HOUSE OF REPRESENTATIVES—*Thursday, September 29, 1994*

The House met at 10 a.m.

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

When we see the opportunities of the new day, O God, may we remember the beauty of Your creation in all the world; when we see people become whole and experience the fullness of life, may we give thanks for healing in body, mind, and spirit; when we see anger turn to kindness and estrangement turn to conciliation, may we express our gratitude to You, O God, for Your grace and Your mercy and Your peace. In Your name, we pray. 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. HEFLEY. 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 ayes appeared to have it.

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

The SPEAKER. Pursuant to the provisions of clause 1, rule I, the vote will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana [Mr. VISCLOSKY] come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKY 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.

THERE IS NO FREE LUNCH UNLESS YOU ARE RICH

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

Mr. VOLKMER. Mr. Speaker and Members of the House, "There is no free lunch unless you are rich." This should be the motto of the Republican Party. In 1980 Republicans said they could cut taxes, increase defense spending, and balance the budget. They cut taxes for the richest Americans by over half and increased defense spending by massive amounts. Did they balance the budget? Hardly, as our debt increased by $3 trillion or $12,000 for every American, under this supply side economic plan. This week Republicans called their fold together to sign a contract for their plan of action. What is their plan? Cut taxes for the rich, increase defense spending, and balance the budget. After offering their plan they then partied with those that will benefit the most, special interests and fat cats. Do we want another decade of massive deficits when only the Michael Milikins of the world get richer while the middle class, students, and senior citizens pay the way? Americans, watch closely today and see how Republicans vote on the rule and bill to cut off lobbyists. Do they represent you or do they represent special interests?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that it will restrict 1-minute requests to 10 on each side.

THE AMERICAN PEOPLE KILLED HEALTH CARE REFORM

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

Mr. HEFLEY. Mr. Speaker, the leader of the other body has pulled the plug on health care, and do you know who is to blame for no health care reform this year? He says it is the Republicans that are to blame for no health care reform.

Now, maybe I am confused. I thought that the Democratic Party had the majority in both houses and could do anything they could agree upon doing. But, no, it is the Republicans, they say, that are at fault for no health care reform.

Why could he not have just been honest? Why could he not have said we made a mistake? And the mistake we made was letting the American public find out what was in the health care bill. We could have passed it, had the American people not found out.

The people found out they did not want less choice, a giant bureaucracy, major tax increases, rationing, employer mandates, and on and on. So it was not the Republicans and it was not the talk show hosts that killed health care reform in this session of Congress. It was the American people, who found out, and is not it about time we began to listen to the voice of the American people?

REJECT ASSAULT ON SENIORS AND TAX CUTS ON WEALTHY

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

Mr. GEPHARDT. Mr. Speaker, I rise today out of deep concern for America's seniors—the elderly men and women who built this country, and gave us everything we have today.

For generations, the hallmark of the Democratic Party has been our commitment to seniors. That is why we fought for Social Security, even though the Republicans called it "the lash of the dictator." That is why we fought for Medicare, even though the Republicans said it was "socialized medicine."

This week, the Republican assault continues. Virtually every Republican House candidate in this country has now signed a contract with their leadership—a blood oath which many candidates had not even seen before they signed it.

The Republicans pledge to cut taxes for the wealthy, jack up defense spending, and balance the Federal budget.

If you look at the numbers, it is clear that their budget would be balanced on the backs of our seniors.

Since their giveaways to the rich would create a trillion-dollar hole in the budget—since they will not increase taxes or cut defense spending—and since Social Security and Medicare make up 40 percent of all funds available for cutting—they will have no choice but to make deep, devastating cuts in Social Security and Medicare—anywhere from 24 to 33 percent of their budgets in the year 2002.

Think about what a whopping 24-percent cut in a Social Security check would mean to an older American. Think about how a 24-percent Medicare cut would devastate elderly who need quality medical care. Let's face it—when you are living check to check, a tax cut for the wealthy, just does not pay the bills.

Let us reject this assault on seniors—as we have rejected so many Republican assaults in the past. That is in

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the best tradition of our party—and the best tradition of human decency as well.

DEMOCRAT LIABILITY INSURANCE

(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 Democrats are distorting the record on the Republicans' contract with America. Could it be that they are just afraid of their own, so close to November?

As anyone knows who has read the Republican contract, it lays out 10 proposals that embody America's demand for change in Washington.

Our contract represents not just a promise but a guarantee that we will bring these bills up for a vote if Republicans control the agenda.

Of course, the Democrats not only would never offer a contract with America, they have yet to make contact with America.

Instead the President satisfies himself with reshuffling the White House, while continuing to deal America the same bad hand time and time again. In the administration's policy deck, all the cards seem to be jokers.

The contrast between Republicans and Democrats has never been clearer than it is today. With Republicans, America gets a contract, a guarantee as to what we will do.

With Democrats, America needs to get liability insurance for what they have already done.

COMMENTS ON GOP CONTRACT WITH AMERICA

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

Mr. FAZIO. Mr. Speaker, on Tuesday the Republicans held a giant pep rally on the Capitol steps to show their party unity and their support for their leadership. There they very publicly unveiled and signed the Republican leadership's contract on the American people.

Republican challengers traveled from as far away as California to publicly sign their loyalty to the Republican leadership. Incumbents, however, signed in private. Nobody knows how many of them actually put their name on the line. There was no publicity, no cameras.

The pledge they signed, those who did, indicated openness in government would be their watchword. We are now hoping that the Republican leadership will release names of all those who signed, not just who said they might sign ahead of time.

Now, in press reports we are hearing about people backing down with codicils and caveats, and people who actually did not bother to show up and did not, therefore, follow through on their commitment to sign it. This is an opportunity for the American people to know where people really stand. So we are hopeful that the American people will soon know who it is who believes that the Republican Party, in the midst of an election, should once again sign up for trillion dollar deficits and cuts in Social Security and Medicare. Perhaps those who are not publicly on the list at the moment have come to realize, as we Democrats have, that this contract is really a con on the American people.

□ 1010

THE FACTS ON THE CONTRACT WITH AMERICA

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

Mr. THOMAS of Wyoming. Mr. Speaker, this week, as has been pointed out, on the steps of the Capitol, Republican Members of the House and Republican candidates from around the country unveiled a contract with America. It is a contract which has caused the Democrat spin doctors to work overtime, and it is driving the Democrats crazy.

The Democrats are visibly upset because the Republicans are going to do something they would never do. We are going to spell out to the American people exactly what will happen when we become a majority next November.

On the first day of the new Congress, we will cut the number of committees and committee staffs. What is wrong with that?

We will impose a three-fifths majority on any bill requiring tax increases. What is wrong with that? We will eliminate proxy voting. How about that one? Would that be all right?

And in the first 100 days, we will vote up or down on a balanced budget. Are they opposed to that? How about a line-item veto? They do not like that one. A crime bill, welfare reform, tax cuts, term limits, none of these appeal to them.

We will guarantee all of this in writing. And if we do not deliver, let our constituents fire us.

Mr. Speaker, there is a reason why Democrats spin doctors are working overtime. The American people are going to embrace the contract, and they are going to elect a new Congress which will honor the terms of this contract.

MORE ON THE CONTRACT WITH AMERICA

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

Mr. VISCLOSKY. Mr. Speaker, recently, Republican candidates were summoned to Washington to sign a contract with their congressional leadership.

The Republican leadership contract claims to balance the budget by cutting taxes for the wealthy and increasing defense spending.

Anyone who believes this, might be interested in the Republican leadership contract diet—you lose all the weight you want by stuffing yourself with cake and ice cream.

These same people might be interested in the Republican leadership contract medical degree—you become a doctor by watching "General Hospital" and "Oprah" every day.

The American people are too smart to be tricked by this plan. Like any snake oil, they know the reality will not match the rhetoric. The Republican contract is the same old voodoo economics that tripled our national debt in just 12 years.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 995) "An Act to amend title 38, United States Code, to improve reemployment rights of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes."

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

S. 2170. An act to provide a more effective, efficient, and responsive Government.

THE AMERICAN DREAM AND OUR CONTRACT

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

Mr. KNOLLENBERG. Mr. Speaker, the American Dream has always been a goal that has drawn people from around the globe to our shores. But more importantly, this vision of success has inspired people to build a brighter and more prosperous future for their families.

It has been said that every American is the owner of this idea. But sadly, after 40 years of half-hearted, hollow promises, this heritage has all but vanished from the American landscape. The Democratic leadership has tried to convince the hardworking public that their policies of a bigger and more costly government are an essential part of our national identity.

Nothing could be further from the truth.

Two days ago, the Republicans in, and those that aspire to this Chamber,

signed an agreement that will begin to restore the public's faith in the promise of the American Dream.

The American Dream Restoration Act is one of the 10 key elements of our contract with America. It tries to right the wrongs of 40 years of one-party political domination.

By our very nature, Americans are hopeful. We live for the promises of a brighter future, and a mere 48 hours ago, we staked our claim to help fulfill this promise.

REPUBLICANS' CONTRACT FOR FISCAL DISASTER

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

Mr. PRICE of North Carolina. Mr. Speaker, if anyone wondered about whether Republicans cared about reducing the Federal deficit or being fiscally responsible, we got a clear and resounding answer on the steps of the House on Tuesday: No.

The Republicans' contract for fiscal disaster would reverse the tremendous progress we have made on reducing the Federal deficit. It is incredible that just when we have succeeded in getting the deficit down for 3 years running—the first time since Harry Truman's administration—the Republicans want to resurrent discredited supply-side economics and blow the deficit sky high.

But you do not have to believe a House Democrat. One Republican Senator has been quoted in the Wall Street Journal as saying the Republican proposal is "just blowing away money." And Martha Phillips of the Concord Coalition said in the Washington Post, "The question is, 'how do you pay for that and does anyone care about the deficit?'"

Our efforts at deficit reduction are too critical to fall prey to a political stunt by the House Republican leadership. I urge those Republicans who signed on so eagerly Tuesday to go back to their homes and let people know they have signed over the interests of their districts to Republican party leaders in Washington without consulting them. And then let them know it will cost a trillion dollars. And after their constituents are revived by smelling salts, I hope they will do the correct thing for their district and the Nation: Remove their name from the Republican contract for fiscal disaster.

CRITICISM OF THE CONTRACT WITH AMERICA DOESN'T PASS THE LAUGH TEST

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

Mr. SMITH of Texas. Mr. Speaker, the House Republican "contract with America" is a bold effort to change politics as usual. The American people are fed up with Congress. Why? Because Democrats in Washington do not listen to the American people.

The contract with America is different than empty political promises. It is literally a contract with the American people that says: if you will give the Republicans the opportunity to lead Congress we will honor your trust by voting on the issues most important to you.

Political promises are one thing, but a signed contract is quite another. The Republican contract with America scares the Democrats in Washington because it is different: the contract is for a balanced budget, a tough crime bill, real welfare reform, and term limits.

Democrats claim that the contract with America will increase the deficit. Coming from the tax-and-spend party, this criticism doesn't pass the laugh test.

Mr. Speaker, the fact is Democrats in Washington don't care about the deficit, they care about holding on to power.

If the Democrats have a better plan than Republicans for America, let us see it.

A CONTRACT OF CONCEPTS, BUT NO DETAILS

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

Mr. JOHNSTON of Florida. Mr. Speaker, Will Rogers enjoyed telling the story of a Republican House Member who was asked by a reporter during World War I how to stop the German U-boats from sinking American ships.

He thought for a minute and said: "Drain the Atlantic Ocean."

The astonished reporter said, "How do you plan to accomplish this?"

The Republican Member simply replied, "I deal in concepts, not in details."

Tuesday my Republican colleagues unveiled their ambitious contract with America.

The Republicans were again asked the question: How do you propose to accomplish your goals without increasing the debt by $1 trillion?

Based on the statements forthcoming from Republicans, they still want to drain the Atlantic Ocean. They are dealing in concepts, Mr. Speaker, not in details.

CONSTITUENT SUPPORT FOR REPUBLICAN CONTRACT

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

Mr. EWING. Mr. Speaker, I have talked to my constituents about the Republican contract. I am addressing the Democratic side of the aisle. They see the merit in that contract. They are not worried about the false charges of increasing the deficit, because they know if they reelect a Democratic Congress, we will increase the deficit. Those charges are so phoney, it is unbelievable.

Just look at the bills the Republicans have put forth to cut the deficit, to cut the budget, and Members will see where we get the money. Democrats can get up and talk all they want in general terms about us increasing the deficit. Give us the majority and we will show them how to reduce that deficit and carry out what the American people want.

If they think I am frustrated, they ought to sit on our side of the aisle and watch themselves govern as I have and the American people have, and they will see something change.

□ 1020

FLOW CONTROL

(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, along with my colleague, JACK FIELDS, I will offer a bipartisan amendment in the nature of a substitute that sharply curtails the future ability of local governments to exercise complete control of municipal solid waste disposal.

If adopted, this amendment will send a signal that Congress cares more about the environment, more about the free market and more about the future ability of businesses large and small to compete than about the pressure packed pleas of those who have been telling us that local governments need unfettered monopoly power over local solid waste disposal decisions.

The Richardson-Fields amendment addresses the legitimate concerns of local governments by allowing them to continue exercising flow control authority for a limited time but says that future waste disposal decisions should be based on competition not monopoly control.

Our amendment will not saddle waste generators with potential Superfund liability or require them to send waste to substandard facilities.

Our amendment will not open the door for more dangerous waste incinerators to be built.

When the House takes up flow control today, I urge my colleagues to support the Richardson-Fields amendment.

DESPITE PARTISAN ATTACKS, THE PEOPLE WILL SPEAK ON NOVEMBER 8

(Mr. HOKE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, this is for me at least deja vu all over again. Two years ago I had the privilege of being the instrumentality used by the people of the 10th District of Ohio to rid themselves of representation that they did not feel was very good, that did not give them the kind of honest representation in the House they wanted.

What we have seen now with the big dogs coming out first, and everybody else throwing on their smear, is the same exact kind of campaign that I went through. What you are going to see is all kinds of distortions of the record, and it is not about, it is not about representative government, it is about the kinds of things that happen before a group that has had a stranglehold on power for 40 years finally gives it up.

It has only begun. The attacks have only begun. The dirt, the poison, the grotesqueness of the attacks, have only just begun. Just see the pitch go up and up and up and up as money on this side, money, tries to outdo the reality of representing people on this side.

This House does not belong to the Democratic Party any more than it belongs to the Republican Party. It belongs to the people of the United States of America, and they are the ones who will speak on November 8.

MORE EMPTY PROMISES FROM THE GOP

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

Mrs. MEEK of Florida. Mr. Speaker, the Republicans are pouring old wine into new bottles.

Mr. Speaker, in 1980 a group of Republican candidates came to the Capitol steps and pledged that, if elected, they would enact a supply-side miracle that would raise defense spending, cut taxes across the board, and still eliminate the deficit in 4 years.

Ronald Reagan was President, the Senate was controlled by Republicans, and a coalition of conservative Democrats combined with the Republicans and took effective control of the House. They rammed their supply-side quick-fix through the Congress, and claimed it would solve all of our problems.

Well, as they say, "The Rest is History."

We all learned the hard way that neither a family nor a nation can increase spending, cut income, and produce anything but a financial disaster.

After the 1980 mess: Deficits exploded to four times the previous highs; the national debt quadrupled; and the rich rode a gravy train while everyone else paid the bill.

Mr. Speaker, this country has been digging itself out from under the mountain of debt and the terrible unfairness left by that Republican magic. And now in an incredible display of contempt for the intelligence of the American people, House Republicans are betting Americans will have forgotten the wreckage produced by their first contract.

The Republicans now want to do it all over again.

Their latest contract calls for: Another round of defense spending increases, and a longer list of pie in the sky tax cuts.

What they do not tell us is that their contract will do two other things: First, blow a $1 trillion hole into their balanced budget promise; and second, produce another tax windfall for the wealthy while leaving the middle class and the poor behind.

Mr. Speaker, the Republicans are simply looking to the past for answers to the future. This contract is not only reckless but deceptive.

DEMOCRATS ATTACK GOP CONTRACT OUT OF FEAR

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

Mr. WALKER. Mr. Speaker, today we have heard from Democrats who are scared to death of the Republican contract with America because they have totally lost contact with America.

All one has to do is look at the legislation that they are bringing to the House floor today. The so-called lobbying bill turns out to be a massive assault on religious people in America who seek to petition their government.

Not long ago, the chairman of the Democratic Congressional Campaign Committee said that his party was going to launch a political assault on the religious conservatives who have the audacity to think that they should have some say about what their government does. Now we see what he meant. The lobbying bill contains a grassroots gag rule that could result in intimidation of religious groups that seek to speak up for the things they believe.

The Democrats attack the contract with America because they fear the commonsense policies it advocates. Meantime, they propose legislation aimed at shutting up America so they do not have to listen to the complaints about Democrat failures.

ELIMINATE THE CIA AND INVEST IN AMERICA

(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, 20 CIA patriots were assassinated because of a spy named Aldrich Ames. One of the worst breaches of security in American history, and CIA Director Woolsey has finally acted.

Mr. Speaker, the CIA director has reprimanded 11 agents for gross negligence. Beam me up. Not one demotion, not one firing. Does that mean, Mr. Speaker, that they will at least lose their parking privileges? Mr. Speaker, when did Congress make treason a misdemeanor?

We need the CIA about as much as we need more double agents from Russia. I say throw them the hell out and invest in our cities. You will have a safer America, and you will not need all these contracts.

URGING DEFEAT OF THE GRASSROOTS GAG RULE

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

Mr. GINGRICH. Mr. Speaker, I urge all of my colleagues to look at page 13 of the conference report on the grassroots gag rule that is being brought to the floor today. It says that churches are exempted from this, and religious orders are exempted from this, "if the communication constitutes the free exercise of religion."

Who is going to decide that? A director appointed by Bill Clinton. As for me, Mr. Speaker, the prospect of a Roberta Achtenburg, of Dr. Elders, or of VIC FAZIO or their ally being appointed to define "the free exercise of religion" I think is a very chilling prospect.

I urge the defeat of this effort to gag Americans at the grassroots level.

COMMEMORATING THE 175TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNDERGROUND RAILROAD

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

Mr. WATT. Mr. Speaker, today, citizens in my district will commemorate the 175th anniversary of the establishment of the national Underground Railroad. While many people associate the Underground Railroad with the courageous efforts of Harriet Tubman, in actuality the Underground Railroad started in Greensboro, Guilford County, NC, in 1819, 1 year before Harriet Tubman was born.

Founded by Vestal Coffin, a member of the Society of Friends, this slave escape system made it possible, during more than 35 years of operation, for hundreds of thousands of African-Americans to flee from captivity and enslavement. This mysterious transportation system, a primitive system with many routes, was never discovered by the slave owners.

According to "White Water, Colored Water," a history of Greensboro's African-American community, the Underground Railroad began when Greensboro, founded in 1808, was a village only 11 years old.

A slave named Sol assisted Vestal Coffin in preparing many slaves for their escape. By day, Sol sought out slaves who were interested in escaping or who had been free blacks, kidnaped and forced into slavery. He then fed this information to Coffin. In 1819, John Dimrey became the first passenger on the secret escape route traveling from Greensboro to Richmond, IN.

As John Dimrey was traveling north from Greensboro on the Underground Railroad, another African-American man, Benjamin Benson, became the first slave to successfully go to a local court to obtain his freedom. This was in Greensboro, NC. Many will also remember that Greensboro later became the place of the first sit-in demonstrations which launched years of efforts which resulted in the opening of public accommodations to black people.

The Quakers—as the members of the Society of Friends are called—stood against the institution of slavery through the Manumission Society, also based in Greensboro. One of the Quakers, Levi Coffin—cousin of the founder of the Underground Railroad and also a Greensboro native—became the president of the national Underground Railroad system.

I ask all Americans to join me, Project Homestead and Greensboro city officials today in this special remembrance of Sol, Vestal Coffin, Levi Coffin, John Dimrey and others who originated the historic Underground Railroad.

LIBERALS ARE WORRIED

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

Mr. YOUNG of Florida. Mr. Speaker, I yield to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, the liberal Democrat establishment in Washington is worried. Judging from their reaction to the idea of a contract with America it is clear they are afraid—if the American people are given a pledge that is kept, it will ruin their chances of every making empty promises again.

Everyone should be aware that the same people who are upset with the contract with America are the same people who promised to deliver health care in 100 days—2 years ago; the same people who promised a middle class tax cut and raised everyone's taxes instead; the same people who promised to end politics as usual and instead have given us a scandal a week.

Every part of the Republicans' contract with America is supported by the American people. That's what Democrats are worried about.

□ 1030

A VOTE AGAINST GATT

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

Mr. DEFAZIO. Mr. Speaker, I congratulate Senator HOLLINGS for his decision to slow down the GATT—a new world trade agreement that is the culmination of nearly 15 years of radical free-trade-at-any-price policies that have run up more than $1 trillion in trade deficits and made the United States the world's largest debtor nation.

All we hear is that this GATT lowers tariffs. If that is all it did, I might support it. But it goes much further than that.

This GATT creates a new world trade organization—a United Nations of trade—except the United States will have no veto power. The tiny nation of Rwanda will have exactly the same vote and same power in this organization that we will.

A panel of three unelected trade bureaucrats will decide international trade disputes in secret sessions, without any possibility of appeal.

GATT puts every one of our Federal, State, and local laws on the table. If they are challenged as unfair trade barriers, a secret tribunal could order massive trade sanctions against our products and our markets until Congress changed those laws.

U.S. food safety standards could be challenged as unfair trade barriers. U.S. consumers could be forced to accept foreign foods that contain pesticide residues that are illegal under our laws.

U.S. environmental laws—like our automobile mileage standards will be overturned and protections for dolphins and other wildlife—have already been successfully challenged.

The Japanese Government has already said it will challenge our ban on the export of logs from our national forests as an unfair trade barrier. Many State and local laws, like Oregon's bottle bill, could be challenged.

Under the new GATT, faceless trade bureaucrats in Switzerland would aim trade sanctions against our markets that would put huge costs on U.S. consumers—until Congress changed those laws.

And finally, Mr. Speaker, this GATT is a $40 billion budget buster. And to pay for it, the Clinton administration is resorting to gimmicks that would make Ronald Reagan blush.

Senator HOLLINGS is right. Give the American people and the Congress a few months to read the fine print before Congress signs on the bottom line.

Send this turkey back to the White House for Thanksgiving and give the American people a break.

DO NOT SURRENDER OUR SOVEREIGNTY

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

Mr. HUNTER. Mr. Speaker, the President in sending GATT down in an attempt at the last minute to get it through is really doing a disservice to our country. He is doing a disservice particularly to the sovereignty of this country. Eighty-three of the nations that will be members of the WTO, the World Trade Organization, and that will be about two-thirds of the membership, have a record in the United Nations of voting more than 50 percent of the time against America.

