate a pilot program with the economic development entity currently involved with SBA in producing marketing videos in southwestern Pennsylvania and the WVHTC Foundation. To the extent practicable, small businesses should share in the costs of planning and implementing such an electronic procurement system and in modifying systems that may otherwise be critically needed to the marketing of their products.

The conference agreement includes $3,202,000 for expansion of the Small Business Administration's participation in the export assistance center/one-stop shops initiative of the Administration called for in the report of the Trade Promotion Coordinating Committee. The conferees are agreed that the Small Business Administration should locate its centers in the same locations/offices as the United States and Foreign Commercial Service of the Department of Commerce and the Export-Import Bank of the United States since these agencies are the other partners in this initiative.

Amendment No. 106: Deletes a provision proposed by the Senate which would have permitted the Small Business Administration to charge a user fee for some of the costs of the Small Business Development Center program. The House bill contained no provision on this matter.

Amendment No. 107: Earmarks $77,375,000 for the Small Business Development Center program instead of $73,300,000 for this purpose as proposed by the House and $72,000,000 as proposed by the Senate.

Amendment No. 108: Earmarks $3,375,000 for defense economic transition technical assistance instead of $5,000,000 for this purpose as proposed by the Senate. The House bill contained no provision on this matter. The conferees expect that not less than $500,000 of this amount shall be available for the South Carolina Small Business Development Center to assist in the reuse of the Charleston Naval Base, displaced employees, and related economic impacts from this realignment.

Amendment No. 109: Restores language proposed by the House and stricken by the Senate which prohibits any of the funds in this Act from being used to impose any new or increased user fee or management assistance fee for the Small Business Development Center program.

BUSINESS LOANS PROGRAM ACCOUNT

Amendment No. 110: appropriates $9,596,000 for the Credit Subsidy Budget Authority cost of Small Business Administration's direct loans program instead of $8,500,000 for this purpose as proposed by the House and $9,221,000 for this purpose as proposed by the Senate.

The following table shows the allocation of subsidy costs and program levels for the various SBA direct loan programs under the conference agreement:

SMALL BUSINESS ADMINISTRATION DIRECT LOAN PROGRAMS

[In thousands of dollars]

	Conference agreement	
	Subsidy appropriation	Credit/Program level financed
Handicapped	1,700	4,928
MESBIC	2,533	7,554
Microloans	5,363	45,642
Total	9,596	58,124

Amendment No. 111: Appropriate $278,305,000 for the Credit Subsidy Budget Authority cost of the Small Business Administration's Business Guaranteed Loans Program instead of $321,067,000 for this purpose as proposed by the House and $277,143,000 as proposed by the Senate. The conference agreement also adds new language which earmarks $1,216,000 for the Microloan Guarantee Program to be available until expended and earmarks the following amounts to remain available until September 30, 1996: $15,990,000 for the SBIC program; $7,398,000 for the SSBIC program; and $20,457,000 for the Participating Securities program. In addition, the conference agreement adds new language earmarking $30,000,000 to prepay the Federal Financing Bank for debentures guaranteed by the Administration pursuant to section 503 of the Small Business Investment Act. The conference agreement also provides that the costs of guaranteed loans including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974. The conference agreement also includes new language appropriating $27,350,000 and designating amounts for certain grant activities. Finally, the conference agreement makes a technical change in the bill.

The following table shows the allocation of subsidy costs and program levels under the conference agreement for the small business loans guarantee program:

GUARANTEED LOAN PROGRAMS

[In thousands of dollars]

	Conference agreement	
	Subsidy appropriations	Credit/Program level financed
Section 7(a)	195,096	7,146,373
Section 502 companies	664	42,000
Section 504 companies	8,030	1,434,000
SBIC Program	18,389	115,000
SSBIC	4,453	15,000
Participating securities	20,457	227,553
Microloan	1,216	10,000
Section 503 prepayments	30,000	30,000
Total, new business loan guarantees	278,305	9,019,926
Section 7(a) budgeted carryover	[1] 38,450	[1] 1,450,000

GUARANTEED LOAN PROGRAMS—Continued

[In thousands of dollars]

	Conference agreement	
	Subsidy appropriations	Credit/Program level financed
Total	316,755	10,469,926

[1] Represents carryover projected in the President's Budget. The actual carryover is currently estimated to be $27.3 million in subsidy costs and $1 billion in program level.

The conference agreement provides a total of $27,350,000 for the following activities:

$750,000 for a grant to the North Carolina Biotechnology Center for a demonstration project that would integrate small business formation and preparation of a biotechnology workforce;

$500,000 for continuation of a grant to the Van Emmons Population Marketing Analysis Center, Towanda, Pennsylvania, for an integrated small business data base to assist Appalachian Region small businesses;

$1,000,000 for continuation of a grant to the City of Prestonsburg, Kentucky, for small business development;

$375,000 for a grant to the State of Nebraska for establishing the Nebraska Micro Enterprise Initiative to include a clearinghouse and training and counseling programs;

$3,000,000 for continuation of a grant to the National Center for Genome Resources in New Mexico to provide consulting assistance, information and related services to small businesses and for related purposes;

$1,000,000 for continuation of a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas;

$500,000 for a grant to an entity in Bozeman, Montana, to establish a small business assistance center to assist small businesses to qualify and participate in the Small Business Innovation Research (SBIR) program;

$1,000,000 for continuation of a grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for a small business consulting and assistance center for entrepreneurial opportunities;

$1,500,000 for a grant to a consortium in Buffalo, New York, to provide assistance to small businesses for technical improvement of commercial industrial products;

$250,000 for a grant to the Western Massachusetts Enterprise Fund to expand microlending to entrepreneurs and small businesses in Central Massachusetts;

$400,000 for continuation of a grant to the State of Ohio, Department of Development, International Trade Division to assist small businesses expand their export opportunities;

$1,000,000 for continuation of a grant to assist the development of a Small Business Consulting, Information and Assistance Center in Hazard, Kentucky;

$2,000,000 for continuation of a grant to the WVHTC Foundation, of which half is for build-out, equipment, and operations costs for a small business incubator facility and half is for an outreach grant program to assist small business economic development;

$125,000 for a grant to an organization in Bowling Green, Kentucky, for a small business pilot program;

$2,500,000 for a grant to the City of Carbondale, Pennsylvania, to establish a small business incubator facility;

$500,000 for continuation of a grant to the New York City Public Library for construction and related costs for the Industry and Business Library;

$200,000 for continuation of a grant to assist the Small Business Institute program of the Small Business Administration to establish and operate a National Data Center

Small Business Institute program in Conway, Arkansas;

$4,000,000 for a grant to the Unified Technology Center in Cleveland, Ohio, to assist small businesses in the design of high-quality, environmentally sound processes;

$1,250,000 for a grant to the City of Whitesburg, Kentucky, to develop and equip a facility to promote the development of small businesses and enhance economic development opportunities;

$2,500,000 for a grant to the City of Wheeling, West Virginia for the Oglebay Small Business Rural Development Center;

$1,000,000 for a grant for a Small Business Development Institute in North Philadelphia, Pennsylvania, for a facility to assist and train minority small businesses;

$250,000 for continuation of a grant to the City of Espanola, New Mexico, for the development of the Espanola Plaza to assist small businesses and enhance economic development;

$1,000,000 for a grant to North Central West Virginia Community Action to establish a small business rural enterprise training institute and micro-loan demonstration program;

$500,000 for a grant to the Mississippi Delta Small Business Technology Project in Little Rock, Arkansas, for technology education for small business owners and employees; and

$250,000 for a grant to establish a small business incubator facility in West Charlotte, North Carolina.

Amendment No. 112: Deletes the language proposed by the Senate which would have earmarked $1,216,000 for the Mirco-loan Guarantee Program and also makes certain technical changes in the remainder of the paragraph under the heading "Business Loans Program Account". The earmark for the Micro-loan Guarantee Program is addressed in Amendment No. 111.

The House bill contained no provision on this matter.

DISASTER LOANS PROGRAM ACCOUNT

Amendment No. 113: Adds the word "further" as proposed by the Senate. This is a technical change.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

Section 401

Amendment No. 114: Deletes a provision proposed by the House and stricken by the Senate which would have established certain prerequisites to funding the Small Business Investment Company Participating Securities program. SBA has satisfied these requirements by publishing final regulations governing this program.