What President Clinton is doing is giving away our strong right to bilateral negotiations in trade. He is surrendering that to a committee that does not like us very much. This President is sending our Government to the United Nations, our troops to Haiti, and our jobs to Japan.

CONTRACT WITH AMERICA IS A CONTRACT FOR FAILURE

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

Ms. DELAURO. Mr. Speaker, on Tuesday, Republican Members of this body and Republican candidates from across the country gathered on the steps of the U.S. Capitol to pledge their allegiance to the GOP agenda. That agenda is nothing new. It is the same old combination of increased defense spending and tax cuts for the wealthy that tripled our country's debt in the 1980's.

Of the so-called contract with America, David Broder wrote: "It sounds suspiciously like the fairytale economics of the 1980's, which landed us in this budgetary mess."

The New York Times called the contract "duplicitous propaganda."

The director of Citizens for Tax Justice called the contract "voodoo economics: the sequel."

Now that the reviews are in, Republican candidates across the country are shying away from the contract. And, the Republican leadership will not release the names of the candidates who blindly signed this contract for failure. The same party that led the fight to have discharge petitions made public, now has its own secret list. Let the American people see who signed this contract to cut Social Security and Medicare. Release the list.

PASS REFORM LEGISLATION

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

Mr. BARCA of Wisconsin. Mr. Speaker, today we will bring up for debate a lobby law reform. That is very positive, that at long last this will be brought before us for a debate and final resolution.

But let us not forget the rest of the reform agenda. My understanding is that we are very close to an agreement on election law reform. We passed a strong election law reform bill in this House that was supported by all of the reform groups. We need to pass it. We need more support from our colleagues to team up with the rest of us who are demanding that the Senate bring up the Swett-Shays Congressional Accountability Act. That passed this House nearly unanimously.

Then we need to have a similar kind of bipartisan team effort to call for the rest of the reform agenda: A line-item veto, emergency spending restraint, and baseline budgeting. All of these passed this House by a large majority. Let us team up. Let us ask for colleagues in the Senate. We can still pass it this session. That will bring fiscal responsibility to this Congress once and for all.

CONTRACTS AND PLEDGES SHOULD BE KEPT

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

Mr. STENHOLM. Mr. Speaker, we are talking a lot about contracts today and I could not agree more with the gentleman who said that contracts and pledges should be kept. I found it very ironic that yesterday on the agriculture reorganization bill, the first recorded vote that this body, after a contract has been signed for reform and making changes, that 171 of my colleagues on the Republican side of the aisle, and 6 on this side voted against reform and change.

As the chairman of the committee that has worked very hard for over 2 years with the previous administration as well as this administration, I found it very ironic that on the first recorded vote of keeping a pledge for change and reform and saving money, we vote different than what we pledge.

I say in a very, very sincere way: Whatever we do or say in this campaign on whatever issues we say, we must be prepared to come to this floor and vote the same way that we say.

VOTERS BEWARE OF TRICKS

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute.)

Ms. SHEPHERD. Mr. Speaker, voters should beware of election year tricks.

It is a trick to propose a plan that pretends to cost nothing, but that adds $1 trillion to the Federal deficit.

It is a trick to support reform in word and then vote against it on the floor.

The latest trick is the assertion that the lobbying reform bill threatens grassroots religious efforts.

The Lobbying Disclosure Act has received the support of the U.S. Catholic Conference, the Baptist Joint Committee, and the Religious Action Center of Reform Judaism. The Joint Baptist Committee says that the language of the bill and the report "protects the free exercise of rights of Churches and religious organizations. * * *"

Mr. Speaker, today the real reformers will stand up and be counted by voting "yes" on the rule and then "yes" for adoption of the Lobbying Disclosure Act.

TIME FOR A CHANGE

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

Mr. BURTON of Indiana. Mr. Speaker, I have heard my Democrat colleagues come to the floor today attacking our contract with America because they are scared to death. They have lost election after election after election this year. The Speaker only got 35 percent of the vote in his own district. They are all terrified.

I would like to ask them, what is wrong with making a contract with America that says we will bring to the floor of the House a balanced amendment to the Constitution? They do not want to do that. What is wrong with bringing a line-item veto piece of legislation to the floor for a vote? They do not want to do that. What is wrong with tax fairness for senior citizens, where they go on Social Security and right now they are penalized if they work. We are going to change that if we get a chance, but they do not want to do that because they say it is going to take money away from the Treasury that they want to spend on more and more new social programs.

If we cut taxes, we put more money in Americans' pockets that they can spend and create an economic boom that brings in more taxes because more people are working. But they do not want to do that. They believe Government knows best how to spend your money. We do not believe that. That is why we want to change. They have had control for 40 years. It is time for a change, America.

We are going to bring these things to the floor so you will get what you want out of Congress, not what they are giving you, more and more government.

REPUBLICANS WILL BALANCE BUDGET

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

Mr. SOLOMON. Mr. Speaker, I sure am glad that 16 years ago I did not move to Washington after I was first elected to the House. I have been going home every weekend, because people outside the beltway think differently than the Democrats. I just cannot believe Democrats stand up here and complain when we Republicans want to take money out of the way of the Government and give it to the people. What in the world is wrong with that?

Democrats say that we Republicans want to balance the budget and that this is going to cost $1 trillion. Ladies and gentlemen, that is going to save $1 trillion. The balanced budget alternative that I offered on this floor back in April actually cut the deficit by $750 billion. That did not cost the taxpayers, it saved the taxpayers. Who did it cost? It cost the Government bureaucrats.

Give us 218 Republicans and we will pass not just the balanced budget amendment, but a balanced budget as well. We will give the American people back $750 billion.

□ 1040

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3949

Mr. FROST. Mr. Speaker, I ask unanimous consent my name be withdrawn as a cosponsor of H.R. 3949.

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

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4650, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 554

Resolved, That all points of order against the conference report to accompany the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, and against its consideration are waived.

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself

such time as I may consume. All time yielded during the consideration of this resolution is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 554 waives all points of order against the conference report to accompany H.R. 4650, the Department of Defense appropriation for fiscal year 1995, and waives all points of order against the consideration of this conference report.

Mr. Speaker, indeed all of the bills which appropriate funds to operate our Government are important, but the events of the past year, and certainly of the past few weeks, show the critical importance of the appropriations bill for the Department of Defense. This conference report appropriates $243.6 billion for defense programs which is $3.5 billion more than the amount appropriated for the current fiscal year.

The conference agreement contains $299 million to pay for the relief operations in Rwanda and Guantanamo, as well as recent rescue operations off Haiti and Cuba. These funds do not, however, fund the costs associated with Operation Restore Democracy; the administration will submit a request for those funds with their budget request next year. The $299 million is provided to replenish operations funds which have been drawn down in order to fund the Cuba and Haiti humanitarian programs.

The conference agreement also contains $467 million in research and development funds for the V-22 Osprey. I was gratified earlier this month when the Defense Acquisition Board recommended that the Department of Defense go forward with production of this vital new aircraft. Because the Osprey was included in a list of defense programs the Deputy Defense Secretary sent to the Defense Resources Board to consider for reduction or cancellation, the DAB recommendation is especially important. The events in Haiti certainly point to how valuable the capabilities of the V-22 would be to the Marine Corps and I commend Chairman MURTHA and his subcommittee for their continued support for this important defense program.

The conference agreement also contains $2.9 billion for missile defense systems, $2.2 billion for a new aircraft carrier, and $2.2 billion for six C-17 transport planes. But, in addition to the funds for procurement, this bill contains an important appropriation of $400 million for denuclearization and demilitarization efforts in the states of the former Soviet Union. These efforts, along with the continued development of our own military systems, are critically important to guaranteeing long term stability in the post-cold-war world.

Mr. Speaker, I am sure most Members of this body, myself among them, believe that funding for our Nation's defense should never be compromised. Any further reductions of DOD programs should be carefully weighed against the cost of possibly leaving our men and women in uniform unprepared to meet today's challenges. However, given the budget realities in which we operate, it would be extremely difficult to develop a better balanced package than the conference agreement before us today. I urge my colleagues to support this rule in order that we may proceed to the consideration of this conference agreement.

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

Mr. Speaker, we have before us a rule that will permit the expeditious consideration of the conference report for the defense appropriation bill for the coming fiscal year. This is the 13th and final general appropriation bill to come before the House. As far as I am concerned, once we pass this one and the Senate is done with it, let us go home and get out of here and go back to the real world.

The Committee on Appropriations should be saluted for completing its work on budget and on time. Maybe we should have put them in charge of health legislation and maybe we would have come out with something decent this year. In any event, Mr. Speaker, the committee deserves our thanks.

There is no need to repeat what the gentleman from Texas has told us other than to say that the rule now before us does waive all points of order against the conference report and against its consideration. The waivers are required for a handful of items and deal with either scope, germaneness, or legislating in an appropriation bill. I am assured by the gentleman from Pennsylvania [Mr. MURTHA], chairman of the subcommittee, whom I have great respect for, and the gentleman from Pennsylvania [Mr. MCDADE], the ranking Republican, whom I have really great, great respect for, that there are no violations of the Budget Act. And if they say there are not, then there are not.

I might point out that the supplemental appropriation of just under $300 million which is contained in this conference report will replenish the readiness account, and there are very few things more important than that, ladies and gentlemen. So I commend the committee for doing that.

I am not going to make an issue of these waivers. The House must be permitted to go forward and work its will on this final appropriation bill.

Mr. Speaker, the appropriators have a long record of trying to keep their bill closely in line with the defense authorization bill, and that bill is about to be signed by the President in probably the next day or two. That of course is indeed the case again this year. The two bills are very much consistent.

Mr. Speaker, I said last year during the debate on this bill that there are no two Members in this body to whom I would be more willing to entrust the security of the country than the two gentlemen who just happen both to be from Pennsylvania, JOHN MURTHA, the chairman, and JOE MCDADE, the ranking Republican. Once again, they and their colleagues have produced a bill that makes the most out of a very, very difficult situation. With the limited funds available to them under the budget resolution, they have seen to it that our Armed Forces will retain a good state of readiness in the coming year and that the quality of life issues that are so important to maintaining a high state of morale among our military personnel—our all volunteer military—see to it that those needs have been adequately addressed.

But, Mr. Speaker, despite all of the good work by the gentlemen from Pennsylvania and their colleagues on the Committee on Appropriations, the danger signs are everywhere. They are very apparent. I honestly wonder how much longer our defense budget can hold up under the fiscal and policy constraints that have been imposed upon it.

I know one thing: The ability of our country to meet its obligations and defend its vital interests is withering all over this world.

Mr. Speaker, by the end of fiscal year 1995, which will be next October, defense spending will represent only 3.8 percent of the Nation's gross domestic product. A level that low has been seen only once since 1941, and that came in 1948 after the end of the Second World War when we were demobilizing and Stalin was carving up Eastern Europe. We all understand the consequences of that and what happened when we let defense spending reach that low ebb.

By fiscal year 1999, at the end of the current 5-year phased reduction in defense spending, the defense budget will be down to 2.9 percent of gross domestic product. Ladies and gentlemen, read the Constitution of the United States. This is a republic of States that was formed to provide for the common defense.

My colleagues, a level of 2.9 percent for defense spending has not been seen since the 1930's when dictators were on the march and America was fumbling along with Armed Forces smaller than those of a country like Romania.

Let us look at some other figures.

Active duty force levels are down by 29 percent since 1985. That is almost one-third. And active duty reserves and civilian defense personnel are being cut, that means they are being furloughed, and they are being sent home, knocked out of the military, at a rate of 15,000 a month. Even now, 15,000 are being furloughed every single month.

□ 1050

Procurement in real dollars is down by 67 percent since 1985. Listen to this,

the Army has been reduced from 18 active divisions down to 12 since 1989. The Navy's battle fleet has been reduced by almost one-third, 32 percent, in the past 5 years. The number of aircraft carriers on active duty has been reduced from 15 down to 11. Those aircraft carriers are the reason we can defend America's interests around the world, and now we are down to just 11 of them. The Air Force's active fighter wings have been reduced from 24 down to 13. All of this has happened just since 1989.

Mr. Speaker, I could go on and on with these kinds of statistics. One thing is crystal clear: 3 years after Operation Desert Storm, our country could no longer even think about mounting such an effort without leaving ourselves dangerously exposed in many other critical areas of the world.

Mr. Speaker, in conclusion, I salute the good work of the appropriators, especially under such extraordinary budgetary constraints. But I must once again warn all Members that a level of commitment to the common defense of this Nation at these low levels cannot go on much longer without doing substantial, even irretrievable, damage to our national interest and the peace of this world.

I hope that Members will not oppose this rule so that the House may be able to consider the conference report expeditiously.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me.

As a member of the Appropriations Subcommittee that brings this bill to the floor, I want to commend the gentleman, and I want to thank him for his understanding of how our subcommittee is not responsible for the tremendous reduction in our defense appropriation.

We are in a dangerous trend. This is the ninth year in a row that we have reduced funding available for our national security interest, and the gentleman made excellent points about how this has happened, how we reduced the Army and the Navy and the Air Force and the Marine Corps.

The reason I asked the gentleman to yield is I would like to point out that while we have been reducing the members of our Armed Forces, we have been giving them more jobs to do than they have had to do in a long time. We are deploying Armed Forces personnel all over the world in places that Americans do not even know about. We are finding that soldiers and sailors and airmen and marines are being deployed for longer periods of time now than they have before. This is causing tremendous problems not only in the military but in their families, family problems, domestic problems in the military today, especially at the lower ranks, which are getting worse and worse. Nearly 65 percent of our enlisted personnel are on food stamps. We are making a big mistake.

If we ever get faced with a real major regional conflict, and I pray that we do not, but I am not satisfied that we are going to be able to defend our own national security interest. This trend has got to stop. We need to pass this rule, and we need to pass this conference report, because it is a good job and an excellent job with the assets that were available to us.

But the trend has got to stop, or this country could be in serious trouble in the future.

Mr. SOLOMON. Mr. Speaker, I just want to say this about the gentleman from Florida. He serves not only on the Committee on Appropriations, on the Defense Subcommittee, but he is also the former ranking member on the Intelligence Committee and has served on that committee for many, many years. He probably has more expertise in this field and knows the real dangers out there than any other Member in this body.

I really do commend the gentleman for the great work he has done on the committee.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON], a member of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, who is the ranking minority member of the Committee on Rules, soon to be chairman of the Committee on Rules, and for his comments.

I likewise want to congratulate the gentleman from Florida for his comments. I totally agree.

I am a member of the subcommittee, and I think the subcommittee, under the leadership of the chairman and the ranking member, has done an outstanding job on the bill to provide the money for our armed services within the parameters given us by the Committee on the Budget and by OMB and by the White House and by this administration, but just as we speak, we have thousands of troops, 10,000 or more troops, down in Haiti. We have troops in northern Iraq. We have troops all over Europe. We have troops in Asia. We have troops all over this world. Some 80,000 to 100,000 troops are deployed all around the world in at least 18–19 separate countries, and yet we are still continuing the downward spiral in the overall appropriations for the armed services of this country when you consider inflation into the numbers since 1985. That concerns me greatly.

Our troops are suffering. They are suffering in terms of limited money for training. Our Navy has just found they did not have the money to sustain the Reserves. We are cutting back on squadrons and fleets, as the gentleman from Florida has pointed out, and moreover, our airmen and our sailors and marines and perhaps our Army is being deployed in more and more places with less and less time to go home and regroup, rest, and relax and be with their families. All of this is destroying the morale of our troops.

Frankly, I think it is a terrible trend which is certainly not going to be improved by the deployment of our troops in Haiti, the poorest nation in the Western Hemisphere, which has no relationship to the United States national interest. I am of great concern North Korea could blow up with its nuclear capability or Iran, which is threatening the Middle East with its fundamental radicalism, could prove a great, great problem in the weeks or months to come, and here we are wasting our time with all of our forces against the superpower of the Caribbean known as Haiti.

I think, frankly, this administration better go back to the drawing board, rethink its foreign policy, and start supporting the troops that we are asking to do all of these jobs, or else we ought to start pulling out of these other countries altogether and forget about peacekeeping throughout this world.

I thank the gentleman for his time.

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

Mr. Speaker, the gentleman makes an excellent point in citing the 10,000 troops that we now have in Haiti. And one thing that bothers me is all this being talked about as a multinational force. There are 10,000 American troops there. There are 24 from other countries, 24. That shows us what kind of costs we are incurring to maintain our troops, and those costs will drain this defense budget by three-quarters of a billion dollars in just a very short time. That will exacerbate the serious problems we have now.

The gentleman from Louisiana is a very great member of the Committee on appropriations. We commend you for the great work you did.

Mr. LIVINGSTON. If the gentleman will yield further, I think it is inspirational we have those 24. I appreciate those countries committing them. I cannot escape remembering the headlines 3 weeks ago across the Washington Post, which said, "21 nations are going to help us in Haiti"; Barbados, Trinidad. I tell you what, this is a joke.

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

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN. of California. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I have had some problems with the defense appropriation

bills in the recent past. I am happy to say that I have fewer problems with this bill than I have had in the past. I likewise have had some problems with the rules, and again I have fewer problems with the rules this time than I have had in the past. This lukewarm endorsement is about the best that I can do.

I am not going to urge defeat of either the rule or the conference report, but I do want to point out some of my concerns.

The rule waives all points of order against the bill, which I consider to be extremely undesirable. There are a number of things in here which should be subjected to debate, but since they are protected by the rule, we will not get the chance to do that.

I want to commend the Committee on Rules, however, for allowing the full 3-day layover so that the contents of this conference report could be reviewed in some reasonably adequate fashion. The staff of my committee has looked at the bill, and we find that it is considerably improved over what it has been in the past with regard to the issue which deeply concerns me. That issue is the earmarking of academic research facilities and programs.

It is my very strong opinion that earmarks for academic research and facilities deprive the American taxpayer of the best use of his dollars.

It is the essence of science that you want excellence, and there are ways in which you can get excellence. They are not perfect, but they are better than having it done by the senior members of the Committee on Appropriations.

□ 1100

I make this remark with no disrespect intended to these very able gentleman who have done so well in bringing this bill to the floor.

In reviewing the bill we have learned from various sources that it has a substantially fewer number of earmarks in a number of areas of interest to us, such as defense conversion, the technology reinvestment program, and the manufacturing technology program. There are no earmarks in the university research grant account. However, there are $140 million in earmarks for academic facilities in other accounts. We will put a chart in the RECORD showing these.

Of those $140 million, 90 percent go to members of the Appropriations Committee. The argument that this is equitable, this serves the best interests of the small and deprived institutions around the country falls on its face. And I am not decrying the value of these particular earmarks. I am just saying 90 percent of them go to members of the Appropriations Committee, mostly those serving on the conference committee.

As an authorizing committee member, I would like to work with the appropriators to authorize these projects, but we have not been invited to participate at that level. I hope they will consider doing that in the future.

Mr. Speaker, as I said before, I have had trouble over the past few years with the way the appropriations process has worked, especially with the Defense appropriations bill. I have been concerned that appropriations bills have been excessively laden with earmarks; I have been concerned that they have had excessive legislative language that should properly be left to the authorizing committees; and I have been concerned that they have been considered under restrictive rules that allow the decisions of a small group of Members to go unchallenged, even if they are radically different from bill that the whole House voted on.

Finally, with respect to the Defense bill in particular, I have been outraged at the ways bill or conference reports have been brought up so quickly that Members have not had time to read, much less understand, their content. This is especially unacceptable when there are new provisions that have not appeared in either the House or the Senate bill or report.

Mr. Speaker, today I would like to acknowledge that some progress has been made on many of these fronts. I am still unhappy that we have to consider this conference report under a rule that waives all points of order. I hope that we can think seriously next year about how to reform the process to allow much more open debate of these important appropriations decisions.

Although I am not happy about the rule, I am gratified that Members have at least had time to look at the conference report between Tuesday and today. This is progress in light of the recent history of defense appropriations. But I must remind Members, Mr. Speaker, that this is the way it is supposed to be under the rules of the House. In the future, I hope we will not have to think of it as a remarkable achievement.

In addition to the progress we see in terms of the process for consideration of this important appropriations measure, we see some progress in the earmarking of funds for particular projects. I will discuss these earmarks in greater detail below.

Turning to the substance of this Defense appropriation, the conference report provides $243.6 billion for fiscal year 1995, an increase of just over $3.5 billion from fiscal year 1994, and a reduction of $822 million from the President's request. Defense R&D in the Research, Development, Test, and Evaluation account appears to be funded at $35.9 billion, but $370 million in reductions for federally funded research centers of various sorts are included in general provisions and should be subtracted from this total.

Mr. Speaker, funding for defense RDT&E is up slightly over fiscal year 1994, but is below the President's request. I wish I could say that this represents a rational decision by the Congress to reallocate R&D from defense to nondefense purposes in light of the end of the cold war and a renewed recognition of the importance of civilian R&D to this Nation's future economic growth and prosperity. But I fear that when we look at the overall results of the R&D decisions we have made in this year's appropriations bills we will find that civilian R&D is lagging behind the objectives set forth in Science and the National Interest—the administration's vision for the future of science policy.

One method of converting from defense R&D to civilian R&D is the encouragement of dual-use technologies, primarily through the Technology Reinvestment Program [TRP]. Unfortunately, the conference has reduced TRP funds from the request of $625 to $550 million, even though both the House and Senate recommendations supported the full request.

On the positive side, I am pleased to see that, again this year, the conference report reiterates the legal requirement that TRP funds be awarded on a competitive basis. I must express some concern, however, that this year's conference report contains extensive additional legislative language, added by the other body, specifying how the Department should award TRP funds, including a segregation of $75 million for projects in specially selected areas. This is just the kind of legislative language added to the bill by the other body that we should be able to debate openly when we vote on a conference report.

Mr. Speaker, I want to note that this year's Defense appropriations bill and the accompanying reports reduce university research funding by $200 million, including $181 million in general reductions in the various RDT&E accounts and $19 million in university-affiliated research centers. Estimates of how much university research fund by DOD vary between $1.5 and $1.8 billion, but even with the higher estimate, the reduction in this conference report is over 10 percent. Certainly, this is not as Draconian as the 50-percent cut proposed in the House bill, but we did not get to debate that cut and we do not get to debate this cut.

Moreover, there is immense confusion at the Department of Defense over the intentions of the conferees. For example, while defensewide university research is directed to take an $86 million cut, the university research initiative is increased in the conference report by $21 million over the President's request to $253 million. Was it the intention of the conferees that the University Research Initiative Program would be immune from absorbing any of this cut or does the Secretary have the discretion to distribute the cuts as he sees fit? This is just one example of where the conferees seem to be pointing in two directions at the same time.