Section 402(A)

Amendment No. 115: Inserts a provision proposed by the Senate which permits the SBA Administrator to propose up to five percent of any appropriation made available to SBA in the current year to be transferred between appropriations, but provides that no appropriation shall be increased by more than 10 percent by any such transfer. In addition, such transfers would be subject to the reprogramming guidelines in section 605 of this Act. The conference agreement also makes a technical change in the section number.

The House bill contained no provision on this matter.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Amendment No. 116: Appropriates $415,000,000 with certain earmarks of these funds as proposed by the House instead of $400,000,000 with certain earmarks as proposed by the Senate.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

Amendment No. 117: Restores language proposed by the House and stricken by the Senate which provides that 50 percent of new basic field funds shall be awarded to grantees and contractors funded at the lowest levels per-poor-person so as to fund the largest number of programs possible at an equal per-poor-person amount. The provision also provides that 50 percent of new basic field funds shall be allocated to grantees and contractors in an amount that is proportionate to the number of poor people in such grantee or contractor service area as enumerated in the 1990 Census.

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Amendment No. 118: Appropriates $1,731,416,000 instead of $1,700,200,000 as proposed by the House and $1,780,439,000 as proposed by the Senate.

The conference agreement reflects an increase of $14,820,000 above the House allowance for adjustments to base, $14,000,000 in program increases to modernize the Department's information systems, $1,396,000 for operational costs related to reimbursement to the FBI for fingerprint checks on immigrant applicants at 10 overseas posts and $1,000,000 for international research activities.

The conferees are aware that following filing of the report accompanying the Senate version of H.R. 4603, the Department of Treasury informed the Department of State that it did not intend to pay its current bills under the Foreign Affairs Administrative System for Treasury personnel located overseas. The conferees, therefore, expect the Department of State will take no action to allow any increase in the number of Department of Treasury permanently assigned personnel overseas, including the Secret Service, until all interagency payments by the Treasury Department are paid in full. The conferees are further aware that United States ambassadors in several overseas posts have suggested that Treasury personnel, such as IRS employees, be relocated to the United States. The conferees strongly recommend that the Secretary of State support such efforts by Chiefs of Mission to reduce U.S. personnel overseas.

The conferees are agreed that the initiative of the Department of State's Bureau of Consular Affairs to modernize non-immigrant visa processing and automate the consular visa system is a priority and that funding for the new fingerprint requirement under Amendment No. 130 of this conference agreement should not impede the plan to upgrade the visa issuing capabilities of the Department of State at all overseas posts. Therefore, the conferees are agreed that funding for the new fingerprint requirement should be allocated from the increased amounts provided for this purpose under the conference agreement and from increased immigrant visa fee receipts in the 10 countries subject to the new fingerprint check requirement. The conferees are also agreed that none of the funds provided under this conference agreement for the modernization program should be used to fund the costs associated with the new fingerprint requirement.

The conference agreement includes $500,000 for continuation of a grant to the National Law Center for Inter-American Free Trade.

The conferees agree that the Department of State needs to pursue ways of increasing efficiency and conserving scarce financial resources. As one way to achieve such savings, the conferees urge the Department to study the feasibility of extending to other areas the "Vienna model" consolidating in one embassy certain administrative and support functions that can be performed on a more efficient shared basis in support of nearby stations or missions. The Department has established a joint administrative operation in Vienna that serves the various U.S. Missions headquartered at that location. The consolidated administrative support center in Brussels, Belgium is another successful example of allocating support services for United States missions abroad. Therefore, the conferees expect the Department to analyze the best means to replicating these models on a regional basis and submit a proposal to the House and Senate Appropriations Committees by October 1, 1994, providing for a pilot project for such a consolidated administrative operation for other areas during fiscal year 1995.

The conference agreement includes $300,000 for a grant to establish the International Center for the Study of Canadian-American Trade. The Center is to be established pursuant to an agreement between an institution or consortium of institutions of post-secondary education in the State of Michigan and a similar institution or consortium of institutions in Canada. The funds recommended will be supplemented in future years by private sector contributions and by contributions from the participating institution or institutions and will provide funding for research and education projects related to the promotion of trade between the United States and Canada with a special emphasis on trade in the Great lakes Region. Projects and programs will be designed to enhance cooperation between the United States and Canada in implementing the U.S.-Canada Free Trade Agreement and the North American Free Trade Agreement as they relate to the environment, labor markets, and labor standards, in the industrial and agricultural bases of the region.

The conferees are aware of efforts by the Cascadia Transportation/Trade Task Force to improve cross-border passage of people, goods and capital through enhanced public/private technology and border operational efficiencies. The conferees support these efforts and encourage the Department to continue its efforts in cooperation with the Department of Transportation authorities to implement the goals of this bi-national strategic alliance.

Because of the increasingly central role that the access to information is playing in the overall economic and political development of nations, the conferees expect that the Bureau of Economic and Business Affairs should receive, in accordance with the Administration's budget requests, $250,000 for each of fiscal years 1994 and 1995 from the Diplomatic and Consular Programs account to continue to support activities that promote international communications and information development (including support for related international institutional development in communications). Funds for this purpose have been provided for the last six years, but were not explicitly mentioned in either the Foreign Relations Authorizations Act, Fiscal Years 1994 and 1995 (P.L. 103-236) or the Department of State and Related

Agencies Appropriations Act, 1994 (P.L. 103-121). The conferees wish to clarify that funds for this purpose may therefore be provided for fiscal years 1994 and 1995.

Amendment No. 119: Inserts language which provides that all receipts received from a new charge from expedited passport processing shall be deposited in this account as an offsetting collection and shall be available until expended. The conference agreement also includes new language not in either the House or Senate bill which provides that all receipts received from an increase in the charge for immigrant visas in effect on September 30, 1994, shall be deposited as an offsetting collection to this account. In addition, the conference agreement includes language which establishes limitations of $4,000,000 for grants, contracts, and other activities to conduct research and promote international cooperation on environmental and other scientific issues; $600,000 to carry out the activities of the Commission on Protecting and Reducing Government Secrecy; and $300,000 for the Office of Cambodian Genocide Investigations. The conference agreement also provides that none of the funds appropriated for the Diplomatic and Consular Programs account shall be available to carry out the provisions of section 101(b)(2)(E) of Public Law 103-236. Finally, the conference agreement includes new language not in either the House or the Senate bill which earmarks $28,356,000 for the Diplomatic Telecommunications Service for operation of existing base services and $15,000,000 for enhancement of the DTS and withholds these latter funds from obligation until the Secretary of State and the Director of the Diplomatic Telecommunications Service Program Office submit a DTS planning report required by section 514 of this Act.

The House had proposed a new fee provision for expedited passport service under certain conditions and would have limited expenditures from such fees to $18,000,000 during fiscal year 1995. In addition, the House had proposed limitations of $3,000,000 for grants, contracts, and other international research activities, $500,000 to carry out the activities of the Commission on Protecting and Reducing Government Secrecy, and $300,000 for recruitment of Hispanic American applicants for the foreign service, and $300,000 to carry out the activities of the Office of Cambodian Genocide Investigations. The House also had proposed the limitation to carry out the provisions of section 101(b)(2)(E) of Public Law 103-236 contained in the conference agreement.

The Senate had proposed the language contained in the conference agreement which provided that all receipts received from a new charge from expedited passport processing should be deposited in the Diplomatic and Consular Programs account as an offsetting collection. In addition, the Senate had proposed that of the total amount appropriated for the Diplomatic and Consular Programs account not less than $5,000,000 would be available only for payments to the Federal Bureau of Investigation pursuant to section 505 of this Act.

Amendment No. 120: Inserts the words, "*Provided*" as proposed by the Senate instead of "*Provided further*" as proposed by the House.

SALARIES AND EXPENSES

Amendment No. 121: Appropriates $385,000,000 as proposed by the House instead of $391,373,000 as proposed by the Senate.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

Amendment No. 122: Appropriates $421,760,000 as proposed by the Senate instead of $396,000,000 as proposed by the House. The conference agreement includes $49,239,000 as requested to construct a new U.S. embassy in Ottawa. The conference agreement also includes up to $117,864,000 for facility maintenance and rehabilitation. The conferees are concerned that not enough resources are being invested in repair and maintenance of existing facilities by the State Department. The Department's backlog of facility maintenance and repair is currently estimated in excess of $413,000,000. The conferees expect the Department to develop a list of priorities along with a funding plan for these projects and submit such a list to the House and Senate Appropriations Committees no later than December 1, 1994.