The conferees do not really explain the $200 million cut, but they do express some concern about the overhead costs of university research. My committee has its own concerns about the indirect cost rate at American universities and I have offered to work with the distinguished gentleman from Pennsylvania on this issue. I remain open to working in a collaborative way to determine whether we are getting as much bang for our buck as we should be.

In case the conferees were unaware of it, I would like to point out that an earmarked grant is just as subject to indirect cost-rate charges as a competitively awarded grant. If you are concerned about indirect cost rates and use that as a rationale for cutting university research support, that same logic should apply to earmarks to support universities.

As I noted earlier, however, there are at least $140 million in earmarks to academic institutions. There is another handful of academic earmarks that do not have a dollar amount specified. Then there are another 8 projects worth almost $43 million that are probably going to academic institutions, though the report language is a little obscure. What I am suggesting is that the $200 million cut from university research programs is almost equal to the probable total of academic earmarks being made in this Defense appropriation report. The conferees advice—because that is the legal status of report language—is that $200 million be removed from the discretionary control of the Secretary of Defense and the priorities established by the Pentagon and to projects that members of the conference think are most needed in their home districts and States. This kind of self-serving reprioritization bothers me a great deal.

I want to call my colleagues' attention to one project in particular which was included in amendment 101. This project appeared at conference and transfers $15 million from our underfunded, hollow-force Department of Defense to the Department of Energy. Now, I assure you that DOE could use more funding as well, but I don't think robbing the Department of Defense is the way to provide support for the Department of Energy. In any case, neither House nor Senate Appropriations Committee staff was able to provide guidance on what this earmark is for beyond the language in the amendment that it is to support a center for bioenvironmental research. However, I will attach to this statement an article from the Times-Picayune of March 31, 1994 which seems to shed light on this unauthorized project.

Identifiable academic earmarks of approximately $140 million are well below last year's level of approximately $275 million. If these numbers hold up to further analysis, it will represent significant progress. Now, all of you know that I believe that the process by which earmarks are made undercuts the prioritization of executive departments and authorizers and it freezes the vast majority of Members of this House out in the cold. Proof that having a Member in the room is critical to the ability to get earmarks comes from the concentration of earmarks in just three States: Hawaii, 30 percent; California, 20 percent; and Louisiana, 12 percent. These three States account for 62 percent of the identifiable earmarks. And I note that of the 35 earmarks that can be tied to a particular State and school, only 3 were to States that did not have a representative on a Defense Appropriations Subcommittee or a conferee. I include in the RECORD a list of identifiable earmarks as well as an analysis of their distribution by State.

The final point I want to make on the issue of earmarks is to call my colleagues attention to very disturbing testimony that my committee received last week. We learned that a Federal agency had made three earmarks on the basis of nothing more than a phone call from Appropriations Committee staff. There was nothing in either the bill nor the report to suggest that a plus-up for a generic type of research was actually intended to go to a specific location.

There is no Member of this body—at least among authorizers—who can pick up the phone and instruct an agency to make a grant to an institution in our districts. Many is the time we have probably wished we could. However, I guess we have to seek out a second career as Appropriations Committee staff before we can get away with that. This is outrageous and I will be seeking the assurance of the distinguished gentleman from Pennsylvania that no such shenanigans go on surrounding the bill that he has responsibility for.

Mr. Speaker, I will vote for this rule and for this conference report. I commend the Appropriations Committee for the positive steps that have been taken so far that allow me to do this. But I am sure it is evident that my support comes with a number of qualifications. I hope that we can continue to build on the improvements that have been made so far and I will not have to speak to these concerns in the future.

ENVIRONMENTAL RESEARCH IS ON; BUILDING DEDICATED BY XAVIER, TULANE

(By John Pope)

The pollution of the Mississippi River and the lingering effects of the 1986 nuclear-reactor explosion at Chernobyl are two of dozens of topics researchers will explore in a $35 million building Tulane and Xavier universities dedicated Wednesday.

The J. Bennett Johnston Health and Environmental Research Building, a seven-story structure at 1324 Tulane Ave., contains the Tulane/Xavier Center for Bioenvironmental Research, which was established five years ago with $33 million from the Defense Department. Since then, the center has received $67 million more in public and private research grants, Tulane spokeswoman Kandace Power Graves said.

And more grants totaling nearly $7 million will be awarded this spring, said Susan Davis Allen, the center's interim director.

"I think this probably is the best-funded bioenvironmental research center in the United States," Tulane University Medical Center Chancellor Neal A. Vanselow said.

Its relative wealth and the scope of its work put the New Orleans center in a league with environmental-research programs at such universities as Johns Hopkins, Columbia, the California Institute of Technology and Texas A&M, said Gene D'Amour, Tulane's vice president for institutional program development and government agency affairs.

Grants already received include:

$25 million to study the effect of hazardous materials on aquatic environments.

$5 million to investigate risks associated with petrochemical waste-disposal sites.

$3 million to establish the South Central Regional Center of the National Institute for Global Environmental Change, which investigates such climate-changing phenomena as global warming.

$850,000 to look into concerns more prevalent in poor communities, such as lead poisoning and the effects that exposure to pollutants may have on children.

The building is named for Louisiana's senior senator, who helped get the grant to set up the center.

"With this center of research, Tulane and Xavier will claim their place among the best institutions in the world," Johnston said at the dedication ceremony in the building's atrium.

"Isn't it nice that a state that hasn't been known for the cleanliness of its environment will now stake a place in the cleaning of the environment?" he said.

Grants already awarded have underwritten research in such fields as the effect cigarette smoke has on the lungs of asthma sufferers, the combined effects of radiation injury and lung damage, and the prospect of getting water pollutants to cling together for easy, clean removal from industrial-waste water.

By working on such projects, Tulane and Xavier are involved "in something that is important and growing," Johnston said.

Besides the bioenvironmental center, the 200,000-square-foot structure contains a conference center, Tulane's cancer center and research office, and a department to get and maintain the equipment needed for sophisticated research.

Eventually, Vanselow said, all these activities should provide more jobs—and, perhaps, a lure to companies concerned with environmental issues.

DISTRIBUTION OF DOD EARMARKS BY STATE

State	No. of projects	Dollars	Percent of total
Alaska	1	5,000,000	3.56
Arizona	1	834,000	0.59
California *(1)	5	29,000,000	20.68
Florida	1	10,000,000	7.13
Georgia	2	4,400,000	3.14
Hawaii	6	42,325,000	30.18
Illinois	1	8,500,000	6.06
Louisiana	4.5	17,250,000	12.30
Massachusetts	1	4,000,000	2.85
Michigan	1	500,000	0.36
Mississippi	1	1,000,000	0.71
New Jersey	1	2,800,000	2.00
Pennsylvania *(2)	4	6,000,000	4.28
Tennessee *(1)	1	.....	.....
Texas *(1)	1.5	500,000	0.36
Washington	1	150,000	0.11
West Virginia	2	8,000,000	5.70
Totals	35	140,259,000	100.00

An asterisk (*) followed by a number in parentheses indicates the number of projects which were earmarked but for which no dollar amount was given.

ACADEMIC EARMARKS INCLUDED IN H.R. 4650, THE DEFENSE APPROPRIATIONS BILL

Section	School	Project	Amount	State
Bill/Title IV, Navy RDT&E (amend. 94)	University of Mississippi	National Center for Physical Acoustics	$1,000,000	MS.
Bill/Title IV, Air Force RDT&E (amend. 97)	Universities of New Mexico, Cornell, Carnegie Mellon	Maui Supercomputer	13,000,000	HI.
Bill/Title IV, Defensewide RDT&E (amend. 101)	Xavier and Tulane	Center for Bioenvironmental Research	15,000,000	LA.
Report	Louisiana State University	Nutrition research	250,000	LA.
Report	University of Washington	Trauma care	150,000	WA.
Report	University of Hawaii	Serum cholesterol research	425,000	HI.
Report	University of Hawaii	Agribusiness Devl. Corporation	4,500,000	HI.
Report	University of Pittsburgh	Facility Env. Management and Monitoring System	5,000,000	PA.
Report	University of Hawaii	Haw. Small Business Devl. Center	5,400,000	HI.
Report	West Virginia University	Laser Vibration Sensing System	4,000,000	WV.
Report	Illinois Institute of Tech	Instrumented factories for gears	8,500,000	IL.
Report	University of New Orleans & Lamar University	Center for Excellence in Ship Hull Design	1,000,000	LA, TX.

ACADEMIC EARMARKS INCLUDED IN H.R. 4650, THE DEFENSE APPROPRIATIONS BILL—Continued

Section	School	Project	Amount	State
Report	Pennsylvania State University	Coal based jet fuel	1,000,000	PA.
Report	University of Alaska	High altitude auroral research	5,000,000	AK.
Report	University of Arizona	Adaptive optics	834,000	AZ.
Report	University of New Mexico, Cornell, Carnegie Mellon	Maui Supercomputer	7,000,000	HI.
Report	University of Mass.	Large Millimeter Telescope	4,000,000	MA.
Report	Marshall University	Institute for Advance Flexible Manufacturing Systems	4,000,000	WV.
Report	Florida Int'l., Georgia Tech, University of SW Louisiana, Fashion Institute of Tech, N.C. State, Clemson.	Military sewn products	10,000,000	FL.
Report	Rutgers University	Combat rations	2,800,000	NJ.
Report	University of Tennessee	Electric vehicles		TN.
Report	University of Pittsburgh	CALS		PA.
Report	Lamar	CALS in Orange, TX		TX.
Report	University of Pittsburgh	National Defense Center for Environmental Excellence		PA.
Report	Georgetown and University of Hawaii	Akamai health project	12,000,000	HI.
Report	Louisiana State University	Nutrition research	750,000	LA.
Report	LSU	Nutrition research	750,000	LA.
Report	Loma Linda University	Prostate treatment study		CA.
Report	Georgia Inst. of Tech	Center for International Defense Conversion	400,000	GA.
Report	Monterey Inst. of International Studies	Non-Proliferation Institute	4,000,000	CA.
Report	San Diego State	Center on Defense Conversion	10,000,000	CA.
Report	Georgia Institute of Technology	Plasma arc remediation	4,000,000	GA.
Report	Cal State University	Fort Ord	14,000,000	CA.
Report	Michigan State University	Torque Converter Project	500,000	MI.
Report	University of California	Fort Ord Cleanup Technology	1,000,000	CA.
Total			140,259,000	

There are eight other projects worth $42.9 million that may be going to academic institutions, but there is insufficient information provided in the report to determine the recipients.

Mr. SOLOMON. Mr. Speaker, let me commend the Committee on Appropriations for the work that they have done under these circumstances.

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

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN] who is our last speaker.

Ms. HARMAN. Mr. Speaker, I rise in support of the rule and in support of the fiscal year 1995 Defense appropriations conference bill, and I must say that I salute the sense of bipartisanship that is exhibited here today in support of both of these.

As the member of the House Armed Services Committee who represents the aerospace center of California, I have fought hard for robust funding for critical defense priorities. This bill funds those priorities, and strikes a successful balance among the various accounts in the defense budget. Procurement funding provides for continued production of F/A–18's, C–17's, Milstar, and conventional bomber upgrades. Each of these projects is critical to maintaining our industrial base. Research and development funding provides for essential technology programs ranging from ballistic missile defense to law enforcement and technology. Over $3.3 billion is included for reinvestment and transition assistance, to help companies and their workforces diversify. Another vital program included in the bill is Nunn-Lugar—a necessary part of our nonproliferation strategy.

In any view, this is a much better defense appropriations bill than last year. More thought and better results are achieved.

Under the current budget constraints, this conference bill represents what Congress can do and I believe Congress has done very well. I would particularly like to commend the subcommittee chairman, the gentleman from Pennsylvania, Mr. MURTHA, and my colleagues from California, Mr. DIXON and Mr. LEWIS, for their excellent effort. The people of California—especially the people in my aerospace-based district in California—appreciate their efforts.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. PETRI. Mr. Speaker, I ask unanimous consent that my name be removed as a consponsor from the bill, H.R. 3222.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4650, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995

Mr. MURTHA. Mr. Speaker, pursuant to House Resolution 554 just adopted, I call up the conference report on the bill, H.R. 4650, making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

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

(For conference report and statement, see proceedings of the House of September 26, 1994, at page H9607.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes, and the gentleman from Pennsylvaniva [Mr. MCDADE] will be recognized for 30 minutes.

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

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 4650, making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes and that I may include extraneous and tabular matter.

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

There was no objection.

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

Mr. Speaker, I first want to commend the gentleman from Pennsylvania [Mr. MCDADE] and also offer our condolences to him. I know he is here at a time when his mother-in-law, who was 82 and was a very vivacious lady, has just died. All of us offer our condolences to the gentleman from Pennsylvania. We appreciate him being here.

Mr. Speaker, we are going to try to expedite the proceedings so Mr. MCDADE can attend the funeral.

Mr. Speaker, I bring to the floor the conference report for the fiscal year 1995 Defense appropriations bill. This conference report provides the vast amount for the funds provided for the Department of Defense. Some additional funds for the Defense Department are included in separate legislation—the military construction appropriations bill and the energy and water appropriation bill.

I would like to thank the distinguished ranking minority member of the committee, my friend, Congressman JOE MCDADE. He and all members of the committee have worked hard all year.

I also would like to extend my special thanks to two of the committee's

staff who are retiring—Mr. Donald Richbourg and Mr. J. David Willson. They have both worked for the appropriations for over a quarter of a century. Their expertise will be sorely missed.

This bill provides $243.6 billion for DOD. The total provided in the bill is: Basically at the budget request; at the ceiling set for the national security function in the budget resolution; and at the 602(b) allocation set for the Defense Subcommittee.

Mr. Speaker, I would like to place in the RECORD at this point a table listing the funding level for the major titles of the bill.

BUDGET AUTHORITY

	Fiscal year 1994 enacted	1995 estimates	Conference
Title I—Military Personnel	$70,624,044,000	$70,475,397,000	$70,389,202,000
Title II—Operation and Maintenance	76,616,787,000	81,926,891,000	80,925,585,000
Title III—Procurement	44,663,078,000	42,698,919,000	43,423,847,000
Title IV—Research, Development, Test and Evaluation	35,191,491,000	36,225,013,000	35,870,044,000
Title V—Revolving and Management Funds	2,643,095,000	1,777,638,000	1,669,638,000
Title VI—Other Department of Defense Programs	11,021,820,000	11,329,706,000	11,368,346,000
Title VII—Related agencies	403,588,000	305,384,000	349,184,000
Title VIII—General provisions	−618,958,000	7,131,000	−266,058,000
Title IX—FY 1994 Supplemental Appropriations		270,000,000	299,300,000
Procurement: General Provisions		−304,900,000	−304,900,000
(Additional transfer authority)	(2,500,000,000)	(2,000,000,000)	(2,000,000,000)
Total, Department of Defense	240,544,945,000	244,711,179,000	243,724,188,000
Scorekeeping adjustments	−465,300,000	−261,200,000	−96,061,000
Prior year (outlays only)			
Grand total	240,079,645,000	244,449,979,000	243,628,127,000

DEFENSE PERSPECTIVE

Mr. Speaker, before providing the House with some of the highlights of the bill in the separate accounts, I would like to make a few general comments about the overall status of defense spending. The DOD has proceeded with a dramatic force structure downsizing in the wake of the end of the cold war.

For example:

From fiscal year 1985 through fiscal year 1995 over 1,000,000 personnel have been reduced from the manpower levels of the Active Force, the Guard and Reserve, and civilians employed by the DOD.

Measured in constant fiscal year 1995 dollars the procurement account has declined from $132.7 billion in fiscal year 1985 to $43.4 billion fiscal year 1995.

A dramatic downsizing in the domestic and international base structure continues.

Despite the end of the cold war, our troops have been called on time and time again in recent years to support the foreign policy of America: The Persian Gulf war; Somalia; enforcing the no-fly zone in northern and southern Iraq; enforcing the no-fly zone and arms embargo in the former Yugoslavia; deploying to Haiti; and numerous other small operations.

This high tempo of operations has been taking place in the midst of a dramatic downsizing of our forces. Mr. Speaker, the bottom line is that our servicemen and servicewomen are spread very thin. Because of the nature of the military operations that some units conduct, these same units are called on time after time to be deployed to various global locations.

I remember inspecting a Marine unit in Somalia about 18 months ago. This unit had been deployed to the Persian Gulf during Christmas 1990, deployed to Okinawa for a rotational deployment during Christmas 1991, deployed to Somalia during Christmas 1992 and at the time of my inspection was scheduled to be overseas on a rotational deployment during Christmas 1993. The simple reality is that such a high tempo of deployment is eroding the morale of our troops and ultimately, if it continues, will erode the fabric of the quality of our forces.

While I believe the funding provided in this bill should be adequate to meet our military objectives for the upcoming fiscal year, I must admit our readiness is now on the razors edge and I am very concerned about the outyears. Deputy Secretary of Defense, John Deutch recently testified that the funding profile for the Department of Defense for the next 5 years has a $40 billion shortfall. Suffice it to say, we all face some very tough budget decisions during the next few years.

CONFEREES EMPHASIZE READINESS

The conferees fully funded the administration's 1995 readiness requests in the operation and maintenance account. The administration's budget request increases constant dollar operating resources by +14 percent per Army combat battalion, +11 percent per Navy ship, and +12 percent per Air Force aircraft between fiscal year 1993 and fiscal year 1995.

To further strengthen the administration's initiative, the conferees recommended major readiness enhancements totaling over $1,850,000,000 over the budget request. some of those increases are listed below.

	Millions
Depot Maintenance	$262
Real Property Maintenance	156
Military Pay Increase	186
Ammunition	336
Sealift	135
OPTEMPO, Training, Spares	360
Korean Patriot/Apache	51
Military family programs	85

HIGHLIGHTS BY TITLE

Mr. Speaker, I would like to briefly highlight some of the major issues and programs included in the bill in the first four titles.

Title I.—Military Personnel

The conferees recommend $70.4 billion for the military personnel account. The Active Force, Guard and Reserve and civilian employed by the DOD will be downsizing by 180,000 in fiscal year 1995—15,000 people a month or 500 per day. Fortunately, the pace of the personnel downsizing slows down significantly after fiscal year 1995. This stability should have a positive effect on morale, quality of life, and overall combat readiness.

The conferees included an increase of $186 million to provide a pay raise for the men and women of our armed forces.

Title II.—Operation and Maintenance

The conferees recommend $80.9 billion for the operation and maintenance account. As discussed earlier in my statement, numerous increases were made to improve readiness and the bulk of those funds were included in the operation and maintenance account.

The conferees also fully funded the request of $400 million to continue the demilitarization program for the former Soviet Union.

Title III.—Procurement

The conferees recommend $43.4 billion for the procurement account. Measured in constant fiscal year 1995 dollars, this is a reduction of $89.3 billion from the 1985 level of $132.7 billion. Funding highlights for fiscal year 1995 include the following:

Army.—Blackhawk helicopters: Provided $318.4 million for continued procurement of the Blackhawk helicopter.

AHIP: Provided $120 million for the AHIP helicopter program.

Navy.—F/A–18 Aircraft: Conferees provided $1 billion for the procurement of 24 F/A–18 aircraft.

Trident II Missiles: Provided $616 for 18 Trident II Missiles.

Carrier Replacement Program: Provided $2.2 billion to complete financing of the next aircraft carrier.

DDG–51 Destroyers: Provided $2.7 billion for the procurement of three DDG–51 destroyers.

Air Force.—C–17 Aircraft: Included $2.2 billion for six aircraft $189 million for advanced procurement.

E–8 JSTARS Aircraft: Included $441 million for procurement of two aircraft.

ABRAAM Missiles: Included $289 million for the procurement of 413 missiles.

TITLE IV.—RESEARCH, DEVELOPMENT, TEST AND EVALUATION [RDT&E]

Provides $35.9 billion for the research, development, test and evaluation account. Highlights include:

Army.—Medical Research: Provided $258 million for medical research, an increase of $217 million above the budget. This includes an increase of $150 million for breast cancer research.

Comanche Helicopters: Provided almost $500 million for the Army's next generation reconnaissance helicopter, the Comanche.

Armored System Modernization: Provides $175 million for the development of a tank to replace the Sheridan.

Navy.—New Attack Submarine: Provided $470 million development of the new attack submarine.

F/A–18 E/F: Provided $1.3 billion for continued development for the next generation of F–18 aircraft.

Air Force.—F–22: Provided $2.35 billion for the next generation tactical fighter.

Milstar: Provided $607.2 billion for the Milstar communications satellite.

GUARD AND RESERVE

Another high priority of the conferees was to provide increased funding for the Guard and Reserve. The valuable role of the Guard and Reserve within the total force concept was shown in the Persian Gulf war. The President has also authorized the call up of 1,600 reservists for the Haitian deployment.

The conferees added a total of $800 million for equipment for the Guard and Reserve. Within those funds, $505 million are for aircraft.

CLARIFYING LANGUAGE

Mr. Speaker, there are two minor matters which I would like to briefly address to clarify the conferees position.

The conferees direct the Department of the Air Force to initiate the process of transferring the Air Force Reserve 928th Tactical Airlift Group out of the O'Hare Air Reserve Forces facility in Illinois. The Department should make all funds necessary to accomplish the transfer available during the course of fiscal year 1995. Further, priority consideration should be given to relocating the unit to Scott Air Force Base, IL.

The following language clarifies the intent of the conferees concerning the William Langer Jewel Bearing Plant.

The conferees agreed to eliminate Senate bill language providing $2,500,000 only for "capital investment, operations, and such other expenditures as may be necessary to maintain the William Langer Plant as a going concern while it is being excessed under the provisions of the Federal Property and Administrative Services Act". The conferees felt that bill language was unnecessary to carry out the Senate's direction and agreed to provide the $2,500,000 required for this effort within the Statement of the Managers in the missile procurement, Air Force account. The conferees specifically provided an additional $2,500,000 within the industrial facilities line, P-1 line No. 10, only to carry out the Senate's directions as explained in Senate Report 103–321, page 129. It was further the intent of the conferees that the Air Force transfer the funds provided for the Langer plant to the manager of the National Defense Stockpile for execution.

CONCLUSION

In conclusion Mr. Speaker, this conference report: Provides $243.6 billion in budget authority for the fiscal year 1995 activities of the Department of Defense; is just below the budget request; is within ceiling for the national security function established in the budget resolution; is within the 602(b) allocation set for defense; emphasizes readiness by increasing funding for a number of programs and reduces funding for lower priority programs.

I urge support and passage of the fiscal year 1995 defense conference report.

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

Mr. McDADE. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this conference report, and I begin my remarks by paying tribute to my dear friend from Pennsylvania, Mr. MURTHA, who, as chairman of the subcommittee, has set a standard for all other Members of the House to live up to as they do their work. He has brought to this committee great industry, great intellect, and great integrity.

The result is that this particular conference report we bring to you today is supported on both sides of the aisle by all members of the committee, as indicated by my colleagues, the gentleman from Florida [Mr. YOUNG] and the gentleman from Louisiana [Mr. LIVINGSTON], in a difficult environment and try to bring our resources to bear, making sure that our military preserves the quality of life for our people, preserve its readiness and continues, to the extent that we can, with the modernization program which enables our young people to be able to confront the problems of the world in a well-trained and equipped manner.

That is our goal, that is what this bill does, and that is what we believe it ought to do.

In closing, I know we have Mr. Don Richbourg, staff director of the Defense Subcommittee, on the floor here today, as well as Mr. David Willson. This is their last bill as both are retiring at the end of the session.

Mr. Speaker, between the two of these gentlemen they have over 50 years of service to this institution and to their country. It is a better country and a better institution because they were willing to devote that much of their lives to making it a better country. We appreciate their efforts.

Mr. Speaker, I rise in support of this conference report and urge its adoption.

Mr. Speaker, this is a good bill, supported by every member of the Defense Subcommittee, both sides of the aisle. We are not aware of any problems and I expect we will be able to bring it to a vote quickly.

Having said that, I want the record to show I support this conference report not because of its resemblance to the Defense budget submitted by the administration—to the contrary. I support it because we have done our best, within the limited dollars available, to correct the most serious flaws in that budget.

Exhibit A: Taking care of the troops. The budget proposed, for the second year in a row, to hold military pay below the level needed to keep pace with inflation. This at a time when we are asking our troops more than ever to "do more with less;" when we are sending them away from home with disturbing frequency; and when we are shamed by reports that a growing number of military families need Federal assistance such as food stamps. This bill says "we can do better * * * we must do better." It provides a full cost-of-living allowance for the military, and restores equity between the COLA's received by our military retirees and their civilian counterparts.

Another example: Readiness. I agree the Pentagon deserves credit for placing readiness at the top of its priorities—but the budget they sent us did not do enough. Problems abound—from an alarming growth in maintenance backlogs, to cuts in training resulting directly from the overseas deployments which have become a fixture of this administration's foreign policy. A situation which if left unaddressed takes us right back to a hollow force.

We can't fix all these problems today, but we're recommending a series of changes which collectively are a step in the right direction. We add nearly a billion over the budget for critical readiness areas, ranging from enhancing our posture in Korea to correcting dangerous shortages in spare parts and repair funds. And we've included a $300 million supplemental to pay for the added costs resulting from Rwanda and refugee relief in the Caribbean.

We also reverse what I consider a series of misguided budget proposals—be it the premature retirement of half the B–52 fleet, or the dismantling of the ammunition industrial base, and others. And we reject completely the administration's plan to siphon off $300 million from the Defense budget to pay U.N. assessments.

We do this while keeping what is left of the Pentagon's modernization program intact—we

fund the new aircraft carrier, the C–17 airlifter, and the continued development of new generation aircraft for the military services.

In all, we recommend a reordering of priorities, intended first and foremost to keep faith with the men and women in the service and to give them the training and equipment needed to carry out their missions.

Have we been able to do enough? Regrettably, in this Member's opinion, no, we have not. We can't do everything because we have to live under the confines of the overall budget, which until we can change it is without question taking our defense posture down too fast and too deep.

But that is a debate for another day. For now I would ask all Members to support this conference report which has the consensus support of the committee.

Mr. Speaker, at this point I want to express my appreciation to all the members of the conference committee on both sides of the Capitol for their contributions in what was our toughest Defense conference yet. In particular I wish to congratulate our chairman, my friend from Pennsylvania, whose tireless efforts brought our work to a successful conclusion. And I would be remiss if I didn't thank the committee staff who have once again lived up to their reputation as the best on the Hill.

In that regard I want to recognize two members of the staff who are with us here on the floor for the last time, who between them have served the committee and the House for over 50 years.

The first is David Willson, who has been with the committee since 1971. I've had the good fortune of working closely with Dave for over 20 years, starting on the Interior Subcommittee and then Defense, where for the past 17 years he has been the senior staffer responsible for the weapons procurement accounts, especially those for the U.S. Army. Those of us who have seen his work firsthand know his quiet professionalism has saved the taxpayer billions.

Mr. Speaker, perhaps the most dramatic way to see what Dave Willson has done for the country is to think back a few years to those vivid scenes from the desert. We all remember seeing APACHE helicopters, Bradley fighting vehicles, M–1 tanks—the tools our Army used to bring Desert Storm to a quick and decisive end. Each and every one of those systems were literally on the drawing board when Dave began his work with the subcommittee and his contributions have been instrumental in getting them to the troops in the field. We've had a good run together, David, and I thank you.

And then there's the staff director of the Defense Subcommittee, Ron Richbourg. Don has been with us for 28 years, over which time he has deservedly gained a reputation as one of the best staff members on the Hill. He has truly become an institution on the committee, and I can't say enough about the skill and judgment he's shown year after year in helping us handle one of the most complex and critically important bills before the Congress. He has been scrupulously nonpartisan, in the best traditions of the Appropriations Committee, and I speak for all the members on our side who have benefited from his steadiness and hard work. It's hard for me to imagine a hearing or a markup without you, Don. To both of you, the country is better off for your contributions and we wish you well in your future endeavors.

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

Mr. MURTHA. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the chairman of the full committee.

Mr. OBEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to take this opportunity to inform the House that the conference report we are now considering is the 13th and final conference report to come before the House for the fiscal year which begins on Saturday. Assuming that the Senate behaves responsibly, there should be no reason for a continuing resolution this year.

This is the first time the House will have completed action on all conference reports before the end of the fiscal year since 1988 and it is the first time the House will have cleared all appropriations matters before September 30 since that day was made the end of the fiscal year in 1977. I think that was made possible because of the extraordinary cooperation which the committee has received from almost all quarters.

Completion of all work on our appropriations bills prior to the beginning of the fiscal year did not happen without a lot of hard work and a great deal of cooperation, not only from those who serve on the committee but many who do not. I thank all members for their cooperation. The lead role was obviously played by the subcommittee chairmen of each of the 13 subcommittees, and without exception they did an excellent job.

Every member of the committee had to work long hours and demonstrate more flexibility than ever before, given the hard decisions that had to be made. A great portion of the credit for what was accomplished has to go to JOE MCDADE and the ranking Republican members on the 13 subcommittees. I think our committee did its work in a bipartisan manner, and without the cooperative efforts of JOE and the other ranking members, we would not have been able to achieve the results we did.

I want to thank the leadership of the House on both sides of the aisle and their staffs for their efforts in getting our bills to the floor. Also the Rules Committee ought to be mentioned for their important role in providing for the orderly consideration of our appropriation bills and conference reports. Many times, our bills require the Rules Committee to do its works on short notice. I appreciate the cooperation we received.

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Finally, Mr. Speaker, I want to thank the many support personnel of the House for the hard work that has led to the successful completion of appropriations legislation for the 103d Congress: the Parliamentarians, the reading clerks who expedite getting the papers to the Senate, the Reporters of Official Debates, the tally clerks who are personally affected when we get midnight filing consent, the enrolling clerks who have to adjust the bills to reflect conference action and then proofread all the changes, the Journal clerks, the bill clerks, the Cloakroom staff and the committee reporters who transcribe our committee hearings. In short, I want to thank the entire legislative operations support group. I think too often we forget about the extra effort these people make, and I want to personally thank them for all their hard work. It has meant a lot to our committee. Mr. Speaker, these are all people who, through their hard work, their care and pride in doing a quality job, can share my pleasure in getting our work done and doing a good job well.

Mr. Speaker, I also should say that the House should be proud, not only of the timeliness of these bills, but also the content. We are witnessing a major shift in the availability of resources away from the discretionary portion of the Federal budget, the portion that is under the jurisdiction of this committee. The outlays from the Federal Treasury in the coming fiscal year, occurring as a result of the passage of these 13 bills, will actually drop below the nominal levels of the current year. Spending on nonmandatory appropriated items will decline markedly as a percentage of the overall budget and as a percentage of the economy.

To find room to fund some new initiatives, Mr. Speaker, we needed to reduce, or terminate, hundreds of ongoing programs, and nearly three dozen existing programs have been eliminated in the course of considering these 13 bills. The reality of this has been painfully brought home to Members as the bills were considered because we did not have the money to fund all the programs that individual Members thought were important.

Mr. Speaker, to stay within our tight limits we brought difficult choices to the House. The House faced up to those choices. The deficit was not increased in order to support new programs. Instead we reduced and terminated other ongoing programs. By adopting these bills Members agreed to $4.4 billion in committee recommended reductions below the President's request. House action cut another $75 million. In the next few days I will be providing Members with more detailed information on program reductions, terminations and increases.

Mr. Speaker, again I thank all Members for their support. I urge adoption of the defense appropriation conference report so we can complete our job, and I also want to second the remarks

made by the gentleman from Pennsylvania [Mr. MCDADE] in saluting the staff members who have done such great work, and, as we know, are leaving. I say to the gentlemen, "We have come to count on you for a lot these years, and you're going to be missed. I appreciate the efforts that have been expended on behalf of the committee and the House."

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

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

Mr. MCDADE. If I may, I just want to take a few seconds to say to my friend from Wisconsin that we are very grateful for the leadership that he has provided as the new chairman of the Committee on Appropriations. He has done an excellent job. I want to say, as members of the minority side, we have never been more included in the decisionmaking process, and I think that is probably one reason that all these bills are here in such a timely way before the end of the fiscal year.

I say to the gentleman, you've done a great job, DAVE. We have enjoyed working with you. We look forward to working with you next year.

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

Mr. MURTHA. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, in the fiscal year 1995 Defense appropriations conference bill, H.R. 4650, the conferees agreed to include $25 million for the GPS-aided munitions [GAM's], in missile procurement, Air Force, at page 97 of the conference report.

I support this provision, and want to stress the importance of this program.

The $25 million is provided to support the acquisition of a limited stockpile of GPS-aided munitions [GAM's] as an interim near-precision conventional bomb capability on block 20 B–2 bombers in association with the GPS-aided targeting system [GATS].

In order to accomplish this effort, the Air Force is directed to implement an acquisition strategy and contract type which will provide the earliest possible near-precision conventional all-weather capability for the B–2. The conferees have determined that this procurement will ensure the lowest risk schedule, accordingly, the acquisition strategy may include noncompetitive procurement through the B–2 prime contractor for the initial limited stockpile.

Specifically, the funds were included to provide operational GAM capability on the first available block 20 aircraft, that will exist as of July 1996.

Mr. ROHRABACHER. Mr. Speaker, I rise today in support of the conference report.

Mr. Speaker, contained in this report are two extremely important provisions. The first may be found in section 8106. It sends money Congress appropriated in fiscal year 1994 to ARPA to NASA—and then it sends it from NASA back to the Air Force, to PE 63401F.

At first glance this would seem a silly thing to do, but we in Congress have been forced to do so by the actions and in-actions of the Advanced Research Projects Agency—[ARPA].

A year ago Congress appropriated $40 million for ARPA to begin work on a Single-Stage-To-Orbit [SSTO] X-vehicle; an experimental test vehicle meant to be the follow-on to the successful DC–X1 test vehicle. This money was also meant to be used to fund the remaining flight test program of the DC–X1. But here we are, only hours away from the end of fiscal year 1994, and ARPA has yet to take any steps toward fulfilling the law, other than to propose a program that has yet to be briefed to anyone in Congress; a program designed to waste and dissipate the money we had appropriated to it.

When the executive fails to observe the law, Congress must act. Section 8106 takes fiscal year 1994 money from ARPA and sends it to NASA for NASA to pursue the start of construction of the X–33 SSTO test vehicle. NASA is also obligated by section 8106 to spend this money as the Air Force's Phillips Laboratory in New Mexico, where the Air Force's SSTO expertise currently resides. These actions, Mr. Speaker, are consistent with President Clinton's space launch policy and his call for a supporting role for DOD in the NASA-led development of the X–33. Section 8106 also provides for this money to be available to be spent to fund the completion of the original flight test program of the DC–X1.

Mr. Speaker, the second important provision in this conference report that I'd like to highlight is the inclusion of $30 million in new, fiscal year 1995 money, also contained in PE 63401F, that is meant to be spent by the Air Force at Phillips Lab in support of their activities in helping to build and, soon, to fly, the X–33.

Mr. Speaker, these two provisions go a long way toward helping to start to implement the President's space launch policy mandates for DOD, and give DOD equity in the NASA-led program to build and fly the X–33 SSTO experimental vehicle. Flying the X–33 will give this Nation, in just a few years, revolutionary new space capabilities.

Mr. Speaker, I would like to commend Chairman MURTHA for his foresight and leadership on this issue, and for his service to this Nation's vital interests in assuring a robust future space launch capability. I would also like to commend in similar fashion my colleagues Mr. SKEEN of New Mexico, Mr. LIVINGSTON of Louisiana, Mr. MCDADE of Pennsylvania, and Mr. LEWIS of my own State of California, all of whom were critical to the inclusion of these provisions in the final conference report, as was also Mr. VISCLOSKY of Indiana on the majority side of the aisle. Finally, I'd like to also thank Mr. DOMENICI of New Mexico, a Member of the other body who was also a member of the conference committee, and without whose gracious help and understanding these two provisions would not be here in this conference report.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for the Defense Appropriations Act of 1995. This Member would commend the chairman of the subcommittee, the distinguished gentleman from Pennsylvania Mr. MURTHA, and the distinguished ranking member Mr. MCDADE, for their efforts to present a conference report with bipartisan support.

In particular, the conference report contains language that addresses the status of the military technicians for the National Guard and Reserves. As the chairman knows, these technicians are a vital component of maintaining the high readiness level of our Guard and Reserves. Section 8118 of the conference report prohibits funds from being used to reduce military—civilian—technicians of the Reserve components, and states that there should be no administratively imposed ceiling on the technicians unless those reductions are the direct result of a reduction in military force structure. Mr. Speaker, this is essential language that addresses the deep concern that has been voiced by our local Guard and Reserve components, and this Member thanks his colleagues for acting on this matter.

A second provision of particular interest to this Member of the inclusion of a reporting requirement on new membership in NATO. The issue of new members in NATO is fast upon us, with nations such as Poland, the Czech Republic, and Hungary eager to become full members of the Alliance. Indeed, just last month, United States and other NATO forces conducted exercises in Poland as part of the Partnership for Peace. It is time to start thinking seriously about specific criteria for membership. The reporting requirement included in the conference report calls for the Secretary of Defense to present specific military, economic, and political criteria for admission of new members. The report will also include the measures that NATO members need to undertake in order to establish full military cooperation and interoperability with aspiring members. This is a logical and a necessary step that will advance the Partnership for Peace, and will speed the day when Eastern and Central European nations can be full and contributing members of the Alliance. This Member appreciates the willingness of the conferees to include this provision.

Mr. Speaker, this Member would urge adoption of H.R. 4650.

Mr. FAWELL. Mr. Speaker, as cochairman of the bipartisan Porkbusters Coalition, I often rise to point out unauthorized projects in each of the 13 appropriations bills. Today we have before us the conference report for Defense appropriations for fiscal year 1995. I come not to point to a particular project, but a phrase included in the conference report. Included in amendment 13, which was reported in technical disagreement, is this phrase: "Deletes House language prohibiting obligation of $473 million until authorized." In other words, the House had originally prohibited spending an additional $473 million on operations and maintenance for the Army until it was authorized. The conference deleted the authorization requirement.

Mr. Speaker, I have been criticized for my strict scrutiny of appropriations bills. My colleagues ask why I would question unauthorized projects in appropriations bill when language specifically mandates that the project must be authorized before funds are obligated? Because sometimes these authorization provisions are dropped.

As we see in today's conference report, authorization language is deleted, enabling $473

million to slide by without authorization. This is why I fight unauthorized projects regardless of language which requires authorization at some point in the future. This is why the House of Representatives requires two steps before taxpayer's money can be spent. First the authorization, then the appropriation. First the horse, then the cart. This ensures that when the House proceeds to fund a project, we know what we are funding. We can have confidence that this expenditure has been approved by a committee of authorization, that congressional hearings have been held, that this expenditure is in the national interest of our country.

The Porkbusters and I will continue to fight unauthorized projects. We will continue to carefully analyze each of the appropriations bills for authorization language which may or may not be included in final versions of legislation. We will continue to insist on authorization, and then appropriation, as established by the rules of the House. And, we will fight again.

Mr. GLICKMAN. Mr. Speaker, while I am generally supportive of this conference report, I do take objection to the inclusion of a provision to reactivate the SR–71 *Blackbird* reconnaissance aircraft. A similar provision was included by the defense authorization conference, of which I was a member, and it was the reason I did not sign that conference report.

The SR–71 was an excellent intelligence platform—in its day. The trouble is that its day has long since passed. Nearly 5 years ago, Congress and the Department of Defense looked at the SR–71's limitations—it can effectively operate only in good weather and cannot transmit the images it collects directly to those who need them—and concluded that the aircraft should be retired. New systems with an ability to stay over a target for long periods of time, in any weather conditions and relay images instantly to military commanders on the ground were planned. The availability of those systems has been delayed, in part because of opposition from some of the same quarters now advocating the reactivation of the SR–71 as necessary to fill an intelligence collection gap.

Reactivating the SR–71 will only exacerbate those delays. The $100 million appropriated in this conference report will not solve the *Blackbird's* problems. The aircraft needs new sensors and it is extremely expensive to maintain. Meeting those costs will require hundreds of millions of dollars more, money which will be taken from the development of more modern and more capable systems. The realization that the SR–71 would be a drain on scarce resources is one of the reasons that the Department of Defense does not support bringing it out of retirement. The Intelligence Committee, which I chair, shares that judgment.

Mr. Speaker, if one precept should guide our expenditure of the taxpayer's dollars, it is that we should only invest in technologies which will be useful in the future. We are not doing that with the decision we will make today on the SR–71. Spending money to return to active service an aircraft now housed in museums across the country does not make sense. I hope that this issue will be given more thought next year and that this decision will be reversed.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 327, nays 86, not voting 21, as follows:

[Roll No. 446]

YEAS—327

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hyde
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NAYS—86

Allard
Archer
Armey
Bachus (AL)
Barrett (WI)
Bartlett
Barton
Becerra
Bunning
Burton
Buyer
Clement
Coble
Collins (IL)
Combest
Conyers
Cox
Crane
Crapo
DeFazio
DeLay
Dellums
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Ehlers
Fawell
Fields (TX)
Frank (MA)
Franks (NJ)
Gekas
Goodling
Goss
Grams
Hancock
Hansen
Hefley
Herger
Hoekstra
Hoke
Huffington
Inglis
Johnson, Sam
Johnston
Klein
Klug
Knollenberg
Kyl
Linder
McInnis
Meyers
Miller (FL)
Minge
Myers
Nadler
Nussle
Paxon
Penny
Peterson (MN)
Petri
Ramstad
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Saxton
Schaefer
Sensenbrenner
Shays
Solomon
Stump
Thomas (WY)
Walker
Watt
Waxman
Woolsey
Wyden
Zeliff
Zimmer

NOT VOTING—21

Applegate
Bacchus (FL)
Baker (CA)
Fields (LA)
Gallo
Hayes
Hilliard
Hutto
Jefferson
Lloyd
McCrery
McCurdy
McNulty
Neal (NC)
Slattery
Smith (IA)
Sundquist
Thompson
Torkildsen
Washington
Wheat

□ 1138

The Clerk announced the following pair:

On this vote:

Mr. McCrery for, with Mr. Baker of California against.

Messrs. EDWARDS of California, SOLOMON, ZELIFF, DOOLITTLE, FIELDS of Texas, WATT, THOMAS of Wyoming, and BECERRA changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1140

THE JOURNAL

The SPEAKER pro tempore (Mr. McDERMOTT). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

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

Mr. SOLOMON. 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 249, nays 163, not voting 22, as follows:

[Roll No. 447]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
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
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—163

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clayton
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Applegate
Bacchus (FL)
Boehner
Fields (LA)
Gallo
Hayes
Hilliard
Hutto
Klink
Lloyd
McCrery
McCurdy
McNulty
Sabo
Slattery
Sundquist
Synar
Thompson
Torkildsen
Washington
Wheat
Williams

□ 1158

So the Journal was approved.

The result of the vote was announced as above recorded.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 349, LOBBYING DISCLOSURE ACT OF 1994

Mr. FROST. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 550 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 550

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes. All points of order against the conference report and against its consideration are waived except for the provisions of clause 2 of rule XXVIII (the three-day availability requirement for conference reports). The conference report shall be considered as read.

□ 1200

The SPEAKER pro tempore (Mrs. MEEK of Florida). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Madam Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. All time yielded during the debate on this resolution is for the purpose of debate only.

Madam Speaker, with the exception of House rule 28, clause 2(a) which requires a 3-day layover for conference reports, House Resolution 550 waives all points of order against the conference report to accompany S. 349, the Lobbying Disclosure Act of 1994. The Committee on Rules has recommended this rule in order to allow Members adequate time to study the provisions of this landmark bill while assuring that the conference report can be expeditiously considered prior to the adjournment of the 103d Congress.

The committee believes the waivers provided for in this rule will actually allow the House to consider legislation which is stronger than it was when it was passed by the House in March. This is because the conference report contains new provisions relating to gifts which are more restrictive than those passed by either the House or the Senate. The conference report bans lobbyists from offering, and Members from accepting, meals, entertainment, travel as well as contributions to charities, legal defense funds, or congressional retreats.

The imposition of these restrictions sends a clear message to the electorate:

that Members of this body represent the will of the people and not the will of monied special interests. It may be considered naive in some circles to believe that the men and women who serve in this body are decent and honorable and cannot be influenced by a meal or a golf game. But, I believe every Member of this body understands that to reject this legislation would call our intentions as legislators and representatives of the people into question. I call upon each and every Member of this House to send the message that we are responsive to our constituents, that we do understand their concerns about the integrity of this institution, and that we care enough about our Government and our country to impose these new, strict rules on ourselves.

Madam Speaker, this conference report is not just about meals and golf games. It seeks to completely revamp the rules governing the activities of those individuals who are hired to influence the outcome of the legislative process in Washington. This law will cover all professional lobbyists and requires them to reveal how much they are being paid to lobby whom and on what issues. The new rules imposed on lobbyists will be enforced by a new independent agency in the executive branch and the rules of the House and Senate will be amended to cover the requirements and restrictions of this legislation. Enforcement in Congress will be undertaken by the House and Senate Ethics Committees.

Madam Speaker, the American people sent the Congress a clear signal 2 years ago that business as usual was not acceptable. While it may seem to some that these new rules are a long time in coming, I should point out that this bill has been carefully crafted to protect first amendment rights while assuring that no one person or interest will have an undue influence on the Congress. This legislation represents a landmark in the evolution of the Congress as the body closest to the people: It provides the assurance that we, all of us, believe in the people, by the people and for the people.