The conferees have reviewed and approved the Department's plan for proceeding with a new chancery building in Moscow. The conferees expect the Department to avoid further delay on this project and to proceed with implementing its new plan for this project expeditiously. The conferees expect the Department to keep the House and Senate Appropriations Committees fully aprised of the cost of this project.

Amendment No. 123: Inserts a limitation which permits not to exceed $117,864,000 to be available for Maintenance of Buildings and Facility Rehabilitation instead of an earmark of $92,864,000 for this purpose as proposed by the House and $117,864,000 as proposed by the Senate.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Amendment No. 124: Restores language proposed by the House and stricken by the Senate which permits up to $1,000,000 of the appropriation for Emergencies in the Diplomatic and Consular Service to be transferred to and merged with the Repatriation Loans Program account subject to the same terms and conditions.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Amendment No. 125: Appropriates $877,222,000, of which not to exceed $4,000,000 is available to pay arrearages, the payment of which shall be directed towards special activities that are mutually agreed upon by the United States and the respective international organization. The House had proposed a total of $913,941,000 of which not to exceed $40,719,000 was available to pay arrearages. The Senate had proposed $873,222,000 with no funds available to pay arrearages.

The amount in the conference agreement includes $1,600,000 for payment of the United States assessment for the Nonproliferation Treaty Extension Conference to be held in fiscal year 1995. The President's budget included this item in the request for the Arms Control and Disarmament Agency. The conferees expect that sufficient funds will become available to pay this assessment through a combination of gains from currency fluctuations and changes from the estimates and actual bills received for the assessments funded in this account.

Amendment No. 126: Inserts a provision which requires that the Appropriations Committees and the Foreign Relations and Foreign Affairs Committees be notified of the steps taken and anticipated to be taken to meet the certification requirements for establishment of the United Nations Inspector General under section 401(b) of Public Law 103-236. The Senate had proposed similar language which required that these Committees be notified only of the steps taken to meet the requirements for certification. The House bill contained no provision on this matter.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Amendment No. 127: Appropriates $533,304,000 with limitations of $288,000,000 for arrearages accumulated in fiscal year 1994 and $23,092,000 for other outstanding arrearages. In addition, the conference agreement includes a provision which makes funds available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate congressional committees that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

The House bill had proposed the appropriation and limitations on the use of funds contained in the conference agreement. The Senate bill had proposed an appropriation of $500,000,000 with a limitation of $277,788,000 to pay arrearages and the provision contained in the conference agreement concerning the certification requirement that American manufacturers and suppliers are being given equal opportunities to provide equipment, services, and material for United Nations peacekeeping activities.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

Amendment No. 128: Appropriates $12,858,000 as proposed by the Senate instead of $13,947,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $6,644,000 for the Construction account of the International Boundary and Water Commission, United States and Mexico and appropriates $10,000,000 for payment to the Asia Foundation. The House had proposed $6,644,000 for the Construction account, and the Senate had proposed $7,733,000 for this item. Both the House and the Senate bills proposed $15,000,000 for the Asia Foundation. The conference agreement reduces funding for the Asia Foundation in order to fund other priority international programs.

The conference agreement for the Construction item reflects the sum of $1,000,000 for reimbursement to the City of San Diego for treatment of Tijuana sewage, to be derived from the carryover balances totaling $1,661,000. The amount of the carryover and the $1,000,000 reimbursement amount reflects reduced sewage flows currently being treated and projected for fiscal year 1995 at the San Diego Sewage Treatment Plant.

The conference agreement for Construction also includes the budget request of $2,000,000 to continue construction on a project to stabilize the Rio Grande channel between American Dam in El Paso, Texas, and the Caballo Dam, New Mexico. This amount together with $100,000 in carryover funds will provide a total of $2,100,000 for this project in fiscal year 1995.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Section 505

Amendment No. 130: Inserts a general provision as proposed by the Senate, which amends the fiscal year 1994-1995 Foreign Relations Authorization Act to require the Department of State to conduct full fingerprint checks on immigrant visa applicants over 16 years of age in the 10 countries with the

highest volume of immigrant visa issuance. The provision also requires that this program begin not later than March 31, 1995, and that the Department pay the FBI the required fee for each fingerprint card. The House bill contained no provision on this matter.

Section 506

Amendment No. 131: Inserts a general provision which amends the Immigration and Nationality Act to permit aliens to adjust their status in the United States upon payment of certain fees. The provision also establishes requirements for aliens who decide to adjust their status outside of the United States at a United States consulate. The provision also exempts spouses and children of aliens from these new requirements. In addition, the provision requires the Attorney General to deposit the sums collected pursuant to this provision in the Immigration and Naturalization Service's Immigration Examinations Fee account. The provision also requires INS to conduct full fingerprint identification checks through the FBI for all individuals over 16 years of age who are adjusting their immigration status in the U.S. pursuant to this provision. Finally, the provision includes language which sunsets the provision at the end of fiscal year 1997.

The Senate had proposed the provision contained in the conference agreement as a permanent change in law without any sunset provision. The House bill contained no provision on this matter.

The conferees are agreed that not later than December 31, 1996, the Secretary of State and the Attorney General should jointly submit to the House and Senate Appropriations Committees, the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, a report detailing for fiscal years 1995 and 1996:

(a) the total number of applicants processed pursuant to this provision, broken down separately according to country, immigrant visa category and terms of entry into the U.S.;

(b) the totals of additional expenditures and staff deployments by the Immigration and Naturalization Service to process such applicants;

(c) the total amount of additional fees collected by the Immigration and Naturalization Service pursuant to the provision;

(d) the number of applicants exempted from supplemental fees under the provision, by category of exemption, and by country;

(e) an estimate of Department of State workload changes abroad resulting from implementation of this provision, by country;

(f) estimated savings to the Department of State by virtue of implementation of this provision, and the disposition of such savings;

(g) an analysis of the impact on immigration fraud, if any, as a result of this provision;

(h) the total amount of fees paid to the FBI for fingerprint checks pursuant to this provision; and

(i) an estimate of INS workload changes, including effects on processing times for naturalization and adjustment applications, resulting from implementation of this provision by district.

Section 507

Amendment No. 132: Deletes a general provision which would have required the Director of the United States Information Agency to submit a report to the Appropriations Committees concerning the Au Pair program.

The conferees note the important role of American au pair agencies in operating exchange programs for foreign au pairs, some of whom might otherwise never have a chance to visit the United States. The au pairs make a valuable contribution in the child care they provide to American families, and they return to their home countries with a better understanding of American values and culture. The conferees are informed that the experience of the overwhelming majority of au pairs and their host families is positive. However, the conferees are concerned about reports that some au pairs have engaged in inappropriate, and in some instances unlawful behavior involving the American children in their care. The conferees are concerned that the procedures for screening and training prospective au pairs may be inadequate. In order to determine whether such procedures are adequate, the conferees request the Director of the United States Information Agency to submit a report to the House and Senate Committees on Appropriations and the House Foreign Affairs Committee and the Senate Foreign Relations Committee, within 60 days of enactment of this Act, containing the following:

(1) The number of persons accepted and the number of persons rejected each year for admission to the United States under a J Visa as part of the au pair program;

(2) The number of American host families that reported being satisfied with their au pair, and the number that reported being unsatisfied, for the most recent year for which such information is available and the reasons therefore;

(3) The guidelines and/or a summary of the procedures used by each au pair agency regarding screening of prospective au pairs for relevant information, such as personal character and employment references, and information about any prior unlawful activity involving children;

(4) The contractual relationship between au pair agencies and individuals located overseas who select and screen prospective au pairs, and the standards and procedures which apply to these individuals;

(5) The guidelines and/or a summary of the procedures used by each au pair agency regarding training of au pairs in child care and in relevant United States laws;

(6) The procedures used by each au pair agency and the United States Information Agency regarding au pairs who violate local, State or Federal laws;

(7) The mechanisms available to the United States Information Agency and each au pair agency to ensure maximum compliance with au pair agency guidelines and procedures;

(8) The procedures used by each au pair agency to deal with au pairs who are determined by their host family to be unsuitable; and

(9) A description of any efforts by the United States Information Agency or each au pair agency to strengthen or otherwise improve the above-mentioned guidelines, standards and procedures.