I urge adoption of this resolution in order that the House may consider and pass this conference report.

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

Madam Speaker, today is the 259th legislative day of the so-called reform Congress with approximately six exciting, action-packed legislative days remaining before we adjourn sine die. If this rule is adopted, we will complete the final sad chapter on the reform Congress that was not.

This rule and the bill it makes in order, S. 349, are indicative of the Democrat leadership's penchant for undermining any attempts to change the status quo in this institution.

Take, for example, the work of our much heralded Joint Committee on the Organization of Congress. Unlike the legislation before us, the joint committee was created to reform the internal operations of Congress and alleviate an institutional crisis that breeds gridlock and undermines the ability of Members to effectively legislate.

Elements of this crisis include:

Closed rules that, as a Washington Post editorial pointed out this week, are used by the Democrat leadership to distort debate and gag Democrats and Republicans alike from offering popular amendments;

A lack of long-term planning by House and Senate leaders which has created erratic legislative schedules that place terrible pressures on family life and district work schedules;

A lack of confidence in the Federal budget process under which timetables are rarely followed, caps are evaded, budget cuts not what they appear, and programs are not evaluated to determine if they are accomplishing their intended purpose; and

An overstaffed and archaic committee system which has created abuses of power, fractured attention, interest group dominance and jurisdictional gridlock.

Madam Speaker, the leadership's sorry track record on reform issues is now on display today with this so-called lobbying reform and gift ban bill. The procedures that created this bad bill are exactly what reform would correct.

There was no committee deliberation in the House that would have alerted the American people back home that the Democrat version of lobby reform meant taking away their right to communicate with their Member of Congress. The problem with this bill is that when the American people call for lobby reform, they want to reform the way inside Washington, DC works. They do not want to reduce their ability to communicate from home to Washington. If anything, we need more influence from the grass roots to shake up the closed door influence peddling of inside Washington.

The legislation is disingenuous in other ways, Madam Speaker. For example, a group of lobbyists cannot buy a $10 lunch for a Member of Congress while discussing legislation because it would be perceived as an undue influence. Yet that same group of lobbyists can form Political Action Committees and have the same conversation while handing that Member up to $10,000 in campaign contributions. That is something that the Democrats do not want to change.

In addition, lobbyists who violate the rules will face stiff fines and other penalties while Members of Congress who violate those same rules will face at most a slap on the wrist from the Ethics Committee.

It is ironic, Madam Speaker, that we are being asked to consider a bill that imposes an array of onerous new rules on the American people under a procedure that violates all but one of the rules under which we are required to operate. And we wonder why the American people are so cynical toward the Congress.

Madam Speaker, bad bills and bad rules seem to go hand in hand in this institution, and this bill and rule are no exception.

Madam Speaker, I include for the RECORD the Washington Post editorial referred to earlier as well as the roll-call votes in the Committee on Rules on S. 349.

The material referred to follows:

[From the Washington Post, Sept. 27, 1994]

CLOSED RULES IN THE HOUSE

Senate Republicans have been denounced by indignant Democrats in recent days for using the filibuster rule to obstruct and thwart majority rule. The indignation is deserved, but the Democrats should cast their net more broadly. In the House, it's they who have been bending the rules for years to fend off what would otherwise be majority votes.

Twenty years ago, most legislation went to the House floor under an open rule. Almost any amendment was in order so long as it was germane. Today, in order to maintain control, the Democratic leadership has had to tile in the oppose director most major bills are considered under restrictive rules that either bar amendments entirely or list in advance and limit those that can be offered.

In the 95th Congress, Jimmy Carter's first, the Rules Committee, which is a creature of the leadership, granted 211 rules, 85 percent of them open. In Ronald Reagan's first Congress, the 97th, the figure was still 75 percent. By the 102d Congress, the last of the Bush Administration, it was 34 percent.

Nor is that the only example of a cracking down. Republicans complain that the Democrats have made it harder to offer floor amendments to appropriations bills saying no funds may be used for disputed purposes. They note that key committees (including Rules) are filled with more Democrats than the overall House party ratios would allow. They say the minority is denied a fair share of staff on some committees and is sometimes denied what would otherwise be committee victories by rubbery rules with regard to proxy voting and the existence of quorums. They object to the erratic enforcement of a rule meant to ensure that members have a chance to read legislation—particularly the work of House-Senate conference committees—before they have to vote on it. They are surely right about this practice. Members are sometimes forced to vote on bills they haven't read and into which provisions have been inserted that might not be able to stand the light of day; the crime bill was a recent example.

The Democratic leadership and its defenders don't so much deny that these things are done as say that the Republicans do them too—which is not exactly to address the charges. At any rate, they cheerfully acquiesce in these practices when it suits their interests. The Democrats also claim that they aren't thwarting majority rule in the same way filibusters do in that no rule for floor debate in the House can be adopted except by majority vote, and sometimes rules are defeated. But not even the stoutest Democrat denies that a principal purpose of the restrictive rules is protective. They're typically

used to bar amendments that would likely pass if offered and could sink the underlying bill passed.

Republicans like to say the Democrats, who have controlled the House since 1955, are acting out of arrogance. But in fact they're acting out of weakness. They have less control of the House than the nominal lineup of 256 Democrats and one independent to 178 Republicans would suggest. On many issues, enough conservative Democrats are prepared to vote with the Republicans to give them the majority unless the votes can be avoided. Avoidance has thus become the game. But in the House no more than in the Senate is that a defensible way to govern.

ROLLCALL VOTES IN THE RULES COMMITTEE ON THE RULE FOR S. 349, LOBBYING DISCLOSURE ACT

1. Dreier Motion on 3-day Layover Rule—Motion to exempt for the waiver of points of order the provisions of clause 2 of rule XXVIII, the three-day layover requirement for conference reports. Adopted: 5–4. Yeas: Beilenson, Solomon, Quillen, Dreier, Goss. Nays: Moakley, Bonior, Hall, Slaughter. Not Voting: Derrick, Frost, Wheat, Gordon.

AN AMENDMENT OFFERED BY MR. DREIER TO THE RULE FOR S. 349, LOBBYING DISCLOSURE ACT OF 1994

At line 4, insert the following before the period: "except for the provisions of clause 2 of rule XXVIII (the three-day availability requirement for conference reports)".

Explanation: This amendment to the rule would exempt from the blanket waiver of points of order the provisions of clause 2 of rule 28 which prohibit the consideration of a conference report until the third day on which it is available to Members.

Madam Speaker, I yield 4 minutes to our revered Republican leader, the gentleman from Peoria, IL [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, I rise in opposition to the rule. Some say it is easy for BOB to oppose the rule; he is retiring. Yes, I am. Perhaps that fact allows me some freedom to say some things that ought to be said. But those who know me well realize I would speak my mind under any given set of circumstances.

For the past several Congresses I have been consistently and forcefully urging real reform of this House, first our ethic laws, then our campaign laws and congressional rules. We succeeded in 1989 in achieving significant reforms in House ethics. We eliminated honoraria, limited the gifts to Members and staff and called for full and complete disclosure, and that is always the key.

Back in March of this year we passed a lobbying bill that focused on the lobbyists banning gifts to Members and staff. We in effect put a "scarlet L" on their foreheads to clearly identify them, and there is nothing wrong with that. But in this measure before us today it is no longer just lobbyists we have banned, it is instead just about every other American. In our lust for public approval, we have lost sight of our true goal, which is to reform ourselves, not to create a whole new class of officially designated "usual suspects."

□ 1210

Given the fear and loathing with which Congress is held by the public, it is no surprise some of us have succumbed to panic and embraced this bill. But creating a new set of rules is no substitute for true reform.

And what about real reform, as the gentleman from California was talking about a few moments ago? Where is campaign reform? It is not in this bill. Where is the ban on campaign contributions from political action committee lobbyists? It is not in this bill.

Would you believe this bill approves a lobbyist giving you a $5,000 contribution at one instance, but it prohibits that very same lobbyist from taking you to McDonald's for a Big Mac? How ridiculous can we be?

And there will be others who will demonstrate with several anecdotes today of how this bill is just absolutely ridiculous.

Is there any wonder why, I guess, there is so much public cynicism out there.

We were elected to wrestle with the legislative issues of the day. Here we are today demeaning ourselves by saying, "Oh, please stop me before I accept another cup of coffee and a Danish. Lock me in the closet, bolt the door, lest I succumb to the blandishments of those unscrupulous demons who can buy my soul with a round of golf." This is not self-reform. It is self-flagellation, a practice which may have a fascinating attraction to some, but I consider it degrading and debasing, and what is more important, not really reform.

I think Members will recognize that I have deeply respected this institution over my tenure here, dedicated really my life's energies to it, but, my friends, you do not redeem yourselves by passing this conference report. It actually confirms everything negative, every suspicion people have about this House.

Contrary to popular myth, the trouble with this institution is not endemic moral corruption, but refusal to implement real reforms such as those I spoke of earlier. No amount of bills like the one before us today is going to cure us of that failure. Our faults, dear colleagues, lie not in our perks but in our posturing.

I would urge Members to vote against this rule or at least to recommit the conference report.

Mr. FROST. Madam Speaker, for the purposes of debate only, I yield 6 minutes to the gentleman from Texas [Mr. BRYANT].

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

Madam Speaker and Members, we today embark on the last step in an attempt to pass legislation which will restore public confidence that we are operating in a way that legislation that passes this institution is passed free of daily influence from lobbyists who, in the view of the public, should not be—in Washington, DC, or anywhere else—buying our meals, paying for golf, paying for tickets to the theater or the ball game, or flying us across the country to participate in some type of charitable or noncharitable golfing event.

I think that the speech just made by the gentleman from Illinois [Mr. MICHEL] was one that certainly was heartfelt, and I think it reflected a very high opinion of this institution which I completely share, but the bottom line of it is it was a speech in favor of continued free meals, continued free tickets to the ball game and to the theater, and continued free trips clear across the country to play golf at the expense of the very people who are paid to come here and influence us and try to obtain a specific outcome in a legislative activity.

What is before us at this moment is the rule. Members, when we passed the bill in March, many of you voted against it—and there were not very many, I might point out—many who voted against the rule said they did so because the bill was not tough enough. I think there are many of us that understood that what they really wanted to say was they did not want the bill to pass because they did not want to give up their freebies. They said the bill was not tough enough. Well, now it is. Many of those who voted against it cited the opposition to the bill of Common Cause and the New York Times. They now support this measure, as does Public Citizen, the Washington Post, and others who have editorialized in favor of the strong legislation.

We are here today requesting the rule to pass that would give us a waiver of points of order against the conference committee report for one reason: because several tough new gift provisions that are included in the report go beyond the scope of the conference. The vote on this rule is a vote on the provision to make this entire bill tougher. If you are in favor of making it tougher, as many of you said you were when the bill passed last March, this rule allows us to make it tougher. We have done exactly what many opponents to the bill said they wanted.

For example, while the Senate-passed lobbying bill covered gifts from lobbyists, and the House-passed bill covered gifts from lobbyists and others such as clients, the conference report which we want to bring to the floor pursuant to this rule contains rules covering all gifts given to Members or staff.

Second, both the Senate- and House-passed lobbying bills required only disclosure of charitable contributions given in lieu of honoraria, of contributions to congressionally affiliated retreats and contributions to legal defense funds, but the conference report which will be brought to the floor

today pursuant to this rule bans lobbyists from making these types of gifts.

Third, both the Senate- and House-passed bills allowed privately funded travel and lodging for recreational events such as charity golf tournaments, if the travel-related expenditures were disclosed. The conference report bans privately funded travel and lodging for substantially recreational events or for other charity events. The bill also requires staff to get approval from their supervising Members before traveling, and requires disclosure of travel expenses by Members and staff within 30 days after returning from a trip.

The conference report makes the legislation stronger, and what we are asking for when we ask you to vote for this rule is to give us permission to make this bill stronger.

Many of these new provisions are based on a separate gift reform bill that passed the Senate by a vote of 95 to 4 on May 11, and as Members know, the conference report was filed on Monday, and was laid over for 3 days. Everybody has had an opportunity to take a look at it.

We have been at this for over 18 months. Everybody has had an opportunity to have input into this legislation, both in the subcommittee and in the ad hoc committee that was appointed by the Republican leader and the Speaker.

They have had as much time to learn about this legislation as they possibly could.

I was astonished to learn last night for the first time in the entire 18-month history of this bill that the Republican whip stood on the House floor and attacked this bill and said that somehow or another it was going to limit the ability of grassroots organizations, in particular religious organizations, to lobby. Nothing could be further from the truth. That is a ruse to protect the desire of many Members of this Congress, and I am afraid to say some of them who may very well be engaged in this debate, to keep on playing free golf and keep on eating free meals and keep on getting free tickets to the baseball games and the football games. That is a ruse.

I will read to you a letter from the Baptist Joint Committee which we just received. We asked them to clarify their position on the conference report because they supported the bill, as well as the U.S. Catholic Conference and the Religious Action Center for Reform Judaism. I am hesitant to take the time to read the entire thing. I want to read this paragraph. It says:

> I am, therefore, puzzled by Mr. Gingrich's letter questioning this legislation on the basis of the effect that it would have on religious organizations. I think he is plainly wrong. We very much appreciate your willingness to accommodate religious liberty concerns in this legislation and appreciate the cooperation of your staff.—J. Brent Walker, General Counsel.

Let me just say if you are going to be against this bill, stand on the floor and say you are against it because you want to keep on getting free meals and free dinners and you want to keep playing free golf. Do not hide behind the skirts of legitimate public-interest organizations and churches. They are happy with the bill. This does not hurt them.

It is the same language we have had in the bill for 18 months. If you were concerned about it, where have you been the last 18 months?

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

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

Mr. WALKER. The Christian Coalition, amongst others, does oppose it.

But let me ask the gentleman, in which bill was the grassroots gag that the gentleman now brings to the floor in this particular legislation?

Mr. BRYANT. There is no grassroots gag. I would urge you to hew to the truth as you talk about this bill, because it is virtually the same language that passed the House back in March. We have not changed it. If you were concerned about it, I say to the gentleman from Pennsylvania [Mr. WALKER], where have you been the last 18 months?

Mr. WALKER. The point is under which the bills was the grassroots gag originally brought in that allows a Government bureaucrat to determine how it applies to religion?

Mr. BRYANT. There is no grassroots gag, and I am not going to give you time to allow you to say that. There is no grassroots gag. If you want to keep playing free golf, admit it.

Mr. WALKER. I do not play golf. Maybe the gentleman does.

Mr. DREIER. Madam Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], my Committee on Rules companion.

Mr. GOSS. Madam Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, the gentleman from Texas was very sanctimonious and self-righteous just a few minutes ago. I know he is an honorable man, but one of the things that concerns me is he is putting a penalty in here if you have a Big Mac with somebody. I know nobody is going to buy his influence. But he got $10,000 this year from the United Steelworkers, $10,000 in PAC contributions; $10,000 in PAC contributions. He got $5,000 from the United Auto Workers PAC. Now, a Big Mac will not buy any influence from anybody. I am sure $15,000 will not buy influence from anybody. But there is some kind of a contradiction. Why is it that we can get $15,000 or $20,000 from a political action committee, like the gentleman from Texas has, but we cannot have lunch with someone? That makes no sense. This is an absolutely insane piece of legislation.

□ 1220

Mr. GOSS. Reclaiming my time, Madam Speaker, on Tuesday the Rules Committee actually did the right thing—and resisted the pressure by those who have labored over the intricacies of this bill for 18 months to rush blindly forward and pass it without reading it thoroughly. The Rules Committee protected Members' rights by voting to uphold House rules that allow Members who are not familiar with the minutiae of this conference report, the normal 3 days to review the details. The caption in the House newspaper, Roll Call, labeling this process "Bungling by the Rules Committee," says more about the bias of Roll Call as a tool of the power structure around here. I hope my colleagues availed themselves of that time and are prepared today to discuss and vote on this bill with full knowledge of what it contains.

As the debate unfolds, I expect some will say this bill contains good policy changes while others are just as sincere in their concern that this bill, with all its exceptions and vague definitions will establish rules that Members and ordinary citizens will have trouble adhering to.

I think it is appropriate that Members of Congress not accept expensive meals, gifts or travel from lobbyists. But this bill establishes new definitions for the rest of the world—the nonlobbyists—definitions that we can expect to be much more confusing in practice than they are in the legislative language.

The world is now defined in three categories: lobbyists, nonlobbyists, and family or personal relations. In many cases, the specifics of how this bill will apply to these three groups are left to the Ethics Committee to work out—a challenging mission, to say the least, for our Ethics Committee. For example, under this bill, a nonlobbyist still can buy a Member lunch in Washington as long as it costs less than $20, but that same nonlobbyist can spend more for a Member's lunch in the Member's home State. How much more? That is left to the Ethics Committee to decide. To add more confusion, a lobbyist can buy a Member lunch or football tickets, if that lobbyist has a personal relationship with that Member. How do we define personal relationship? Again, it is left up to the Ethics Committee to provide clarification and guidance on these changes—another enormous task of the committee. I say this not because the Ethics Committee is unwilling or unable to perform these functions, but because Members should understand that all the answers are not in this bill—in fact, in my view this bill raises almost as many questions as it answers and I expect Members will be fumbling around for many months trying to sort out all the distinctions.

Legislating morality is always difficult—but that is our task in considering this bill. The one thing we need to remember is that we are here to serve our constituents—not ourselves.

But I am puzzled why the Ethics Committee was not fully consulted in development of this legislation. I do not believe this matter is ripe for consideration and I believe the Ethics Committee should have had input in crafting this bill. I will vote "no" on this rule and urge other to do so because it is so vague and so ambiguous that it demands further work.

Mr. FROST. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would urge my colleages on the other side to be a little more restrained in terms of the language that they use during this debate. No one is interested in asking that words be taken down, but I would urge my colleagues to debate this on the merits and to enjoin the issue on the merits.

Madam Speaker, this is a serious matter that deserves a serious discussion. There are strong feelings on both sides on this issue. Let us deal with the merits and let us not deal with individuals as this debate proceeds.

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

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

Mr. WALKER. I thank the gentleman for yielding.

Madam Speaker, I would hope the same thing would apply to the people on the other side of the aisle who have suggested anybody who opposes this is in favor of being corrupt. That kind of thing also should not be done.

Mr. FROST. Madam Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. I thank the gentleman for yielding this time to me.

I also would agree with the comments on both sides that we ought to discuss this issue on the merits.

Let me first begin by thanking the gentleman from Texas [Mr. BRYANT] for his hard work on this issue. He has indeed struggled over the last 18 months to bring together as many groups that have an interest in this issue, as many objections as have been heard; religious organizations, civic organizations, et cetera, to seek to reach a good and effective compromise.

Let me try in just my brief time to walk us through what it is that we are doing here today in this legislation.

It is absolutely clear that over the course of the last decade or so that practice of professional lobbying has grown to be an industry of some significance here in this Capital. It has gone beyond just having professionals come to our offices to make the case on particular pieces of legislation. It has grown to include the practice of developing so-called grassroots lobbying networks, phone banks, sophisticated targeting of Members, the practice of encouraging phone calls, et cetera. All of this has become part of a very sophisticated public relations industry, all of which is intended to influence the course of legislation here in Washington.

The current state of the law, however, is that only a very small percentage of those individuals who are engaged in that activity must register their activities with the Government so that the public can have that information, and only a very small part of those moneys that are spent by those interest groups to try to influence the legislation in this body is in fact known to the public.

So what this bill does is it does two things that are really very significant but also, I think, very straightforward, despite all of the debate we are going to hear.

The first thing is that it says that everyone one who is engaged as a profession in the business of trying to influence the course of legislation in the Congress or in the executive branch ought to register with the Government so that the public and the media can have access to that information.

Second, they ought to report for the public information, for the media information, that which they are spending to influence the course of activities of legislation in the Congress and of legislation in the Federal Government.

And, yes, that includes if they are using sophisticated network of phone banks and whatever else it is to try to generate so-called grassroots activities, they need to tell us how much money is being spent by that interest group so that the newspapers, the reporters, whoever it is in our districts can report to the public that that money is being spent, by whom it is being spent, and for what purpose. So the public can factor into their decisionmaking about our activities and about the activities of the legislative process that which they now know about the present situation.

Mr. DREIER. Madam Speaker, I yield 2 minutes to my good friend, the gentleman from Redlands, CA [Mr. LEWIS].

Mr. LEWIS of California. I thank my colleague very much for yielding.

Somehow it has become fashionable to attack lobbyists—individuals who are professionals paid to represent many diverse interests of people in America here in the Halls of Congress, in the people's House. There are lobbyists on every side of every issue: lobbyists who represent unions, lobbyists who represent small business, lobbyists who represent local governments. Somehow this bill depicts them as being corrupt.

I am reminded of the picture seen by the public not long ago of a former judge, who was later a Member of Congress, stuffing dollar bills in his back pocket. Our debate today operates on the pretext that one solves problems by saying one cannot have lunch or play golf with someone who represent an interest. We believe in some way we are improving ourselves. At the same time, we take thousands of dollars from these lobbyists, and like that judge, put them in our campaign coffers, and say we are pure.

Ladies and gentlemen, this is the most cynical piece of legislation I have ever seen. I have talked to my colleagues on the other side of the aisle and I have said to them, "You know this is a piece of garbage." They look at me and say, "We know it, but the Senate will take care of it."

This bill is for pure political purposes and reflects the worst of legislating in this body. It is unbelievable that this is a major cornerstone of the other side of the aisle's token effort to improving our Government.

Mr. FROST. Madam Speaker, I yield such time as she may consume to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Madam Speaker, I rise in strong support of both the rule and the bill.

Madam Speaker, Americans voted for change during the last election. As another election approaches, Americans are still dissatisfied with the pace and progress of that change.

Congress, especially, should take heed of the country's impatience. Correctly or not, the public perceives we are more concerned with our perks and privileges than we are with the public's business. And for too long, we have delayed acting on meaningful congressional reforms to correct that impression.

That is why the Congress needs to pass this thoughtful effort to reform gift rules—rules which currently still allow lobbyists to buy gifts, purchase an unlimited number of meals, and underwrite travel and entertainment for lawmakers.

That is also why it is unfortunate that some Members are opposing the rule today. Make no mistake about it, some Members do not want to vote on this legislation and that is why they do not support this rule.

While some Members do not want any bill to pass, there are others—such as myself—who would like to go even further. The conference report strikes a reasonable balance which combines important features of both the House and Senate bills. It is a measure which has the best chance of passing the Congress.

Two years ago, millions of voters were energized by the promise of economic and political change. Now it is time for Congress to delivery on that promise of change by enacting real reform. The House should do the right thing today and vote for the rule and for the lobbying reform and gift ban bill.