The House bill contained no provision on this matter.

Section 508

Amendment No. 133: Deletes a provision proposed by the Senate which would have permitted up to $100,000,000 of the funds appropriated in title V for the Department of State, the U.S. Information Agency and other international agencies and in chapter II of title VII to be transferred, at the President's discretion and subject to the notification procedures of the Appropriations Committees to support humanitarian relief for Rwanda.

The House bill contained no provision on this matter.

The conferees note that humanitarian assistance to Rwanda was included in the conference report on the Fiscal Year 1995 Foreign Operations, Export Financing and Related Agencies Appropriations Act.

Section 509

Amendment No. 134: Deletes a provision proposed by the Senate which would have required that not later than March 1, 1995, the Secretary of State submit to appropriate Congressional committees, a report on the technical cooperation activities of the International Atomic Energy Agency with countries on the list of terrorist countries, as determined under section 6(j) of the Export Administration Act of 1979. The House bill contained no provision on this matter.

The conferees expect that the Secretary of State will review this entire matter and submit a report to the appropriate Congressional committees on the technical cooperation program of the International Atomic Energy Agency.

Section 510

Amendment No. 135: Deletes a sense of the Congress provision proposed by the Senate that U.S. assessed contributions for UN peacekeeping operations could consist of contributions of excess defense articles or could be in the form of payments made directly to U.S. companies providing goods and services in support of such peacekeeping activities. The House bill included no provision on this matter.

Section 511

Amendment No. 136: Deletes a general provision proposed by the Senate which would have amended the Taiwan Relations Act to provide for cabinet-level contacts with Taiwan through exchanges of visits between cabinet-level officials of Taiwan and the United States. The House bill contained no provision on this matter.

Section 512

Amendment No. 137: Deletes a provision proposed by the Senate which would have amended the Immigration and Nationality Act to exclude from the United States any individual who is a member of an organization involved in terrorist activity. The House bill contained no provision on this matter.

Section 513

Amendment No. 138: Deletes a provision proposed by the Senate which would have prohibited the issuance of a visa to any alien who illegally confiscated the property of a United States citizen or converted for personal gain such property otherwise illegally confiscated from a United States citizen. The House bill had no provision on this matter.

Section 514

Amendment No. 139: Inserts new language establishing certain requirements for the Department of State's Diplomatic Telecommunications Service including financial management, the DTS Policy Board, a DTS Consolidation Pilot Program and a DTS Planning Report. The Senate had proposed a provision stating certain findings and expressing the sense of the Senate condemning the Government of Cuba for the sinking of the vessel "13th of March". The House bill contained no provision on this matter.

The conferees recognize the difficulties inherent in creating a viable, integrated, improved DTS network from a variety of previously separate networks, circuits, and systems controlled by various Federal agencies. The conferees note the progress that has been made, including savings realized by renegotiation of some circuit leases; establishment of a DTS training program; and installation and upgrade of transmission facilities in some embassies.

The conferees are deeply concerned, however, about the continued slow rate of progress made by the DTS Program Office (DTS–PO) in accomplishing the goals established for the DTS by Public Law 102–40. Very little progress has been made in the last two years toward true consolidation of DTS networks and operations, and some Congressional direction regarding the DTS has been ignored. Specifically, Conference Reports 102–918 and 103–293 directed that an amended DTS Five Year Strategic Plan be submitted to address specific shortfalls. The plan eventually submitted by the DTS Policy Board did not contain significant changes from the previous plan, despite clear Congressional direction to do so. Therefore, the following provisions have been included in the conference agreement to refocus the activities of the DTS Program Office, assure adequate funding, and provide balanced policy oversight, in order to achieve the efficiencies and economies envisioned by Congress based on the integration of the DTS networks and the provision of enhanced capabilities to serve all the foreign affairs agencies.

The stated intent of Congress was for the DTS–PO to have total control over the DTS baseline operating funds transferred from the Department of State (DOS), as well as the additional funds authorized by Congress for DTS enhancement, and these funds were to be used solely for DTS operations and enhancement. However, despite clear Congressional direction to the contrary, all DTS–PO financial transactions continue to be processed through Information Management (IM) and are subject to change by DOS. Further, efforts have been made by the DOS to use DTS funds for salaries of DOS employees and for other DOS facility operating expenses already funded by Congress. Commencing in FY 1995, all funds designated for the operation and enhancement of the DTS are to be passed directly to DTS–PO immediately upon appropriation via a separate allotment and unique DOS function code. Further, the DTS–PO Financial Management Officer is to be provided direct access into the DOS financial management system to enable that office to monitor and control the obligation and expenditure of these funds independently.

The DTS Policy Board now consists only of officials from DTS–PO and the two agencies whose assets comprised the bulk of the previous networks. A secondary DTS Management Council was also created, comprised of officials from the same organizations. Some of the reluctance to take action to bring about significant change in the configuration and management of the DTS could be attributed to parochial oversight by these officials. Within 60 days of enactment of the appropriation, DOS and DTS–PO officials are directed to restructure the DTS Policy Board to provide for permanent representation by: (a) the senior Information Management official from each agency currently serving on the Board; (b) the Director of the DTS–PO; (c) a senior career Information Management official from each of the Department of Commerce, the U.S. Information Agency, and the Defense Intelligence Agency; (d) a senior Information Management Official from each of two other Federal agencies served by the DTS, each of whom shall be appointed on a rotating basis by the Secretary of State and the Director of the DTS–PO for a two-year term.

The conferees are agreed that a pilot program of total DTS consolidation is to be completed at not less than five medium or large Embassies before the end of fiscal year 1995. At each of these Embassies, DTS–PO will provide a full range of integrated information services to include message, data, and voice, without additional charge. A Combined Transmission Facility is to be created and jointly operated, with open access to all unclassified (black) transmission equipment. A black packet switch system will be installed and will serve all foreign affairs agencies associated with the Embassy. Separate classified (red) transmission systems, such as MERCURY, will be terminated, and all other foreign affairs agency systems will achieve international connectivity solely through the DTS. DTS–PO will submit a report to the House and Senate Appropriations Committees not later than January 15, 1996 on the pilot program to include a cost benefit analysis for each Embassy.

Obligation authority for the $15 million in the FY 1995 appropriation for the enhancement of the DTS is withheld, pending approval of: (1) a detailed plan to carry out the pilot program discussed above, including an estimate of funds required for this purpose; and (2) a comprehensive DTS Strategic Plan which contains viable detailed plans and schedules for: (a) an overall DTS network configuration and security strategy; (b) transition of the existing dedicated circuits and red networks to the black packet switch network; (c) the provision of a basic level of voice service for all DTS customers; (d) funding of new initiatives and replacement of current systems; (e) combining existing DTS Network Control Centers, relay facilities, and overseas operations; and (f) reducing DTS–PO's heavy reliance on full-time contractor services.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

Amendment No. 140: Insert language which earmarks not less than $9,500,000 of the appropriation for the Arms Control and Disarmament Agency only for activities related to the implementation of the Chemical Weapons Convention. The Senate amendment would have earmarked no less than $9,500,000 only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons. The House bill contained no provision on this matter.

The activities covered by the conference agreement include payment of the United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons, the Organization on the Prohibition of Chemical Weapons, Training, the Office of National Assessments, and other activities as they relate to the Chemical Weapons Convention.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

Amendment No. 141: Appropriations $42,500,000 for the International Trade Commission instead of $43,500,000 as proposed by the Senate and $44,200,000 as proposed by the House. The conferees agree that any program reductions should be taken from the amounts requested for section 332 studies.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

Amendment No. 142: Appropriates $1,247,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $476,362,000 as proposed by the House instead of $480,362,000 as proposed by the Senate. The conference agreement does not include any funds to establish a new USIA post in Beirut, Lebanon. In addition, the conferees are agreed that the Agency should absorb within base amounts provided, any requirement for additional positions and resources for new activities in Vietnam.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Amendment No. 144: Appropriates $238,279,000 instead of $237,812,000 as proposed by the House and $242,388,000 as proposed by the Senate.

The following table shows the amounts in the conference agreement for the various programs funded in this account:

Educational and Cultural Exchange Programs Conference

[In thousands of dollars]

Fulbright & other academic programs	$134,000
International visitors	51,075
Pepper scholarship	1,000
Muskie Scholarship Program	7,000
Humphrey fellowships	7,977
Congress-Bundestag Program	2,500
Inst. representative government	550
NIS & Eastern Europe Training Program	4,000
Arts America Program	1,577
Citizen Exchange Program	10,000
American Studies Program	1,000
Exchange support	14,500
Mike Mansfield fellowship	500
South Pacific exchanges	900
United States-Mexico Conflict Resolution Center	500
Disability exchange clearinghouse	500
Center for Inter-American Free Trade	(1)
Paralympiad	1,500
Financing	(800)
Total	238,279

[1] Funded within Department of State "Diplomatic and Consular Programs."

The conference agreement provides $1,000,000 for the Pepper Scholarship program. Of this amount, the conferees agree that $300,000 is to be allocated as specified in the House Committee Report (H. Rept. 103–552).

The conferees note the role that private institutions are playing in assisting companies in Eastern Europe and the Newly Independent States of the former Soviet Union to meet the challenges associated with operating in more market-oriented economies. In particular, some programs such as those operated by the William Davidson Institute at the University of Michigan School of Business Administration, are based on multi-year partnerships involving faculty and masters-level students, top managers from U.S. industries and their counterparts from industries in transitional economies, and provide tangible benefits to all participants. The conferees commend such programs to the United States Information Agency as instruments of U.S. policy and urge USIA to consider applications for appropriate funding if such applications are merited.

Amendment No. 145: Designates $500,000 for the American Studies Collections program as proposed by the House and stricken by the Senate and deletes the earmarks of $600,000 for the Institute for Representative Government and $500,000 for the Mike Mansfield Fellowship Program as proposed by the Senate. Although the conference agreement does not earmark funds in the bill, the agreement includes $500,000 for the Mike Mansfield Fellowship program and $550,000 for the Institute for Representative Government in Amendment No. 144.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

Amendment No. 146: Appropriates $2,500,000 as proposed by the Senate instead of $2,100,000 as proposed by the House.

The conferees note that the conference agreement provides the remaining amount authorized for appropriation to the Eisenhower Exchange Fellowship Trust Fund as authorized by Public Law 101-454. The conferees also note that the Eisenhower Exchange Fellowships, Incorporated has raised $2,900,000 in private contributions which is more than the required matching amount under the law. The conferees are agreed that Federal financial support for this program is completed since the full authorization has been funded and this action represents the final appropriation.

INTERNATIONAL BROADCASTING OPERATIONS

Amendment No. 147: Appropriates $468,796,000 instead of $476,796,000 as proposed by the House and $475,478,000 as proposed by the Senate. The conference agreement also earmarks $229,735,000 of the total amount in the conference agreement for transfer to the Board for International Broadcasting. Both the House and Senate bills had earmarked $239,735,000 for transfer to the Board for International Broadcasting.

The conference agreement includes a total of $5,000,000 to continue and enhance the Voice of America's China Focus Program and other international broadcasting operations to Asia. The conferees are agreed that these existing United States Government international broadcasting operations are cost effective and should be maintained and increased, pending the submission of the report and plan for Radio Free Asia required by Public Law 103-236 and approval by the appropriate congressional committees.

Amendment No. 148: Inserts a provision proposed by the Senate which provides that funds made available for the expenses of the Board for International Broadcasting (BIB) in the International Broadcasting Operations account shall be made available for the new Broadcasting Board of Governors (BBG) established in the United States International Broadcasting Act of 1994, once the BIB goes out of existence. The House bill contained no provision on this matter.

Amendment No. 149: Deletes a provision proposed by the House and stricken by the Senate which would have prohibited funds provided for the Board for International Broadcasting within the International Broadcasting Operations account from being used to relocate the offices or operations of Radio Free Europe/Radio Liberty from Munich, Germany, to Prague, Czech. Republic.

Amendment No. 150: Inserts provisions which:

(1) Require that funds made available under this Act to relocate the offices or operations of Radio Free Europe/Radio Liberty from Munich to Prague shall be available only from funds provided for the Board for International Broadcasting in the International Broadcasting Operations account;

(2) Prohibit funds provided by this Act for the United States Information Agency, except for amounts made available for transfer to the Board for International Broadcasting, from being available for any excess cost to implement the plan required by section 310 of Public Law 103-236;

(3) Prohibit funds provided in this Act from being used for retroactive operating costs, including rent on facilities, in Prague or for payment of operation costs prior to the signing of a lease by RFE/RL, Incorporated; and

(4) Provide that not less than the amount appropriated by this Act for the Office of Inspector General, Board for International Broadcasting ($416,000) shall be available for semi-annual reviews of RFE/RL, Incorporated and that on-site review is maintained at the current level throughout the duration of the relocation transition.

The Senate amendment included the provision of the conference agreement concerning the relocation of the offices or operations of Radio Free Europe/Radio Liberty and the provision concerning the Office of Inspector General, Board for International Broadcasting.

The House bill contained no provision on this matter.

While the conferees support the decision to move Radio Free Europe/Radio Liberty from Munich to Prague, the conferees are extremely concerned about the preliminary cost estimates for the move and the ongoing operations of the Radios. The conferees are absolutely committed to supporting the phase-down of Radio Free Europe/Radio Liberty as proposed by the President and in limiting the cost of the move to Prague. The conferees agree that the relocation of the Radios and their ongoing operations must be accommodated within the authorized statutory caps for the Board for International Broadcasting for fiscal years 1995 and 1996, as contained in the foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236). In addition, the conferees are agreed that the plan for implementing the move and relocating the Radios, that the Administration is required to submit to Congress, should not permit the Radios to exceed these funding caps or to make any commitments about future operations or employee benefits that create liabilities which would make it difficult to achieve the goal of privatization as expressed by Congress in Public Law 103-236.

The conferees are concerned about the lack of cooperation of the Directors of Radio Free Europe and Radio Liberty during the course of a recent review by the Office of Inspector General of the Board for International Broadcasting about allegations concerning manipulation of news and other programming items. The Chairman of the Board for International Broadcasting requested the Inspector General review these matters in accordance with the Inspector General Act and the Board for International Broadcasting Act. The conferees expect full cooperation of all Radio Free Europe and Radio Liberty employees with the Office of Inspector General, the General Accounting Office and the oversight investigations of the House and Senate Appropriations Committees. Such lack of cooperation in this instance generates less than full confidence in the judgment and ability of such employees who refuse to cooperate with an authorized review. The conferees expect the Office of Inspector General to carry out a thorough on-site review of all Radio Free Europe and Radio Liberty activities throughout the duration of the relocation transition in order to keep the costs of the relocation to the absolute minimum. The conferees expect all Radio Free Europe and Radio Liberty employees to cooperate fully with the Office of Inspector General's on-site review and expect the Office to report any lack of cooperation or any refusal to provide documents and information concerning the transition to the Chairman of the Board for International Broadcasting and the House and Senate Appropriations Committees immediately upon the occurrence of such an incident.

RADIO CONSTRUCTION

Amendment No. 151: Appropriates $85,314,000 as proposed by the House instead of $93,165,000 as proposed by the Senate. The conference agreement includes $5,000,000 to begin construction of a Pacific Island shortwave facility for the Voice of America and Radio Free Asia.

Amendment No. 152: Appropriates $10,000,000 for Radio Free Asia and $24,809,000 for Broadcasting to Cuba instead of $10,000,000 for Radio Free Asia derived by transfer from the U.S. Information Agency's Radio Construction account and $8,625,000 for Radio Broadcasting to Cuba, as proposed by the House and $18,000,000 for Radio Free Asia and $24,809,000 for Broadcasting to Cuba, as proposed by the Senate.

The conference agreement provides $10,000,000 for expenses necessary to carry out the Radio Free Asia program as authorized by section 309 of the International Broadcasting Act of 1994. The conferees are agreed that none of these funds are available for obligation until the detailed plan for Radio Free Asia required under section 309 of Public Law 103-236 is submitted to Congress and a reprogramming request for the use of these funds is submitted to the House and Senate Committees on Appropriations in accordance with section 605 of the fiscal year 1995 Appropriations Act and is approved by the House and Senate Appropriations Committees. The conference agreement in Amendment No. 151 includes $5,000,000 in the U.S. Information Agency's Radio Construction account for beginning the construction of a Pacific Island transmitter facility to serve both the Voice of America and Radio Free Asia.