Mr. FROST. Madam Speaker, for the purpose of debate only, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

□ 1230

Ms. DELAURO. Madam Speaker, we stand here today faced with a critical

opportunity. An opportunity to help restore the credibility of this institution. To reduce the power of special interests. To renew the faith of the American people in our ability to govern in their interest.

Each of us know how angry people are with government. We have been home. We have heard the cynicism and distrust. And this bill shows that we recognize the problem and are moving toward a strong solution.

This bill bans gifts to Members. It bans meals, entertainment, and travel. It includes tough enforcement provisions. It requires full disclosure of who is lobbying whom and expands the list of those who have to register as lobbyists.

This bill is important in and of itself. But it carries a greater message than lobby reform. It says no more business as usual. That is what people are asking for and this is the people's House.

"Public confidence in the integrity of the Government is indispensable to democracy." Those words of Adlai Stevenson are a sharp reminder of what we must do today.

Pass the rule, and pass this bill.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4556), "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes."

CONFERENCE REPORT ON S. 349, LOBBYING DISCLOSURE ACT OF 1994

Mr. DREIER. Madam Speaker, I yield 2 minutes to my friend, the gentleman from Metairie, LA [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, lacking any visible, significant reform in Congress, I rise in opposition to this complex, unworkable piece of bad legislation and against this heavy-handed rule which denies the right to any Member to offer constructive, well-intentioned and thoughtful amendments in order to make legitimate improvement to this bill.

Madam Speaker, I am one who believes that, contrary to the hysteria created by the modern media, the vast majority of Republicans and Democrats, conservatives and liberals, in this House of Representatives and in the other body across the way are at the very core decent, law-abiding, well-meaning, well-intentioned people who are repulsed by corrupt practices. But if this rule denies us the opportunity to improve this bill, and if this bill in turn passes, the most honest among us will risk being pilloried in the press and perhaps dragged through the mud by way of political indictment for some innocuous and incidental infraction.

Madam Speaker, this bill stifles honest exchange of views and opinions between good people, and, as such, the rule and the bill should be defeated.

Mr. FROST. Madam Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Madam Speaker, I am a newcomer to this body. I just came barely 2 years ago, and I have been working on this bill since I got here. I worked on it because when I was in my campaign I learned a startling thing. I learned that the general public, the ordinary Joe and Jane who live in every house in America, believe that they do not have the same access to their Members of this body as lobbyists have. That is what they believe, and they believe it thoroughly. They do not believe that they can get to us as easily, or as quickly, or as effectively as lobbyists can.

That is what this bill is about; that is all this bill is about. This bill stops the fancy recreational trips. This bill stops the fancy, expensive meals. This bill stops the unlimited access that lobbyists have to us because they are willing to pay for everything, and they do pay for everything.

The objections that this bill is not a campaign finance reform bill are really nonsense. This House already passed a campaign finance reform bill, and I hope that the conference report will come back to us very soon and we will be able to pass that as well.

The objection that the Members of this House do not understand this bill is utter nonsense. I have been working on this bill for 2 years. The gentleman from Texas [Mr. BRYANT] has been killing himself for over 8 months. He has held caucuses, he has gone to bipartisan caucuses, he has gone to Democrat caucuses, he has gone to Republican caucuses. Frankly not enough people have come to hearings, but he has done it again, and again, and again, and I submit to my colleagues and I beg them to be part of the solution to this problem, not part of the problem.

Madam Speaker, this is a good bill. This is a good bill, and it is not being submitted because any one of us think that any one of our colleagues are guilty of any wrongdoing. This bill is not being submitted because any Member of this House believes that lobbyists are guilty of wrongdoing. To characterize it in that way is to change the subject in order to defeat the bill.

This bill is being proposed because Americans do not believe that they have access to this body in the same way, and they do not. When somebody comes to Washington who is an ordinary citizen and walks in my office, they cannot take me to play golf. They cannot afford it, my colleagues. They do not make enough money. They cannot take me on to the ski lifts and buy my ski passes. They cannot afford it.

I urge this body to come to grips with this problem and pass this bill.

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

Madam Speaker, as I listened to the gentlewoman from Utah [Ms. SHEPHERD] describe all of the hoops that the gentleman from Texas [Mr. BRYANT] has gone through, she failed to mention the only thing that he ignored was the legislative process. There was never a full committee markup on this legislation.

Madam Speaker, I yield 2 minutes to my friend, the gentleman from Cape Girardeau, MO [Mr. EMERSON].

Mr. EMERSON. Madam Speaker, one of the problems here in Congress is that we are very often trying to fix problems by addressing perceptions rather than realities. If we would have a thorough debate and address the realities, I believe the perceptions would take care of themselves.

The measure before us is such an example.

There is a big difference between honest lobbying and influence peddling. Elements of the media and some special interest groups, whose very purpose it is to denigrate Congress, have conjured in such a way to try to obscure the differences between legitimate lobbying and influence peddling in the public's perceptions.

I submit that the realistic answer to regulating what the measure before us attempts to regulate is to simply have full public disclosure. Let us reveal our lobbying contacts and have stiff penalties for willful violation. In a time of budget austerity, do we really want to create a new bureaucracy at taxpayer expense as we do in the measure before us that will in effect become the meal police, surveilling whether or not a Member of Congress accepted at $19.75 meal and thus remained as clean as a hound's tooth, or accepted a meal that cost $20.25 and became a criminal? If we are going to regulate, let us at least do so in a commonsense way that will make it possible to live within the letter and the spirit of the law, rather than erect another scheme that will have the ultimate effect of further eroding the public's perception of the institution.

I am very often asked questions at home about special interests and lobbyists. The fact is they are a part of the system, and the public interest would be much more highly served if this issue was explained and if we used full disclosure as the appropriate remedy for perceived infractions than to take the route that we are taking. I am hard put, as I tell my constituents, to find someone who does not belong to a

special interest group that does in fact have lobbyists. Senior citizens may say, "not us," but then I must ask if they have ever heard of the National Committee to Preserve Social Security and Medicare or the AARP. Farmers may say, "not us," but then I must ask if they have ever heard of the Farm Bureau or the Cattlemen's Association or the Cotton Producers or the Rice Millers or the Corn Producers, and on and on. Teachers? I think the answers are obvious. Business? How about the Chamber of Commerce, the NAM, and the very effective champion of small business, the National Federation of Independent Business? Labor unions; how many are there? Yes, even religious groups have lobbyists; so, make no mistake about that.

I am concerned that the measure is antihuman nature, antireal world. I think it is an effort to cut off Congress from different elements of our society and force us to legislate in a vacuum—pursuing to an illogical extension and conclusion the idea that if someone knows something about the subject about which they are speaking they obviously have biases. The Traditional Values Coalition sent a message to me this morning arguing that the bill "creates a chilling effect on individuals who simply want to petition their elected officials on issues being considered by Congress." They say that citizens already discouraged by the political process and the workings of government will be made to further feel that Congress is unresponsive and out of touch. They argue that the measure before us is unconstitutional because it adds impediments to the constitutionally protected right to redress grievances.

□ 1240

Mr. BRYANT. Madam Speaker, for the purposes of debate only, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Madam Speaker, across America they say that there is no such thing as a free lunch.

Now that will be as true inside the beltway as it is outside the beltway, thanks to passage of the Lobbyist Disclosure Act.

Let me be clear: No meal or no turkey sandwich ever persuaded a member of Congress to vote one way or another.

But I am tired of seeing Members of Congress look like turkeys on the evening news for enjoying free meals, free gifts, and free vacations, all courtesy of powerful lobbying interests.

Those privileges reinforce the perception held by too many Americans that they have no influence with their elected Representative.

This bill will also shed sunshine on who is wooing whom, how much lobbyists are being paid, what issues are being pressed, and how much is being spent to advance those causes by requiring full disclosure and full registration by all lobbyists.

Madam Speaker, the loss of a few lunches or trips is a small price to pay for restoring the people's trust.

Coupled with a meaningful campaign finance reform bill, which I hope will pass this session.

The Lobbyist Disclosure Act, which I hope will likewise pass this session, will put the people back into the People's House.

Mr. DREIER. Madam Speaker, I yield 2 minutes to my friend and classmate, the gentleman from Findlay, OH [Mr. OXLEY].

Mr. OXLEY. Madam Speaker, I rise in opposition to this exercise in self-flagellation. We are pretty good at these kinds of things. We have managed to deny ourselves for 2 years in a row a worthwhile cost-of-living allowance that most Americans get. So now we are going to somehow try to fool the American public with this phony reform package.

Let me just read to the Members a partial list of major legislation that this Congress has failed to pass: health care, Superfund, GATT, A to Z spending cuts, clean air, immigration reform, welfare reform, telecommunications legislation, campaign finance reform, middle-class tax cuts, a debate and a vote on Haiti, capital gains cut, congressional reform, a balanced budget, and a line-item veto, and on and on and on. And we stand before the American public and say we are going to flog ourselves in public and somehow they are going to forgive us and reelect us. What absolute nonsense.

I want to give the Members an example of what this bill does, what it really does. We had a discussion with the sponsor of the bill when he was briefing us. I asked him about the congressional baseball game that is traditionally played here. For 40 years we played that game. I played it for 14 years. We get out at 7 o'clock in the morning and practice for about 3 weeks, and then we have this game, and we sell tickets. And guess what? Some lobbyists buy tickets to that game, and then we give the proceeds to charity. There was $30,000 this year given to the Washington Literacy Council that we raised because we were able to do so in the congressional baseball game.

We have a great time. A lot of staffers come out, and people enjoy it. I did not enjoy it so much this year as in other years, but it is a lot of fun. We raise the money for charity.

I asked the sponsor of the bill, under the legislation currently pending, if we could do that. The answer was that we could not do that. We cannot sell tickets to lobbyists; we cannot have the Rawlings Co. provide the equipment for the baseball game.

I asked, what if MARTY SABO, the manager of the Democratic team, and DAN SCHAEFER, the manager of the Republican team, had a joint fund-raiser for the baseball game; could they in fact do that and the money would go, of course, to their campaigns? And the gentleman from Texas said, "Well, as long as the money wouldn't go to charity."

I ask the Members, have we lost our minds? Are we in a situation where we could have a congressional baseball game as a fund-raiser for our campaigns in the political sense and we cannot raise $30,000 for a worthwhile charity?

Madam Speaker, I suggest to the Members that this is a fraud, and I suggest that we vote against the rule.

Mr. BRYANT. Madam Speaker, will the gentleman yield so I may ask a question about the baseball game?

The SPEAKER pro tempore (Mrs. MEEK of Florida). The time of the gentleman from Ohio [Mr. OXLEY] has expired.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from Texas [Mr. BRYANT] so he may propound a question.

Mr. BRYANT. Madam Speaker, this bill does not affect the congressional baseball game, topside or bottom.

I yield back the balance of my time.

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

Mr. BRYANT. The gentleman did not yield to me, so I am not going to yield to the gentleman.

Mr. OXLEY. I did not have any time. Has the gentleman changed his mind since we had that discussion.

Mr. BRYANT. You have misquoted me pretty grossly, Mr. OXLEY. You are one of the Members for whom I have a great deal of respect and admire very much in this institution, . . .

Mr. BURTON of Indiana. A point of order, Madam Speaker.

Mr. WALKER. Madam Speaker, I demand that the words be taken down.

□ 1310

The SPEAKER pro tempore (Mrs. MEEK of Florida). The Clerk will report the gentleman's words.

The Clerk read as follows:

> You have misquoted me pretty grossly, Mr. OXLEY. You are one of the Members for whom I have a great deal of respect and admire very much in this institution, but I find it very hard to understand why you would simply not come forward and say, as those of you who are speaking on that side, or thinking—We want to play free golf, we want free meals. You are not concerned about charity, you are not concerned about congressional baseball, you are just concerned about more freebies, and this bill says no to the freebies-seeking Members of Congress, who I regret to say are a small minority of this House, yet you create a bad impression for the rest of us. This bill says no.

The SPEAKER pro tempore. For what purpose does the gentleman from Texas [Mr. BRYANT] rise?

Mr. BRYANT. Madam Speaker, I ask unanimous consent that any reference to any individual Member and to the

motivations of any individual Member be withdrawn.

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

Mr. WALKER. Madam Speaker, reserving the right to object, I do not intend to object, but I am concerned that this has become a pattern, and it seems to me it would be helpful if the Chair would police any kind of personal references so we do not have to go through this process in order to protect Members from having personal motivations questioned.

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

Mr. WALKER. I am happy to yield to the gentleman from Illinois, under my reservation of objection.

Mr. DURBIN. Madam Speaker, the gentleman, of course, is referring to speeches on both sides of the aisle; is that correct?

Mr. WALKER. Absolutely. All I am asking is that the Chair begin the process of enforcing the rules of the House with regard to personal motives. It seems to me that we could then move outside this.

I would hope, also, that in the withdrawal of the words, that that would be an apology for the words that were done here earlier.

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

Mr. WALKER. I am happy to yield to the gentleman from Kentucky.

Mr. ROGERS. Madam Speaker, this gentleman is prepared to object, unless the gentleman who issued those offending words apologizes personally to this Member who was offended. There is a reason for the rule. The reason for the rule is that this body expects gentlemanly conduct. When a Member violates that rule by using personally attacking, offensive words, the House expects the Member to apologize, so unless the Member apologizes for those words, I am going to object to their being withdrawn.

Mr. WALKER. Madam Speaker, reserving the right to object, I would certainly be happy to yield to the gentleman from Texas [Mr. BRYANT]. I would certainly be happy to yield to the gentleman from Texas, if we could have something here that would avoid an objection. As I say, I do not intend to object.

Mr. BRYANT. Madam Speaker, will the gentleman yield to me?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Speaker, I would just say to the gentleman from Pennsylvania [Mr. WALKER] that if he heard my words correctly, the first words I spoke to the gentleman from Ohio [Mr. OXLEY] were that I have the highest regard for him. I went forward to say, however, that it was my view that the reasons being offered for opposition to this bill were not the real reasons.

The ruling of the Chair apparently was, there was no ruling. The ruling, obviously, that I do not want to receive is that somehow that was a personal reference. I did not intend any personal reference to the gentleman from Ohio [Mr. OXLEY] at all. I have a very high regard for him. I did intend a reference, however, to the opponents of this legislation; or rather, the outcome.

Madam Speaker, to the extent that I would, in any respect, suggest that any type of a personal prejudice or personal suggestion of motivation of the gentleman from Ohio for that, of course, I would quickly apologize. He is my friend and I have a high regard for him.

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

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

Mr. CUNNINGHAM. Madam Speaker, I would disagree with the gentleman in the fact that he used direct reference and repeated the words that said, "You don't want to just play baseball, you want to do these things," so he was directly talking to the gentleman from Ohio [Mr. OXLEY], because of the statements that he made before.

Madam Speaker, I think it is just like when the gentleman from Wisconsin [Mr. OBEY] and I got into it the other day; that, you know, we apologized to each other and we separated happy. I think that when you directly attack someone personally, which, in the words, you did, then I think at a minimum you could apologize to the gentleman from Ohio and there would be no objection, because whether you meant to or not, you attacked him.

Mr. BRYANT. Madam Speaker, if the gentleman will continue to yield, all I can say is what I have just said a moment ago. It was my intent to use the general "you," not to speak to him specifically. He knows my relationship with him. I have prefaced my remarks by stating what high regard I had for him. I was making clear my feeling about the purposes of the opponents of this legislation, not the gentleman from Ohio [Mr. OXLEY] personally. I have already said exactly what the gentleman wanted me to say with regard to the gentleman from Ohio.

Mr. CUNNINGHAM. If the gentleman will yield further, then the gentleman should say it, "I'm sorry," and we will press on with it.

Mr. WALKER. Madam Speaker, continuing my reservation of objection, the gentleman from Kentucky [Mr. ROGERS] had asked me to yield. I will yield to him, and then I will come to the gentleman from Virginia [Mr. BATEMAN].

Mr. ROGERS. Madam Speaker, I thank the gentleman for yielding. I have yet to hear the personal apology to the gentleman from Ohio [Mr. OXLEY].

No. 2, if the reference was to, when you say "you," if it was not to the gentleman from Ohio [Mr. OXLEY], but to the rest of us, then I am personally offended for the same reason.

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

Mr. WALKER. I yield to the gentleman from Virginia, under my reservation of objection.

Mr. BATEMAN. Madam Speaker, I would repeat the point. The offhanded, backhanded apology to one Member, if that indeed is what it was, is certainly aggravated, if anything, by the fact that the gentleman has generalized the aspersion on everyone else who happens to oppose his point of view. That is totally unacceptable.

Mr. BRYANT. Madam Speaker, if the gentleman will continue to yield, if I may respond to the gentleman, let me just say that what was requested was an apology to the gentleman from Ohio [Mr. OXLEY]. I do not feel like my words call for an apology, but I would quickly give it, because of my high regard for him.

Madam Speaker, if I might just finish, the gentleman that just spoke a moment ago took offense to the fact that I said that I was speaking with a general "you" referring to the opponents of the bill in general. I do not wish to ascribe a motivation to those who are——

Mr. BATEMAN. If the gentleman will yield further, but you have done so.

Mr. BRYANT. If in fact you feel that way, I would quickly apologize to you, as well, but I want to emphasize that under no circumstances would I ever ascribe an unworthy motivation to the gentleman from Ohio [Mr. OXLEY], and I did not do so. I do not think that I sounded as though I did so. However, in the event that the Parliamentarian disagrees, I wish to withdraw those.

Madam Speaker, I have offered the apology to the gentleman from Ohio [Mr. OXLEY] which the gentleman from Kentucky [Mr. ROGERS] asked for.

Mr. BATEMAN. Madam Speaker, if the gentleman will yield further, it is absolutely amazing and mind-boggling to me that you do not think you gave offense, but if you did, to the gentleman from Ohio [Mr. OXLEY], you will apologize. That is hardly an apology.

Then to go on to suggest that everyone who does not share your view on what I regard as one of the shoddiest pieces of legislation that has come before this House is guilty of improper motives, and that is exactly what you attributed to everyone who opposes your point of view, you owe an apology to more than the gentleman from Ohio [Mr. OXLEY], and an unequivocal one.

Mr. WALKER. Madam Speaker, continuing my reservation of objection, I would ask if the gentleman from Texas [Mr. BRYANT] wishes me to yield to him.

Mr. BRYANT. If the gentleman will yield, I have said about as much as can

be said. I think the gentleman from Ohio [Mr. OXLEY] would have to be the one to judge whether or not he feels like it is adequate, but I have been as clear as I can possibly be. I do not intend to ascribe motivations to anyone, nor do I intend to in any way personalize my comments with regard to the gentleman from Ohio [Mr. OXLEY]. I did not intend it at the time, and in the event anyone thinks I did, I certainly would apologize to the gentleman from Ohio [Mr. OXLEY].

Mr. WALKER. Madam Speaker, further reserving the right to object, I think that the question on our side is does the gentleman apologize to the gentleman from Ohio [Mr. OXLEY].

Mr. BRYANT. If the gentleman will yield, yes.

Mr. WALKER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time remains on both sides for this stimulating debate?

The SPEAKER pro tempore. That time was not extracted from anyone's time. The gentleman from California [Mr. DREIER] has 10½ minutes remaining, and the gentleman from Texas [Mr. FROST] has 10 minutes remaining.

Mr. FROST. Madam Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

□ 1320

Mr. MINGE. Madam Speaker, this acrimonious debate this afternoon in my opinion is a thinly disguised attempt to return us to gridlock in the House of Representatives. What I see happening here this afternoon is a bill that we have worked on for months and months being challenged for reasons that are being attributed to the chief architect of the bill that are not accurate. I feel this criticism is not well-taken. We have engaged in an extensive debate, and an extensive effort to craft legislation to give the American people reason to believe that this institution is not governed by the whims of lobbyists.

We must continue to hold the course, or I know what will happen next week. We will be told that the House of Representatives was unable to pass lobby reform. It will simply be added to the list that was recited earlier, of pieces of legislation which have been attacked and attacked for one reason on the floor of the House before the vote and then after the vote for a very different reason.

I think at this point in time, it is important that we recognize that there are thousands of employees in the executive branch of Government who have held themselves to a very high standard, there are hundreds in the legislative branch of Government who have held themselves to a high standard, and it is time that we memorialize this standard in the form of legislation so that we all know what the standard is so that the American people know what the standard is, and so that we can lay to rest the concern and the suspicion that lobbyists buy legislation in this institution, which is not the case, should not be the case, and will not be the case.

Mr. FROST. Madam Speaker, if I may, with the forbearance of the other side, I have one speaker who needs to leave the floor shortly and would like to recognize for 1 minute, please.

Madam Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Speaker, I have been involved in reform issues in this House for a long time. I simply would make one statement: However Members feel on the bill. I would beg you not to vote against the rule that allows the bill to be debated. If Members have legitimate objections to the bill, do not hide behind the fact that we have to pass a rule to debate the bill. If Members think that there is something wrong with this proposal, then have guts enough to debate it fully. But allow it to come to the floor by voting for this rule. It would be an absolute hit on the reputation of this House, unfair, but it would be a hit none the same if we use the fact that the rule has to be passed in order to prevent the bill from even being considered by this House. This House deserves better than that from all of us.

Mr. BURTON of Indiana. Madam, Speaker, will the gentleman yield for a real quick question? Is this a closed rule or an open rule?

Mr. OBEY. This is a totally legitimate rule meant to bring a bill to the House which the public is demanding and it is about time we pass it.

Mr. BURTON of Indiana. Is it a closed rule?

The SPEAKER pro tempore (Mrs. MEEK of Florida). The gentleman's time has expired.

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

Madam Speaker, I would observe that this legislation never went through a full committee process and it was passed under suspension of the rules, not allowing a free flow of debate.

Madam Speaker, I yield 1½ minutes to my dear friend, the gentleman from Long Beach, CA [Mr. HORN] the former president of Long Beach State University.

Mr. HORN. Madam Speaker, the gentleman from California is absolutely correct. If there was a way to amend this bill, we could clean it up. I will vote for the bill, but I feel just as the gentleman from Virginia earlier felt, that we have got some shoddiness. I am for the ban on the $20 lunch, but I am going to vote against the rule, because I would like to see happen to this bill what happened to the first crime bill. The first crime bill was a mess. When we turned that rule down, they had to go back to conference, they had to clean it up so enough of us on the Republican side could vote for it, and we can take pride in what was accomplished.

What is not being accomplished here is we are worrying about a $20 lunch when we permit $10,000 in PAC money to come to every member that wants to take PAC money. It is getting so that easily the Congressman can afford to take the lobbyist to lunch. We need to face up to PAC's. Maybe that conference would do it.

People are upset about the Congress and the House in particular, but it is the $10,000 in PAC money that causes them to be upset. So let us vote "no" on the rule, let us send back and get a positive product out of conference, and maybe we can also get a rule out of conference that says when a Member speaks, he will disclose with his speech the PAC money related to those remarks. I think that would be a real advancement in terms of full disclosure, and let the people know. Let us get some decent reform and banning PAC's is it.