The conference agreement provides $24,809,000 for Radio and TV Marti under a combined Broadcasting to Cuba account as proposed by the Senate. This agreement provides the amount requested for this activity in the President's budget request within the International Broadcasting Operations account less $4,000,000 in unobligated balances, and provides $1,200,000 to convert TV Marti from VHF to UHF frequencies.

EAST-WEST CENTER

Amendment No. 153: Appropriates $24,500,000 as proposed by the Senate instead of $20,500,000 as proposed by the House.

NORTH/SOUTH CENTER

Amendment No. 154: Appropriates $4,000,000 for the North/South Center instead of $5,000,000 as proposed by the House and stricken by the Senate. It is the intent of the conferees that the Center will continue current levels of support for Latin American data bases at other universities.

NATIONAL ENDOWMENT FOR DEMOCRACY

Amendment No. 155: Appropriates $34,000,000 instead of $33,000,000 as proposed by the House and $35,000,000 as proposed by the Senate.

The conferees note that the Endowment implemented procedures providing for a more competitive process in its grant-making procedures during fiscal year 1994. The

conferees endorse the Endowment's initiative and expect it to continue during fiscal year 1995.

TITLE VI—GENERAL PROVISIONS

Section 608

Amendment No. 156: Adds a provision as proposed by the Senate which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion. The provision would prevent the EEOC, during fiscal year 1995, from implementing guidelines covering religious harassment that were included in proposed guidelines published by the EEOC in October 1993.

The provision in the conference agreement is identical to section 801 of the House bill which was included in Amendment No. 163.

Section 609

Amendment No. 157: Deletes a provision proposed by the Senate which would have prohibited funds in the bill from being used to approve export license applications for satellite launch vehicles of the People's Republic of China or Russia unless certain conditions were satisfied and certifications were made. The House bill contained no provision on this matter.

Section 610

Amendment No. 158: Inserts a new provision as proposed by the Senate which prohibits funds in this or any other Act from being used to deny or refuse entry into the United States of any goods on the United States Munitions List manufactured or produced in the People's Republic of China for which authority had been granted to import such goods into the United States on or before May 26, 1994, and which were on or before that date, in a bonded warehouse or foreign trade zone, in port, or in transit. The conference agreement also makes a technical change in the section number. The House bill contained no provision on this matter.

Section 611

Amendment No. 159: Inserts a provision concerning the Equal Employment Opportunity Commission's proposed guidelines on religions harassment. The provision makes certain findings concerning religious liberty and the proposed guidelines. The provision also requires that for the purposes of issuing final regulations in connection with the proposed guidelines on religious harassment, the Commission shall insure that—

(1) The category of religion shall be withdrawn from the proposed guidelines at this time;

(2) Any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of a religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) The Commission shall hold public hearings on such new proposed guidelines; and

(4) The Commission shall receive additional public comment before issuing similar new regulations.

The provision also includes a technical change in the section number.

The language in the Senate amendment is the same as that included in the conference agreement except that the Senate provision required the category of religion to be withdrawn from the proposed guidelines permanently instead of at this time.

The House bill contained no provision on this matter.

TITLE VII—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Amendment No. 160: Provides a fiscal year 1994 emergency supplemental appropriation for the Economic Development Administration of $50,000,000 in program funds and $5,000,000 for administrative costs, as proposed by the Senate. These funds would be used for grants to assist States and local communities in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters. The conference agreement also designates the entire amount as an emergency requirement by the Congress and requires the President to transmit an official budget request for a specific dollar amount, including designation of the amount as an emergency requirement. The House bill contained no provision on this matter.

The conferees are agreed that EDA should give special and expedited consideration to an application from the community of Lead, South Dakota for a grant from the funds provided for "other disasters" in this emergency supplemental appropriation to assist that community which has been severely impacted from a landslide that has forced the closure or relocation of businesses and threatens private residences.

The conferees are agreed that EDA should give special and expedited consideration to applications from communities in states which have been impacted by the devastating wild fires of the summer of 1994 for grants from the funds provided for "other disasters" in this emergency supplemental appropriation.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SMALL BUSINESS ADMINISTRATION

DISASTER LOAN PROGRAM ACCOUNT

Amendment No. 161: Appropriates $470,000,000 in fiscal year 1994 emergency supplemental funds as proposed by the Senate for the Small Business Administration's Disaster Loans Program account for the Northridge earthquake and flooding and other damage caused by Tropical Storm Alberto in Georgia, Alabama, and Florida, and other disasters (including the wild fires of the Summer of 1994 in the West), and associated administrative expenses. The House had proposed an emergency supplemental appropriation of $400,000,000 only for the Northridge earthquake and other disasters and associated administrative expenses.

Amendment No. 162: Inserts Senate language which provides that the $135,000,000 provided in the bill for administrative expenses of this disaster loan supplemental may be transferred to and merged with the Salaries and Expenses account and that up to $2,500,000 of this sum may be provided to the Small Business Administration's Inspector General for audits and reviews for disaster loans and the disaster loan program. The House bill contained no provision on this matter.

TITLE VIII—VIOLENT CRIME CONTROL

APPROPRIATIONS ACT, 1995

Amendment No. 163: Deletes language proposed by the House and stricken by the Senate concerning EEOC religious harassment guidelines. This issue is addressed in Amendment No. 159.

The conference agreement also adds a new title VIII, the Violent Crime Control Appropriations Act, 1995. This title appropriates a total of $2,345,000,000 for various Justice Department programs which would be authorized in the Violent Crime Control and Law Enforcement Act of 1994 (The Crime Bill). Each of the programs funded was included in either the House or Senate appropriations bill under Title I—Department of Justice. The budget authority and related outlays provided in this bill equal amounts allocated by the Appropriations Committees for the Department of Justice from the Violent Crime Reduction Trust Fund which is contained in the Crime Bill. A general provision has been included which makes the amounts appropriated in this title available from this Crime Trust Fund upon enactment of the Crime Bill. The following chart identifies the amount for each law enforcement program which would be authorized in the Crime Bill for fiscal year 1995, compared to the amount appropriated in this bill.

Program	Crime Bill—	
	Authorization	Appropriation
Community Policing	$1,332,000,000	$1,300,000,000
Upgrade Criminal History Records	100,000,000	100,000,000
Immigration Initiative:		
Controlling the Border	181,000,000	181,000,000
Expedited Deportation	55,000,000	54,000,000
Enhanced Asylum Processing	64,000,000	49,000,000
Byrne Formula Grants	580,000,000	450,000,000
State Criminal Alien Assistance	130,000,000	130,000,000
Violence Against Women	85,000,000	26,000,000
Drug Courts	100,000,000	29,000,000
State Correctional Grants	175,000,000	24,500,000
Ounce of Prevention Council	3,000,000	1,500,000
Total	2,816,000,000	2,345,000,000

OFFICE OF JUSTICE PROGRAMS

BYRNE FORMULA GRANTS

The conference agreement provides $450,000,000 for the Edward Byrne State and Local Law Enforcement Assistance Formula Grant Program for fiscal year 1995, a 26 percent increase in funding over the previous year. The Senate proposed $423,000,000 for this purpose. The House bill included funds for this purpose under the Expanded Byrne program.

BRADY ACT IMPLEMENTATION

The conference agreement provides $100,000,000 for discretionary grants to States to upgrade criminal history records as proposed by the Senate. The House bill included funds for this purpose under the Expanded Byrne program. Included in this amount is $6,000,000 for the cost to implement the FBI's National Instant Background Check System.

BOOT CAMP PRISONS

The conference agreement provides $24,500,000 for discretionary grants to States to construct military style boot camp prisons as an alternative to traditional methods of incarceration. The Senate proposed $175,000,000 for grants to construct State prisons. The House bill included no funds for this purpose. The conferees agree that grants provided to States under this account should be for construction-related expenses only, and not for operating expenses.

DRUG COURTS

The conference agreement provides $29,000,000 for discretionary grants to States to implement drug courts, instead of $100,000,000 as proposed by the Senate. The House bill included no funds for this purpose.

VIOLENCE AGAINST WOMEN GRANTS

The conference agreement provides $26,000,000 for discretionary grants to combat violent crimes against women, instead of $85,000,000 as proposed by the Senate. The House bill included no funds for this purpose.