Mr. DREIER. Madam Speaker, I yield 1 minute and 10 seconds to my good friend, the gentleman from Indianapolis, IN [Mr. BURTON].

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I just want to make 2 points. On page 10 of the conference committee report, it says that the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client has to be reported. That means that people who give $10 to many of these organizations like the Christian Coalition and others are going to have their names on a Government list. I do not think the people of this country really want that kind of Government interference in their lives.

In addition to that, I just want to say, and I am not impugning anybody's integrity or questioning their motives, but the fact of the matter is many, many, many people who have gone to the well of this House today and spoken in favor of eliminating a Big Mac sandwich being purchased by a lobbyist so that they can talk about a bill before the Congress are taking thousands and thousands and thousands of dollars from those same lobbyists through PAC's. I am not questioning their integrity, but I am pointing out that there is a bigger question, a bigger question of possible influence-buying by PAC's giving money to Congressmen in the amount of $10,000.

I think there is a much bigger question among the public about getting

$10,000 from a labor PAC instead of a $1 or a $1.50 Big Mac at the corner restaurant.

Mr. DREIER. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN], our fighter from Garden Grove.

Mr. DORNAN. Madam Speaker, after that little scene a few minutes ago, I have to weigh my words carefully because I want to talk about one of the Members on the other side. At a press conference this Member had at the National Press Club, he talked about religious conservatives, the religious right. Into this group he put not only every fringe, fever-swamped group of America, but also mainstream groups such as those promoting term limits. I know his motivations were nothing but pure. I know VICTOR was only talking about snake charmers and people who march at skinhead rallies. But others aren't. I went up to the Vice President of the United States in the back of this Chamber and pointed out to AL GORE that Mother Teresa was part of the religious right and so was Pope John II, and so were most observant Jews, Christians, and Moslems. We have all used this term "the devil is in the details" and here literally is the demonic detail in this bill relating to all religious groups in this country. If they see a moral issue before the country, they must hire a lobbyist who must divulge lots of things about the religious group involved in our political discourse. Shame, shame.

□ 1330

Mr. FROST. Madam Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Madam Speaker, I rise in support of the Lobbying Disclosure Act conference report. We have to change the way Congress does business, and one step we can take today is eliminating the freebie culture that helps people in Washington hold themselves to a different standard than the American people.

It is time to have the same rules in Washington as we already have in Arizona. We have in my State what Common Cause calls the toughest lobbyist registration law in the country. We need that kind of disclosure here in Congress, and we need it now.

This bill ends the free gifts and perks and travel that must be intended to influence Members of Congress. It does not affect grassroots religious organizations. The U.S. Catholic Conference, the Baptist Joint Committee, and the Religious Action Center of Reform Judaism all say the bill protects the free exercise of rights of religious groups. But the bill does end a culture of entitlement that afflicts many Washington insiders who somehow believe that they never should pick up a check at a restaurant or pay greens fees at a golf course. Most importantly, it shines a long overdue light of disclosure on the lobbying industry.

If we are serious about restoring the people's trust in the Government, first we must put the people's House in order, and this vote is one step toward that goal.

Mr. FROST. Madam Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Speaker, a couple of years ago I was walking across the street from the Longworth Building to the Capitol to handle a bill, and along the way I was offered a free cruise on a foreign cruise ship by representatives of the foreign cruise ship lobby. One of the reasons this really sticks out in my mind is I was on the way to handle a bill that would take away the loopholes that allow them to have foreign-made, foreign crews, and foreign-owned ships and still operate out of our ports and avoid all of the responsibilities that their American competitors have to live by and still get all of the breaks.

That really gripped me, and this body passed that bill. But strangely it keeps dying in the other body.

I was so upset that I asked for a list of Members who had had free cruises, and they did not want to supply it, and only after a threat of actually subpoenaing the records did they release a partial list. We know how it works in the other body. It only takes one Member to keep something from becoming law.

I come from a shipbuilding district. I come from a district of seafarers. I am trying to do good things for my constituents, trying to see to it that those people who benefit from our society at least pay the dues of our society and not get tax breaks like the foreigners do, and not get away from all of the regulations like foreigners do.

I cannot give away free cruises. The welders and pipefitters at Ingals and Trinity cannot give away free cruises, but those guys can.

This is not a perfect bill, but I am sick and tired of those guys buying influence with free cruises, and if this measure will help us stop that practice, then I am going to vote for it, and I wish I could vote for it 10 times.

Mr. DREIER. Madam Speaker, I yield 1 minute and 50 seconds to my distinguished friend, the gentleman from East Petersburg, PA [Mr. WALKER], our chief deputy whip.

Mr. WALKER. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, we have heard reference to a number of groups that are supporting this bill. Let me talk about some groups that have some problem with the bill, beginning with the Christian coalition who has written and said: "This legislation serves the interest of some in Congress who have targeted religious people for direct and virulent attacks over the past several months * * * this legislation represents a new 'gag rule' on democratic participation."

Americans for Tax Reform say: "The 'chilling effect' of such a vague, broad piece of legislation is unimaginable * * * the power concentrated in an unaccountable 'directorate' is frightening."

The Small Business Survival Committee says: "There is no benefit to the Nation in stifling the kind of communications outlined in the bill."

The National Committee of Catholic Laymen say: "The American people who belong to organizations such as ours will be intimidated."

The problem with this bill is not the question of gifts from lobbyists. Across the board here I think all of us suggest that gifts from lobbyists are a bad thing. But to take a bill about gifts from lobbyists and turn grassroots America into a lobbying community that then is gagged is absolutely wrong.

The problem with this bill is that we have made a lobbying bill into a grassroots gag that religious America is beginning to understand is aimed directly at them.

The problem is that there have been meetings held in the Capitol Building that have indicated that legislation of this type was about to come down the pike. Today we see the first fruits of this kind of legislation.

Many in this body are concerned about the wave of phone calls that they get every time a controversial piece of legislation comes up. They want to stop it, and in this bill they are attempting to stop it by gagging the grassroots. And the grassroots have found out about it and they are upset, and so group after group is coming forward yet today saying that they will no longer permit Congress to hide behind fancy titles in bills that gag grassroots America.

CALL OF THE HOUSE

Mr. DREIER. Madam Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 448]

ANSWERED "PRESENT"—408

Abercrombie	Barca	Bevill
Ackerman	Barcia	Bilbray
Allard	Barlow	Bilirakis
Andrews (ME)	Barrett (NE)	Bishop
Andrews (NJ)	Barrett (WI)	Blackwell
Andrews (TX)	Bartlett	Bliley
Armey	Barton	Blute
Bachus (AL)	Bateman	Boehlert
Baesler	Becerra	Boehner
Baker (CA)	Beilenson	Bonilla
Baker (LA)	Bentley	Bonior
Ballenger	Bereuter	Borski

Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1401

The SPEAKER pro tempore (Mr. HASTINGS). On this rollcall, 408 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 349, LOBBYING DISCLOSURE ACT OF 1994

The SPEAKER pro tempore. The Chair will announce that 9 minutes of debate time remain on the pending resolution.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I want to speak specifically to the allegations that were made earlier in debate and in 1-minutes about some sort of effort here to gag religious communities and their legitimate right to address government, Congress, et cetera. I would never be, nor would anyone, I believe, on this floor be part of any effort to gag any group of people, particularly people speaking from a religious perspective.

Mr. Speaker, this bill specifically exempts churches, their auxiliaries, their conventions or associates of churches and religious orders from any reports of grassroots lobbying activities. That is clear. It also specifically excludes any communication which constitutes the free exercise of religion from the definition of lobbying.

Now I am in receipt of three letters, one from the Jewish community which says, and this is the Religious Action Center of Reform Judaism:

> It is therefore with astonishment that I read today Representative Newt Gingrich's letter attacking the lobby disclosure bill on the basis that religious organizations would have to register and report their expenditures.

Mr. speaker, I have also a letter from the Baptist Joint Committee which is made up of 12 subgroups of the Baptist faith. It says:

> I am, therefore, puzzled by Mr. Gingrich's letter questioning this legislation on the basis of the effect that it would have on religious organizations. I think he is plainly wrong.

Now here is one from the Catholic Conference. It says:

> It is our understanding that those church organizations which fit the definition contained in the bill will be exempt from registering and reporting any legislative activities involving communications with their own membership.

So, Mr. Speaker, there is no question here that, if one wants to oppose this bill, they can do so, but they ought not to do it under the cloak of religion, implying that it is impossible for people of faith to communicate with us without falling under the provisions of this bill. That is totally antithetical to the Constitution, to the traditions of this body and, I think, to everyone's understanding of what this bill is really about.

Mr. FROST. Mr. Speaker, for purpose of debate only, I yield 1 minute to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, many of us in the freshman class promised our constituents throughout our first term that we would reform the way Congress does business. Yesterday most of our Republican colleagues made representations about changing this body if they were to be the majority party. Today all of us have the opportunity to deliver on our promises.

Mr. Speaker, this conference report represents real reform that would change the way Washington does business and would do it in an immediate and dramatic fashion by banning all the lobbyists' freebies that have kept the playing field unlevel.

Earlier, one of our colleagues seemed to bemoan the loss of lobbyist-purchased hamburgers. Surely with what we earn we can pay for our own hamburgers.

If this bill goes down, we break faith with the American people. Let us stop the empty promises and starting delivering. Let us pass the rule, let us pass the bill, and begin the process of restoring faith.

Mr. DREIER. Mr. Speaker, I yield the balance of our time, which I believe is 5 minutes, to the distinguished Republican whip, the gentleman from Marietta, GA [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me start out by saying what these next two votes are not about. They are not about the gift rule, and they are not about lobbyists' lunches. The motion to instruct conferees, which will be offered if the rule goes down, will not in any way touch the gift rule or lunches, so all the speeches about that are irrelevant to the next two votes.

Mr. Speaker, the vote coming up is an opportunity to do exactly what the

House did on the crime bill to defeat a rule and reopen the conference. Now why would we want to do that?

Let me start out by saying I think there are four reasons we want to return this bill to conference to change four key provisions that threaten the American people's right to be active citizens. There are four:

First, the worst single thing, which I doubt if many Members even looked at yet, is that, if you're a citizen, you can pay a $200,000 fine under this bill. If you're a Member, you might not even be named in the incident in which a citizen pays a $200,000 fine, and I will return to that.

Second, there is, in the judgment of those of us who are active in the grassroots, a grassroots gag rule here, and I will cite from grassroots Catholic organizations their fear of being intimidated.

Third, there is an issue of who defines "religious freedom" and whether or not you truly want one person appointed by the Clinton administration to define "religious freedom."

And fourth, the concept of that one person having virtually dictatorial powers, powers over lobbying groups, powers over every filing, file powers over every penalty, and for those of you on the left who think it is going to be fine if it is a Clinton appointee, how would you have felt during the Bork nomination if that person had been a Reagan appointee? And you might say, "We're going to get a paragon of virtue and they'll always be just," and I suggest to you that is a long way from how the real world works.

Now let me expand.

First, we recently voted overwhelmingly to require the Congress to be under the same laws as the rest of the country. Everywhere I go in America, when I describe the Shays Act and say, "Every Member of Congress will obey the same law," this bill sets one standard of criminal and civil penalties for citizens and then exempts the Member of Congress from exactly the same activities.

I say to my colleagues, "Now you can't vote for this bill, you can't vote yes on the rule, and go home and say you want to cover Congress because this bill has two very different standards, and I know that Members have been reassured on both sides of the aisle."

□ 1410

"Oh, you won't be covered. The lobbyist might go to jail, the citizen might pay $200,000, but you'll be OK. Don't be afraid of this."

That is wrong.

Second, when you read the provisions that define what the time of a Lobbyist is, 10 percent of their time paid as a lobbyist, over 2,500 hours in 6 months is for a lobbyist. One trip from California to visit your Member of Congress and two nights in a Washington hotel, and you may have passed the limit, and then you are a citizen and you did not know you were supposed to file; you would have to pay 10 percent because you belong to the California Desert Association, something many of our friends on the left might be concerned about. They say, "Oh, I want them to call and visit me." But now they have got to fill out a form; now they have to start registering because with 10 percent of their paid time in a State-level organization, they are visiting the 52 members of the California organization, and believe me, if you visit all the members of the California delegation, that is 10 percent of your time.

Now they are subject to a Federal law with Federal penalties under a Federal involvement at the local grassroots. And by the way, this includes reporting when they are communicating with their own constituents. It says specifically in here, "communicating with your own members of your own group." That is covered, and you have to report in aggregate on what you do.

That is not lobbying the U.S. Congress; that is crippling the citizen's right to be involved.

Third, on page 13 this bill describes "religious freedom." The exemption the gentleman from California referred to says they are exempted, the church or religious institution is exempted—and this is page 13—"if the communication constitutes the free exercise of religion."

I will say to my friends on the left that maybe from your standpoint an administration which appoints Roberta Achtenberg or an administration which appoints Joycelyn Elders might be fine for a single person appointed by this administration to define what constitutes "religious freedom." But I am not sure I want a papal message on abortion, a papal message on homosexuality, or a papal message on any other issue such as school prayer interpreted by a secular, antireligious liberal as to whether or not that is a political message or a religious freedom message.

And finally, there is the question of allowing one person to make these kinds of decisions. You can vote yes today and you can say, "Well, I had to do it." But let me say that someplace down the road some grotesque injustice is going to be enacted by a single person who has a bias, whether it is right or left or just personal, but a single person who is given virtually dictatorial powers under this to punish—and by the way, for the same action they have a different penalty for different groups based on their interpretation of motive.

This is a dangerous bill. All we are asking is this: We are not asking to beat the bill. We are asking Members to vote no on the rule, as they did on the crime bill, send it back to conference, and let them fix those parts. This has nothing to do with lunches; this has nothing to do with gifts; this has to do with fixing some very dangerous provisions, and then we can bring it back next week and we can debate any other provisions. But for today, I say, do not accept the flawed document from the conferees; do not threaten the rights of our fellow citizens; do not threaten religious freedom; and do not turn over dictatorial powers of government; and finally, do not vote for a $200,000 fine on citizens and nothing to punish Members of Congress. That is wrong.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield our 1 remaining minute to the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, I will only take a few seconds to say that the characterization of the bill just made by the gentleman from Georgia [Mr. GINGRICH] is inaccurate. It is inaccurate with respect to grassroots lobbying, and it is inaccurate with respect to lobbying registration. It is wholly inaccurate, and we never heard about these concerns until right now after 18 months of considering this bill.

Mr. GEPHARDT. Mr. Speaker, let me just say to the Members what I think this bill is about and what the American people are concerned about. They are concerned about undue influence of lobbyists.

I think the House of Representatives is a wonderful organization of wonderful, dedicated, committed people, and I resent the implication that sometimes is made that lobbyists run Washington and not Members representing their constituents. By the passage of this bill, we make it clear to everyone that if someone comes here to lobby, they have to register. These are lobbyists who are here actively to lobby, not grassroots organizations, and they have to tell what they are doing and how they are doing it.

The public deserves that kind of explanation.

Mr. Speaker, let us make the record of this Congress what it ought to be—good, committed people doing the right thing by their constituents, with Government not run by lobbyists, but run by the American people. I ask the Members to vote for the rule and to vote for the bill.

The SPEAKER pro tempore (Mr. HASTINGS). All time has expired.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. DREIER. 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 216, nays 205, not voting 14, as follows:

[Roll No. 449]

YEAS—216

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Canady
Cantwell
Cardin
Carr
Clayton
Clyburn
Coleman
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—205

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chapman
Clay
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murtha
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Applegate
Fields (LA)
Gallo
Hayes
Hutto
Lloyd
McCrery
McCurdy
McDade
McNulty
Slattery
Thompson
Washington
Wheat

□ 1438

Mr. BARTLETT of Maryland and Mr. DEAL changed their vote from "yea" to "nay."

Messrs. LAFALCE, MFUME, PAYNE of New Jersey, HILLIARD, FLAKE, TUCKER, BISHOP, and TOWNS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1440

Mr. BRYANT. Madam Speaker, I call up the conference report on the Senate bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Ms. PELOSI). Pursuant to House Resolution 550, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 26, 1994, at page 25733.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 30 minutes.

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

Mr. BRYANT. Madam Speaker, I yield myself 6 minutes.

Madam Speaker, the Lobbying Disclosure Act of 1994 is easily one of the most important bills and sweeping changes we will consider as this session comes to a close. It is the product of more than 18 months of hard work. It was in the beginning a bipartisan product. To some extent I think it still will be, notwithstanding the developments of the last 24 hours. It is needed to help restore the confidence of the American people, both in the lawmaking process and in the men and women who serve them in this institution.

I want to say at the outset that, as is the case with every law we pass, and perhaps with every rule in our society, it is written to affect the behavior of a small minority of people; in this case, a small minority of those who lobby to influence the Members of this House. We must deal with the perception of the public. This bill takes head-on the concern that the public has about the lawmaking process and the extent to which those who are paid to influence it succeed.

Simply put, this bill will ensure that our constituents know how much is being spent to influence the decisions that we were sent here to make on their behalf. It will close the loopholes in the existing lobbying disclosure laws. It will also streamline disclosure requirements and establish a more effective and equitable system for administering and enforcing disclosure rules. The bill's registration requirement applies to each organization that is a separate legal entity, whether related to another organization or not.

Madam Speaker, this bill will also permanently bar lobbyists from gaining access to Members by picking up tabs for meals and entertainment, and it will end subsidies for what is essentially private recreational travel.

Madam Speaker, this bill passed the House last March by a 3-to-1 margin, after having been reported unanimously—all Members, Republican and Democrat—by our subcommittee, and the Senate lobbying bill passed by a vote of 95 to 2. Given the wide margins of passage in both the House and the Senate and the broad public support for

what this bill is attempting to do, it is hard to believe that there remains any suspense about whether or not we can succeed in getting the bill enacted.

The bill has been mischaracterized and parts of the bill that have been settled for months are, only in the last 36 hours, coming under attack. Madam Speaker, I must ask the question, about the questions that were asked earlier, why were those questions not asked at some point during the last 18 or 20 months? Never once did we hear a concern expressed about the provisions for grassroots lobbying until last night at 7:30, when the Republican leader made a speech about it.

I submit to the Members that had there been any significant problem with the grassroots lobbying portion of this bill, we would have heard about it from the Catholic Conference. Instead, they wrote a letter saying the provisions were quite all right. We heard from the Baptist Joint Committee. They said the provisions in the bill with regard to lobbying for them were quite all right. We would have heard from the spokesman for the Jewish community. We heard from the Religious Action Center, which represents Reform Judaism. They said the provisions of the bill are quite all right.

The conference report does absolutely nothing to hamper or to require disclosure of churches' communications with their members, clergymen's sermons from their pulpits, or the activities of church volunteers who contact Members of Congress. Such activities are all exempted under the bill. The provisions relating to church groups were discussed at great length with all the affected groups.

Questions have also been raised about whether reports will be required on expenditures to organize a grassroots lobbying campaign. Estimates of grassroots expenditures will not be required unless the organization conducting the campaign has a paid lobbyist who otherwise meets the requirements of the act. Members of organizations who contact Members in response to such an effort do not have to register or report their expenditures and are not affected by this bill in any way, and never have been.

Madam Speaker, do not be fooled by the arguments that will be made either against the bill or in favor of the minority's anticipated motion to recommit. This debate is only about one issue: Whether we will continue to allow Members and their staffs to be wined and dined and flown around the country at lobbyists' expense, or whether we are going to put a stop to it by voting for this legislation.

As my colleagues know, and as I said at the beginning, I believe the stereotypes of the vast majority of the Members of this House, as well as those in the private sector that work with this House, are wrong. This institution is not filled with Members who are, in my view, influenced by meals, travel, entertainment, or other gifts, but the fact of the matter is that a minority of this body has managed to make the public believe that something is wrong here.

Far more important than any of the perks of this office is the importance of underscoring and reinforcing public confidence in the lawmaking process. That is what we are doing with this bill today.

Based upon the statements that are repeatedly made, some by Members of this body, based upon the behavior of a tiny minority of this body, past, present, and no doubt future, as well, the American people can be forgiven for concluding that these gifts affect the process and that there is something wrong. Regardless of whether there is or there is not, we have the obligation to reinforce public confidence in this lawmaking institution, and that is what this legislation would do.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, I rise in opposition to the bill, and in favor of the motion to recommit.

Madam Speaker, I rise to oppose the conference report on lobbying regulation just as I opposed the bill when it first passed the House.

This legislation does not represent reform in any sense of the word. Instead it constitutes more big brother central control and orwellian denial of freedom in the name of reform and good government. Moreover the bill will not result in a more honest special-interest-free Congress, but rather it will encourage some otherwise well-intentioned Members to engage in subterfuge and obfuscation, thereby increasing the public's distrust of elected leaders, rather than alleviating their existing alienation.

I intend to scrupulously obey the law, whatever it may be. But I am concerned that in this new effort to legislate morality, we may be setting traps for Members to run afoul of technical barriers, thereby opening themselves to picayune charges of ethical lapse and even criminal violation.

Far better than this atrocity is to impose rigid and enforceable mandates of disclosure on Members and lobbyists, so that Members will know in advance that all activities in which they engage will be reported and made known to their constituents. Such procedure would more simply and straightforwardly put the onus on a Member's discretion and judgement, rather than binding him in a strait-jacket of rigid prohibition and inducing him to refrain from innocent contact with legitimate advocates of American interest.

I urge an "aye" vote on this motion to recommit and a "no" on the bill.

Mr. GEKAS. Madam Speaker, when we began this long journey that brought us to this very controversial day, we began with the idea of addressing the very serious problems that we had with lobbying and lobbying registration, particularly as it applied to foreign agents. The Foreign Agents Registration Act, FARA, and other lobbying requirements were arcane, were unenforceable, gave much heartache and heartburn to Members of Congress, to the proper exercise of governmental functions across the board.

□ 1450

That was our original purpose. Through a convolution of events that happened since then, this whole bill now has been wracked with attacks from the left and from the right on a various number of considerations where we now have to deal with gift bans. There is not a Member of the House, as far as I have been able to discern, who is not willing to put in writing and to keep in place a gift ban. That is good. But then when that is applied to other situations where campaign contributions are specifically exempted from this, we have the anomaly which has been touched upon by so many Members, that on one hand you cannot accept a Big Mac but on the other you can accept, specifically exempted in this language, you can exempt a big PAC. You receive a campaign contribution from the very lobbyist who cannot buy you a Big Mac to try to influence your responses on the floor of the House of Representatives. That is bad. It is good that we prohibit gifts, but it is bad that we then allow a tremendous loophole through which the biggest gift of all, money, can still be placed at the doorstep of the Member of Congress to influence him if the Member of Congress is influenceable by that. Is he influenceable by the Big Mac? That is a judgment we have to make. That is bad. The very fact that we have exempted campaign contributions, the biggest gift of all, makes the gift ban to some people laughable.