OUNCE OF PREVENTION COUNCIL

The conference agreement provides $1,500,000 to implement the Ounce of Prevention Council, instead of $3,000,000 as proposed by the Senate. The House bill included no funds for this purpose.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

The conference agreement provides $130,000,000 to reimburse States for their costs to incarcerate illegal aliens. The House bill included funds for this purpose under the Expanded Byrne program. The Senate amended the bill to allow for the transfer of $350,000,000 from amounts appropriated for Contributions for International Peacekeeping Activities and Contributions to International Organizations for this purpose, and also amended the bill to allow the use of Community Policing Funds for this purpose.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $17,400,000 for additional immigration judges as part of the President's Immigration Initiative, instead of $24,069,000 as proposed by the House and $24,300,000 as proposed by the Senate.

COMMUNITY POLICING

The conference agreement provides $1,300,000,000 for Community Policing as proposed by the Senate, instead of $1,332,000,000 as proposed by the House.

The conferees agree that it is critical to provide these police hiring grants as expeditiously as possible. To that end, the conference agreement authorizes the use of $200,000,000 of this appropriation to provide grants for community policing applications submitted under the fiscal year 1993 Police Hiring Supplemental.

The conferees are concerned with the limited number of grants awarded to county sheriff departments during competition for the fiscal year 1993 Police Hiring Supplemental grant program. The conferees expect greater consideration be provided these critical law enforcement entities when making awards in fiscal year 1995.

The conference agreement also designates $11,000,000 for salaries and expenses of an anticipated 150 personnel to manage and administer the Community Policing program. Of these personnel, 20 would be assigned to the Office of Justice Programs.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement provides $17,400,000 for additional immigration judges as part of the President's Immigration Initiative, instead of $24,069,000 as proposed by the House and $24,300,000 as proposed by the Senate.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement provides the INS a total of $100,600,000, instead of $134,315,000 as proposed by the House and $93,300,000 as proposed by the Senate, to implement the President's Immigration Initiative for the following program enhancements: (1) $54,500,000 to fund 700 new and 250 redirected Border Patrol agents, as well as 110 support personnel; (2) $17,500,000 to enhance detention and deportation programs; (3) $28,600,000 for expedited asylum processing.

BORDER CONTROL SYSTEM MODERNIZATION

The conference agreement provides the INS a total of $154,600,000, instead of $116,842,000 as proposed by the House and $170,900,000 as proposed by the Senate, for modernized automation and communications systems and other new technologies to improve control of the border.

GENERAL PROVISION

The conference agreement adds new language, not in either the House or Senate bill, which makes the amounts appropriated in this title available from the Violent Crime Reduction Trust Fund upon enactment of the Crime Bill. If the Crime Bill is not enacted into law, or if it is enacted without a Violent Crime Reduction Trust Fund, then the amounts appropriated in this title will be derived from the General Fund of the Treasury.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 budget estimates, and the House and Senate bills for 1994 follow:

Budget estimates of new (obligational) authority, fiscal year 1994	$670,000,000
House bill, fiscal year 1994	670,000,000
Senate bill, fiscal year 1994	795,000,000
Conference agreement, fiscal year 1994	795,000,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1994	+125,000,000
House bill, fiscal year 1994	+125,000,000
Senate bill, fiscal year 1994	

The total budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1994 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$23,710,631,000
Budget estimates of new (obligational) authority, fiscal year 1995	27,730,230,000
House bill, fiscal year 1995	26,532,230,000
Senate bill, fiscal year 1995	27,206,886,000
Conference agreement, fiscal year 1995	26,838,356,000
Confernce agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+3,127,725,000
Budget estimates of new (obligational) authority, fiscal year 1995	−892,226,000
House bill, fiscal year 1995	+306,126,000
Senate bill, fiscal year 1995	−368,530,000

ALAN B. MOLLOHAN,
NEAL SMITH,
BOB CARR,
JAMES P. MORAN,
DAVID E. SKAGGS,
DAVID E. PRICE,
DAVID R. OBEY,
HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
JOSEPH M. MCDADE,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
FRANK R. LAUTENBERG,
JIM SASSER,
BOB KERREY,
ROBERT C. BYRD,
PETE V. DOMENICI,
TED STEVENS,
MARK O. HATFIELD,
PHIL GRAM,
MITCH MCCONNELL,
THAD COCHRAN,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT), for today, on account of official business in the district.

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of illness.

Mr. MCKEON (at the request of Mr. MICHEL), for today, on account of official business.

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 Ms. DUNN), to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. GOSS, for 5 minutes each day, on August 16, 17, 18, and 19.

Mr. SHAYS, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. EVERETT, for 5 minutes, on August 17.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

(The following Member (at the request of Ms. WATERS), to revise and extend his remarks and include extraneous material:)

Mr. KREIDLER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. DUNN) and to include extraneous matter:)

Mr. BAKER of California.

Mr. SANTORUM.

Mr. SOLOMON in two instances.

Mr. PACKARD.

Mr. KOLBE.

Mr. GILMAN.

Mr. LEACH.

(The following Members (at the request of Ms. WATERS) and to include extraneous matter:)

Mr. MANTON.

Mr. TOWNS.

Mr. HOYER.

Mr. TAUZIN.

Mr. LEVIN.

Mr. CARR of Michigan.

Mr. MILLER of California.
Mr. BILBRAY.
Mr. ABERCROMBIE.
Mr. DICKS.
Mr. RICHARDSON.
Mr. SKELTON.
Mr. MAZZOLI.
Mr. LIPINSKI.
Mrs. MALONEY.
Mr. GEJDENSON.
Mr. FAZIO.
Mr. HAMILTON.
Mr. MORAN.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mrs. KENNELLY.
Mr. PICKLE.
Mr. BROWN of California.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 784. An act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes; to the Committee on Energy and Commerce;

S.J. Res. 185. Joint resolution to designate October 1994 as "National Breast Cancer Awareness Month"; to the Committee on Post Office and Civil Service; and

S.J. Res. 192. Joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 2099. An act to establish the Northern Great Plains Rural Development Commission, and for other purposes;

S.J. Res. 153. Joint resolution to designate the week beginning on November 20, 1994 and ending on November 26, 1994, as "National Family Caregivers Week"; and

S.J. Res. 196. Joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 15, 1994:

H.J. Res. 131. Joint resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day".

H.J. Res. 175. Joint resolution designating October 1994 as "Italian-American Heritage and Culture Month".

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

H.R. 1933. An act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4277. An act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

H.R. 4426. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2243. An act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes.

H.R. 4506. An act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), the House adjourned until Wednesday, August 17, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3695. A letter from the Acting Director, Office of Management and Budget, transmitting notification that the President intends to exempt all military personnel accounts from sequester for fiscal year 1995, pursuant to Public Law 101-508, section 13101(c)(4) (104 Stat. 1388-589); to the Committee on Appropriations.

3696. A letter from the Director, Congressional Budget Office, transmitting CBO's sequestration update report for fiscal year 1995, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations.

3697. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Argentina, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-323, "Comprehensive Plan Amendments Act of 1994", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3699. A letter from the Secretary of Education, transmitting final regulations—Chapter 1 Program in Local Educational Agencies; Chapter 1 Migrant Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3700. A letter from the Chairperson, National Council on Disability, transmitting a copy of a report on the study of the implementation of the least restrictive environment provisions of IDEA in Massachusetts and Illinois, pursuant 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

3701. A letter from the Inspector General of the Department of Health and Human Services, transmitting a report on Superfund financial activities at the National Institute of Environmental Health Sciences for fiscal year 1992, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

3702. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification that the President has authorized the use of $1 million of funds made available for International Military Education and Training [IMET] to increase programs for the emerging democracies of Central and Eastern Europe and for the former Soviet Union (Presidential Determination No. 94-40), pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

3703. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting a report on the President's Determination (No. 94-42) on drawdown of commodities and services from the inventory and resources of the Department of the Treasury to support sanction enforcement efforts against Serbia and Montenegro, pursuant to 22 U.S.C. 2348a; to the Committee on Foreign Affairs.

3704. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Belarus, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3705. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3706. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3707. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the "Office of Crime Report" during the fiscal years 1990 and 1991, pursuant to 42 U.S.C. 10604(g); to the Committee on the Judiciary.

3708. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "Maritime Regulatory Reform Act of 1994"; to the Committee on Merchant Marine and Fisheries.

3709. A letter from the Department of the Army, transmitting the Department's Rio Grande De Arecibo feasibility report; to the Committee on Public Works and Transportation.

3710. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of Safeguards Information for the quarter ending June 30, 1994, pursuant to 42 U.S.C. 2167(d);

jointly, to the Committees on Energy and Commerce and Natural Resources.

3711. A letter from the Chief Staff Counsel, United States Court of Appeals, transmitting one opinion of the United States Court of Appeals for the District of Columbia Circuit; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3712. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting a report covering certain properties with the Panama Canal Treaty and its related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on the Foreign Affairs and Merchant Marine and Fisheries.

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. BROOKS: Committee on the Judiciary. H.R. 934. A bill to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state; with amendments (Rept. 103-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1103. A bill to amend title 17, United States Code, with respect to secondary transmissions of superstations and network stations for private home viewing, and with respect to cable system; with amendments (Rept. 103-703). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4709. A bill to make certain technical corrections, and for other purposes; with an amendment (Rept. 103-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 521. Resolution waiving points of order against the conference report to accompany the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 103-705). Referred to the House Calendar.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4422. A bill to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, with an amendment (Rept. 103-706). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 522. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (Rept. 103-707). Referred to the House Calendar.

Mr. MOLLOHAN: Committee on Conference. Conference report on H.R. 4603. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-708). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DE LA GARZA. Committee on Agriculture. H.R. 2866. A bill to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters and the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, with an amendment; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than August 16, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X (Rept. 103-667, Pt. 2).

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 2680 to the Committee on Government Operations extended for a period ending not later than August 17, 1994.

Committee on Merchant Marine & Fisheries discharged H.R. 2866, referred to the Committee of the Whole House on the State of the Union and ordered 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. COX (for himself and Mr. CALVERT):

H.R. 4966. A bill to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes; to the Committee on Natural Resources.

By Ms. COLLINS of Michigan:

H.R. 4967. A bill to designate the Federal building and U.S. courthouse in Detroit, MI, as the "Theodore Levin Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. MOLLOHAN:

H.R. 4968. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Commerce.

By Mr. SCHUMER (for himself, Ms. VELAZQUEZ, Mr. SERRANO, Ms. LOWEY, and Mr. OWENS):

H.R. 4969. A bill to amend the Communications Act of 1934 to limit the rates and charges that may be imposed on interstate and foreign communications made through providers of operator services; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 4970. A bill to amend vaccine injury compensation portion of the Public Health Service Act to permit a petition for compensation to be submitted within 48 months of the first symptoms of injury; to the Committee on Energy and Commerce.

By Mr. TORRICELLI (for himself, Mr. JACOBS, Mr. DEUTSCH, Mr. MANTON, Mr. GEJDENSON, and Mr. SWETT):

H.R. 4971. A bill to amend the Animal Welfare Act to strengthen the annual reporting requirements of research facilities conducting animal experimentation or testing and to improve the accountability of animal experimentation programs of the Department of Defense; jointly, to the Committee on Agriculture and Armed Services.

By Mr. TRAFICANT:

H.R. 4972. A bill to amend the Public Buildings Act of 1959 to ensure that any lease entered into by a Federal agency for office, meeting, storage, and other space necessary to carry out the functions of the Federal agency shall be subject to the leasing requirements of the Public Buildings Act of 1959; to the Committee on Public Works and Transportation.

By Mr. GUTIERREZ:

H. Con. Res. 283. Concurrent resolution designating August 24, 1994, as "Ukrainian Independence Day"; to the Committee on Foreign Affairs.

By Mr. VENTO:

H. Res. 520. Resolution providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 1305; rules suspended, considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 778: Mr. COPPERSMITH.
H.R. 1080: Mr. GUNDERSON.
H.R. 1110: Mr. GUNDERSON and Mr. SKEEN.
H.R. 1289: Mr. BARCA of Wisconsin.
H.R. 1500: Mr. ANDREWS of Texas, Mr. BROWN of Ohio, Mrs. CLAYTON, Ms. ESHOO, Mr. FINGERHUT, Mr. ENGEL, Mrs. MINK of Hawaii, Mr. PAYNE of New Jersey, Mr. TORRES, and Mr. FORD of Tennessee.
H.R. 2292: Mr. LEVIN and Mr. GUNDERSON.
H.R. 2355: Ms. LAMBERT.
H.R. 2467: Mr. MCCLOSKEY.
H.R. 2488: Mr. ACKERMAN.
H.R. 2588: Mr. HAMBURG.
H.R. 2956: Mr. COPPERSMITH.
H.R. 3207. Mr. MCDERMOTT, Mr. APPLEGATE, Mr. JOHNSON of South Dakota, Mr. EVANS, Mrs. SCHROEDER, and Mr. EDWARDS of California.
H.R. 3523: Mr. ANDREWS of New Jersey and Mr. GUNDERSON.
H.R. 3712: Mr. APPLEGATE, Mr. PICKLE, Mr. YATES, Mr. MARTINEZ, Mr. ENGEL, Mr. BEILENSON, Mr. MCCLOSKEY, Mr. HEFNER, Mr. TOWNS, Mr. MONTGOMERY, Mr. LEHMAN, Mr. DEFAZIO, Mr. CLYBURN, Mr. HASTINGS, Mrs. MEEK of Florida, Mr. BLACKWELL, Mr. SYNAR, Mr. FROST, Mr. RANGEL, Mr. EVANS, Mr. HILLIARD, Mr. BEVILL, Mr. JOHNSON of South Dakota, Mr. WATT, Mr. LIPINSKI, Mr. BERMAN, Mr. SABO, Mr. CLAY, Mr. ACKERMAN, Mr. EMERSON, Mr. ROMERO-BARCELÓ, Mrs. LOWEY, Mr. KOPETSKI, Mr. KREIDLER, and Mr. FARR.
H.R. 3971: Mr. EMERSON.
H.R. 4026: Mr. WAXMAN.
H.R. 4213: Mr. MEEHAN and Mr. SWETT.
H.R. 4251: Mr. HINCHEY.
H.R. 4321: Mr. KING.
H.R. 4345: Mr. DELLUMS.
H.R. 4369: Mr. CALVERT and Mr. BARTON of Texas.
H.R. 4371: Mr. CAMP.
H.R. 4423: Mr. MURTHA, Mr. KLINK, and Mr. FOGLIETTA.
H.R. 4437: Mr. NADLER.

H.R. 4497: Mr. LEACH, Mr. KOPETSKI, Mr. HANCOCK, Mr. DE LA GARZA, Mr. SCHAEFER, Mr. FIELDS of Louisiana, Mr. HUTTO, Mr. WHEAT, Mr. SUNDQUIST, and Mr. TAYLOR of Mississippi.

H.R. 4566: Mr. KNOLLENBERG.

H.R. 4570: Mr. RIDGE, Mr. SAWYER, Mr. MILLER of California, Mr. HEFNER, and Mr. BEILENSON.

H.R. 4643: Mr. SCOTT.

H.R. 4654: Mr. LEVY.

H.R. 4749: Mr. RICHARDSON.

H.R. 4805: Mr. KLECZKA and Mr. STUMP.

H.R. 4831: Mr. FALEOMAVAEGA and Mr. KIM.

H.R. 4861: Mr. DELAY, Mr. INGLIS of South Carolina, Mr. KYL, Mr. HOBSON, Mr. PORTMAN, Mr. EHLERS, Mr. GILCHREST, Mr. FRANKS of Connecticut, Mr. FRANKS of New Jersey, Mr. HOKE, Mr. RAMSTAD, and Mr. LEVY.

H.R. 4919: Mr. BEREUTER and Mr. SYNAR.

H.J. Res. 365: Mr. HUTCHINSON.

H. Con. Res. 148: Mr. KASICH and Mr. STUMP.

H. Con. Res. 233: Mr. CARR, Mr. PRICE of North Carolina, Mr. DIXON, Ms. WATERS, Mr. TORRES, Mr. BRYANT, Mr. TUCKER, Mr. MATSUI, and Mr. FORD of Tennessee.

H. Res. 86: Mr. HUFFINGTON.

H. Res. 480: Ms. PRYCE of Ohio, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. LIVINGSTON, Mr. CALVERT, Mr. GINGRICH, Mr. SMITH of Texas, Mr. GOODLING, and Mr. HASTERT.