What am I going to do about it? I want to exempt gifts, to ban gifts, and I have voted that way. But also at the conference, I offered an amendment that would make campaign contributions, the biggest gift of all, as one of the banned gifts that lobbyists cannot approach Members of Congress with that big PAC, that big gift. But I was rebuffed at the conference.

What am I going to do? I am going to include that into a motion to recommit this bill with instructions to consider those kinds of gaping loopholes. The big PAC has got to be included in the next session of this conference. Where we have not specifically exempted it, we want to include it.

It is good that we have brought into this bill certain tightening up of registration and reporting requirements for the lobbyists. That is good. We have done that. And for foreign agents. That

is really good. But it is bad when you lump into that what happens to be a grassroots lobbying activity. That is bad.

We are not here to tell Members that under the explanations that were given to us that the proponents of the bill at conference feel that grassroots activities who do not have a registered lobbyist are exempt from all of the requirements of this bill. That may be correct, but at best it is ambiguous.

We have heard today from various Members of Congress about how that can militate, at least to have the appearance of militating against and chilling the effect of citizen efforts to lobby Members of Congress on their neighborhood projects. Citizens against the bomb, citizens against an incinerator, citizens against whatever are included in this prohibition, in this set of regulations, if they have a registered lobbyist. If they do not, then they are in some ambiguous, cloudy areas in which they may or may not be, depending upon how much money, time they spend, et cetera.

My motion to recommit, later after this debate, to recommit to the conference with instructions will cover that situation. We want to make clear at the behest of all the Members who are interested not in gagging the grassroots activities, we want to have an opportunity in the conference to straighten that out, to remove the ambiguities. It is good that we have tightened up lobbying and registration and money situations and all of that for lobbyists, but it is bad if we lump into that, by inadvertence or misinterpretation, the grassroots activities that are so near and dear to the hearts of the American public and to which we have been responsive ever since the founding of the republic. That is good.

It is good that we have in the legislation some reference, some exemption, some adherence to religious organizations and organizations with religious purposes. The proponents of the bill and in conference, we think that we have covered that. But it is bad that it is not less ambiguous. We have got to straighten out that language.

So here we are. A great bona fide effort to ban gifts, and we may be banning religious organizations from proper activities at the doorstep of the Congress of the United States. We want to clean it up.

My motion to recommit, I repeat, and this is the whole essence of the debate, will include a plank in which we will try to undo the ambiguities that are circling around the religious section of this legislation.

We want to return to the conference for a whole host of reasons. These 2 primarily are the engine that forces us to take this position and ask the Members of Congress to help us ban gifts but to help us clear up the language on grassroots lobbyists. To ban the lunch but do not ban the hunch of lobbyists that they can still give Members a campaign contribution. We are for banning those gifts, but let us straighten out the language of campaign contributions, should they belong.

We ought to make a judgment, should we have made this bill a companion bill to campaign reform and bring both together? Why did we isolate this gift ban from campaign contributions, the biggest gift of all?

Madam Speaker, we have a situation where it is good that we have within the purview of these lobbying requirements the staff of legislators, the staff of Members of Congress. They are included in the overall language on prohibition on gifts and all the other prohibitions that are in this bill, legislative staff. Yet when I offered at the committee an amendment to include executive assistants and executive Cabinet officials like from the GS–14 and above who are decisionmakers and who have more power and influence than any 20 lobbyists sometimes and could be the subject of importuning on the part of a lobbyist, I was rebuffed at the conference. I want the opportunity to do something that is good. It is good that we have staff of the Members of Congress included as covered officials. It is bad that we do not have GS–14 and above in the various agencies and bureaus of our government not included as covered officials.

The good, the bad and the ugly are all in this bill. I want to separate the bad and not even look at the ugly and keep the good after the conference reassembles and takes into consideration what this House will say on the motion to recommit, namely, that the good is good, we can make it even better, we will excise the bad and not even have a chance to look at the ugly.

We have got to recommit this bill, because those of us who want the ban on gifts to remain pure and proper cannot in the same hand in which we offer that to the American public say, "We are going to hold on to campaign contributions." There you are. "I will not have lunch with a lobbyist. I will accept a contribution, a financial contribution to make sure that I am reelected to this Congress. You can keep your hors d'oeuvres, keep your lunch, just give me the campaign contribution."

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

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Speaker, I assume the gentleman would acknowledge that first we did not hear about this concern about the campaign contributions in subcommittee in November, on the floor in March.

Mr. GEKAS. Madam Speaker, I seize back the balance of my time. I tell the gentleman from Texas that this last week was the first time that we were able to even discuss as a conference. We failed, somebody failed to call a conference, and we had only 1 day in which to bring these concerns which had been fomenting for a long time. The full committee never considered it, the subcommittee never considered the prefaces to these matters. Then we went straight to conference without the full committee having the light of day in this thing.

I will continue. On the gentleman's own time, he can castigate my inability to bring this up 18 months ago, when the chairman of the subcommittee well knows that the original purpose was lobby registration, not a gift ban and not all the other considerations that have surfaced since.

□ 1500

Mr. BRYANT. The gentleman voted for it.

Mr. GEKAS. On the gentleman's own time he may cross examine me and I will speak if he yields to me then.

So, the whole issue revolves about and down to and through the motion to recommit with instructions. If Members feel that this is unambiguous about religious organizations, that it is unambiguous about campaign contributions, that it is unambiguous about grassroots activities, then they should vote against the motion to recommit that is to follow and vote their own conscience on final passage.

I for one will present with as much fervor as I can the motion to recommit with the hope that the gift ban will survive and the lobbying registration requirements will survive while we make sure that the grass roots are not hurt, that religious organizations are not found in a cloudy area, and where campaign contributions can be visited as the real, big gift that we ought to be addressing, not the Big Mac, which cannot, I hope, influence actions of Members of Congress.

Madam Speaker, I reserve the balance of my time.

Mr. BRYANT. Madam Speaker, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Madam Speaker, I strongly support this lobbying reform and gift ban bill, and commend—above all other Members—Mr. BRYANT, the chairman of the subcommittee for his steadfast leadership on this important legislation. Today is the time to do the right thing and pass this legislation.

Current law still allows Members to accept gifts worth up to $250 from any one source, and an unlimited number of gifts worth $100 or less. Last year, I introduced the first gift ban bill in the House. That legislation mirrors—to a great extent—the conference report before us today. Some of my colleagues believe current rules are tough enough. but many of our constituents see these gifts, trips, and meals as a way for lobbyists to gain a level of access and influence that is not available to the average citizen back home.

Our constituents are right. While it is extremely unlikely that any Member of Congress would ever cast a vote on the basis of a meal or a gift purchased by a lobbyist, gifts from lobbyists do alter the nature of the relationship. The truth is that gift giving is an integral part of a money-driven Washington way of life which helps explain why voters are so angry at politicians today.

The House should do the right thing and pass the conference report today.

Again, Madam Speaker, I want to commend the gentleman from Texas [Mr. BRYANT] for his tireless work on behalf of this legislation.

Mr. BRYANT. Madam Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Madam Speaker, I come from a State where we have had a law prohibiting gifts from lobbyists for many years. I want to report to those Members, particularly those on the other side of the aisle, there has not been a single legislator in the State of Wisconsin who has starved to death since this law went into effect. It is a good law, a law we should pass here.

The issue is very plain. If Members think legislators should accept gifts from lobbyists then they should not vote for this bill. But if they think, as the American people do, that legislators should not accept gifts, trips or lunches from lobbyists, they should vote for this very good bill.

Mr. BRYANT. Madam Speaker, I yield 2 minutes to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Madam Speaker, on August 3 of last year I introduced H.R. 2835, the Congressional Ethics Reform Act, which called for a ban on any gift valued at more than $20 to Members of Congress and their staffs. Some Members at that time criticized that effort, saying the proposed restrictions were too stringent. But Madam Speaker, we are now on the verge of adopting legislation that contains virtually all of the provisions and I sought I proposed in that legislation.

For more than a year now, I have been happy to work with Chairman JOHN BRYANT as he has crafted an extraordinary bill that will fundamentally change the way business is conducted in Washington.

The current hodge-podge of existing lobbyist registration statutes, some of which are half a century old, will be replaced by a comprehensive law that consolidates registration and reporting requirements so that the public will finally know who is spending how much to influence whom.

Equally important, in my view, are the gift ban provisions added to this bill. The tough new curbs on gifts will help assure the public that their voices are not being drowned out by the free flow of perks being bestowed by special interests.

Last spring, when the House first considered this legislation on the floor, I spoke in favor of its passage. But I added, "I have argued—and I will continue to argue—for strengthening amendments when this legislation goes to conference." Madam Speaker, I want to assure my colleagues today that we were successful in making this an even better bill in conference. We have before us today a bill that combines the best provisions of three different bills, including restrictions on gifts that no one in this Chamber dreamed possible when this Congress convened last year.

I rise in happy support of the conference report, and I encourage all of my colleagues to join me in voting for this landmark legislation.

Mr. BRYANT. Madam Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Madam Speaker, I rise here really to try and clarify some things that I have heard on the floor. As chairman of the Ethics Committee I am not sure whether it is from ignorance or from an attempt to mislead, but there has been an issue raised about whether or not Members of the House of Representatives can be fined as though this bill sets up a fine for people in the public but nothing for us.

Under the theory of separation of powers, we have set up an agency of the Federal Government to deal with the lobby registration and deal with their problems, but the House is still covered by the Ethics Committee. I would just remind Members that in the manual we pass out to all Members, under rule 20(e) Members of the House can be expelled, they can be censured, they can be reprimanded, they can be fined, they can be denied or limited any privilege including voting by this House if the Ethics Committee recommends it to the House and the House votes such a penalty. So the ability to fine a Member is defined in our rules. Everybody ought to know that. When Members vote for this bill they are simply saying they accept that the House can fine Members at any point.

Let me finish with a couple of other things. There has been a question raised out here, Members have used the illustration that we can take $10,000 from a PAC. That would lead anyone watching this or listening to this to believe that Members can go around and accept from a PAC $10,000, and a Member actually indicated "Put it in my pocket" as though it were their personal money to spend. I would remind the Members that under the rules of the House under which all of us live, rule 45.6 it says a Member of the House shall keep his campaign funds separate from his personal funds. A Member shall convert no campaign funds to personal use.

So the idea that Members can use money from a PAC, a Member can take $10,000 for personal use is absolutely fallacious. That same rule in almost exactly the same words is in the Federal Election Commission prohibition against the use of campaign funds for private funds.

So all of us in the House are subject not only to House rules, but also to the Federal Election Commission, and it is absolutely prohibited to use campaign funds for private use. If Members do it, they are subject to fine and go to prison, and there are all sorts of things that can happen, and everybody here knows that no one can take $10,000.

I would like to say one other thing. The reason I support this bill is that it is stricter than current law, it is stricter than current rules in the House, and we have looked at it, there has been consultation with the staff of the Ethics Committee and with Members, and it is workable.

□ 1510

We did not want any surprises for Members. In fact, that is the reason the bill has as its effective date May 31, 1995, so there will be time for the rules to be drawn and issued so that Members will know.

I urge your support of this bill.

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

Madam Speaker, the gentleman from Washington has touched upon a subject that has to be cleared up. This statute which we are creating by this conference report is one that visits criminal penalties against lobbyists and not against Members of Congress unless there is complicity or conspiracy or that kind of thing. And it leaves, most of it, to the Ethics Committee. It reestablishes that principle that on the receipt of a gratuity or a gift, those kinds of things that are already part of the ethics community that a Member of Congress is not chargeable like a lobbyist is for violation of the statute, but would be, in effect, referred to the Ethics Committee for any kind of reprimand that might come out of that situation.

That has been affirmed and reaffirmed in recent arguments on this very floor. I remember in the act of 1989, et cetera, that officials receiving gratuities come under their own ethics groupings both in the executive and in the House of Representatives in the Congress.

Madam Speaker, I reserve the balance of my time.

Mr. BRYANT. Madam Speaker, I yield 1 minute to the gentleman from Washington.

Mr. MCDERMOTT. Madam Speaker, I would take a minute to point out to the gentleman from Pennsylvania that on page 44 of the bill it says, "Assessing a civil monetary penalty." We are not talking criminal, and there is no criminal penalty in this. This is civil monetary penalties only.

We can do the very same to the Members in the House under the House rules. So there is a balance.

The House rules allow us to fine the Members, and this allows us to fine a lobbyist who breaks the rules.

Mr. GEKAS. Madam Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding this time to me.

Madam Speaker, I rise in opposition to this bill, this conference report. I do so because to my mind it is a product in which zeal has overcome judgment. You can try and fudge around the edges of it, but there is something terribly unappealing to the notion that to someone who has made a gift that violates some technical standard in this bill about which they are unaware is subject to the imposition of a $200,000 fine, whereas the person who ought to be charged with superior knowledge of whether something can or cannot be accepted is very unlikely to be disciplined in anything such as that magnitude.

It is to me passing very, very strange to say that those who cannot buy you lunch, bearing in mind that it is not a personal contribution but a campaign contribution, can visit you in your office and on two occasions leave behind $5,000 contributions.

This bill, I think, is terribly ill-conceived. It proceeds from the premise that those who lobby are somehow shady, bad characters who are despoiling the legislative process. Yet everyone who rises says they really do not see anything wrong with what people are doing; they are worried about a perception. I think we are creating a perception. I think it is indeed a false perception. I think this bill is born more and more of political desperation than it is its merits. I shall vote against it.

Mr. BRYANT. Madam Speaker, I yield myself 30 seconds to just simply say I am not clear whether the last gentleman who spoke is in favor of $5,000 campaign contributions or against them.

Let me make something very clear. Mr. GEKAS, at the last minute in the conference, brought to us a notion that we ought to put a provision in this bill, a provision which says that a lobbyist cannot make a campaign contribution. That might be a very good idea if we are taking up campaign finance legislation. But Mr. GEKAS' proposal and what he intends to put in his motion to recommit says a lobbyist cannot make a campaign contribution to an incumbent but can make one to a challenger, which is unconstitutional. At the behest of Senator COHEN, one of the members of the conference, he then withdrew the unconstitutional proposal. It cannot be made constitutional. This is a bill that regulates the way in which lobbyists relate to Members of the House and of the Senate. We can regulate their behavior with regard to that, but we cannot regulate their behavior with regard to non-Members. Accordingly, this is not the vehicle to deal with the campaign finance question. That is not in the bill.

The other reason perhaps it is not in the bill is because we never heard a single thing about it. Mr. GEKAS never said a single word about this until the last 36 or 48 hours. All I can say is, if you are genuinely concerned about it, get involved in the campaign finance reform debate.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding this time to me.

Madam Speaker, there is more to this bill than prohibiting gifts from lobbyists. In my opinion, this bill is "Big Brotherism" from Washington at its worst, disguised as an ethics reform for Congress. Why do I say this? I say it because there are a number of provisions in the bill that put so much control over private groups in the hands of the Federal Government, and not the Federal Government but one person who is going to decide whether or not they violated the law. And the penalties for individuals is up to $10,000 and could be as much as $200,000.

Now, the gentleman there said the ethics rules in this House would penalize a Member of this House in the event that they broke the law that is in this bill. I would like to ask anybody here when was the last time you heard of any Member being penalized to the tune of $10,000 or $200,000? It just does not happen. For you to say it happens is erroneous. It simply is not going to happen.

You might chastise them or censure them here in this body, but they are not going to be penalized like the average citizen who is going to get hit with a $10,000 or $200,000 fine.

Now, we talk about the PAC contributions. The gentleman from Texas, the sponsor of this bill, from April 9 of this year to June 30 got 76 percent of his campaign contributions from PAC's, $42,500. Now, I am not saying that influences him, but I would say that it would probably have more of an impact on him than a Big Mac that he is getting from the same people who are giving him this money.

From January 1 to February 16 of this year he got 45 percent of the money from PAC's, or $26,357.11. Now, I am not saying that influences him, but I would say it would have more of an impact on him or anybody else than a Big Mac. Yet if somebody takes a Member of Congress out and buys him a sandwich, he is guilty of breaking the law and can be penalized $10,000, but he cannot be if he gives him $45,000.

Where is the logic in that? It makes absolutely no sense whatsoever.

This bill will stop, kill, in my opinion, many philanthropic organizations that give millions of dollars to cancer research projects, child and wife abuse centers, Ronald McDonald Houses, and others because it, in effect, prohibits any Congressman from participating in those charitable events. You are not going to be able to do it anymore. Believe it or not, folks, some people like us to go to these events and raise money for these charities. That is prohibited. So who is going to pick up the tab? It is going to be the taxpayers because those philanthropic organizations are not going to get that money in the future.

My question to my colleagues is why not make all lunches or all dinners or any event reportable on the reports that we file? We have to report about 9 reports this year alone. Why not report all of that?

If we did that, the public would know, our constituents would know, who we are having lunch with and who is taking us out to play golf or something, and the media would know. Make no mistake about it, the media watches every single thing we do around here. So they would know if we were grossly violating or even remotely violating any kind of ethics rules of this House.

□ 1520

By doing that, Mr. Speaker, we would not create a new bureaucracy costing millions of dollars to the American taxpayer and infringing on their rights to contact their Congressman under the threat of a $100,000 fine.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate 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."

CONFERENCE REPORT ON S. 349, LOBBYING DISCLOSURE ACT OF 1994

Mr. BRYANT. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, there is clearly a need for campaign finance reform. I personally believe there is a need for limits on special interests or PAC contributions. I support that. But that need does not obviate or destroy the need for passage of Federal lobbying reform bills, and I think this is a sensible bill that puts Federal legislators essentially on a similar plane that

most State legislators are already on in this country. They are subject to the restrictions and the amount that lobbyists can provide in terms of gifts and related things, and they seem to operate very nicely in those confines, and all we are asking is that Members of this body and the other body should be treated similar to what most State legislators are treated in this country.

I also believe this issue of grassroots lobbying that has come up in the last 24 to 48 hours is a bit of a red herring. The fact of the matter is we heard nothing about this during the time the bill was going through the legislative process. Most of the major large national religious organizations like the U.S. Catholic Conference and others support the provisions of this bill, do not believe in any way that this bill is going to infringe on legitimate grassroots lobbying nor impede or restrict people's rights to lobby or right to call on their Congressmen in any way whatsoever.

There is an extraordinary cynicism in this country about public life, about Washington, about the things that we do up here. I do not know if this bill is going to be any miraculous cure or try to be an antidote to that. I doubt it, but I do think it is important for us, if we want to preserve the democracy that we live in, this wonderful country of representative form of government, and we have to show the people that we are independent from those who want to influence government, that we are independent of the lobbyists, and therefore, Mr. Speaker, I urge support for this bill.

Mr. GEKAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong opposition to this bill.

Folks, the idea that a Member of Congress can be bought with a fancy meal, a round of golf, or even a ticket to a baseball game, is a slap in the face to the integrity of this Chamber. I cannot conceive the type of political deception that would create a measure of this kind.

When I cast my first vote in this Chamber, I was struck by the truly awesome responsibility given me by the people of the 11th District of Michigan. I would certainly like to know which of my colleagues would forsake this responsibility and sell their votes for a hamburger and a coke.

Second, this bill is riddled with inconsistencies. It would impose $200,000 fines and harsh criminal penalties on our constituents, while doling out mere slaps-on-the-wrists to Members of Congress who violate its provisions.

How can anyone suggest that all the blame belongs to one side is beyond me.

Furthermore, why is it that, under this bill, it is OK for a constituent to take me to a Tiger-Orioles game in Detroit but it is a criminal offense for that same constituent to take me to a Tiger-Orioles game at Camden Yards.

I think everybody knows what's going on here. This piece of legislation is designed for one reason and one reason alone—politics. It seems that there are a number of Members who are willing to malign the integrity of this Chamber for their own personal political gain. And it is this kind of behavior, not the issues addressed in the bill, that has undermined the public's trust in Congress.

My constituents did not send me here to pass shoddy, half-way measures designed to pull the wool over the eyes of the American public.

I encourage my colleagues: do what you know in your heart is right—vote against this bill and vote for a motion to recommit.

Mr. BRYANT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I rise in strong support of this conference report, and I would like to thank the gentleman from Texas [Mr. BRYANT] and the people who have worked on this legislation from both sides of the aisle.

Mr. Speaker, this is an important piece of legislation. I have got friends on both sides. Some of my friends are concerned because they see possible problems in this legislation. But, Mr. Speaker, the problems that they are going to encounter if we pass this legislation are small. They are greatly outweighed by the benefits of this legislation.

I urge strong support for this legislation among my colleagues and also from those who think that this is just for public perception that we are doing this. I think this legislation acknowledges that the vast majority of this body intends to conduct its business in a reasonable way that the people of this country expect.

I rise in strong support and urge my colleagues to vote for this legislation.

Mr. BRYANT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman from Texas [Mr. BRYANT] for yielding this time to me as well as for his long, hard work on this subject. As someone who has been somewhat involved in this piece of legislation, Mr. Speaker, I can tell all those who are listening to this debate today that it is no picnic to be the person carrying the bill that is seeking to change the basic way that we do business in this body. The gentleman from Texas deserves our gratitude, and he has mine.

The arguments against this bill, as usual, come down both to what it does do and what it does not do, and let me just briefly respond, taking the latter first. It is always possible to argue against any bill on this floor about what it does not do. The principal argument here about what it does not do is it does not solve the problem of campaign finance reform, how we raise and spend money on our campaigns. I, like many others on this floor today, wish to reform the subject of campaign spending, and I am working on that legislation, as are many on the other side. But that does not mean that we should not take up this legislation today.

The second argument, about what it does do, I think is also not well taken today. One is that somehow we should not enact a gift ban because there is no specific allegation that anyone's vote has been bought or sold. We are dealing, regrettably but honestly and seriously, with perceptions that exist in this country about how this body operates in light of the tremendous growth in the practice of professional lobbying over the last decade. To do something about that by drawing a line between ourselves and those who are professionally engaged in the practice of lobbying is appropriate, is correct and will do a lot of good.

The second thing is to argue that somehow this has a chilling effect on the practice of grassroots lobbying. In fact it has been called on this floor today a gag rule. Nothing could be further from the truth. I believe the public has the right to know that there are organizations who have invested considerably in professional public relations firms in Washington who specialize in reaching out and generating phone calls and letters. If with that information they then continue to respond to those appeals, then they will at least be doing so fully informed. We are informing them today.

I urge support of the bill.

Mr. Speaker, there are few things I have worked as long or as hard for as the Lobbying Disclosure Act. As you know, in March 1993, the freshman Democrats released a comprehensive, 27-point reform package which included a section on limiting the influence of well-financed lobbyists. We expressed our strong support for legislation that would close loopholes in the current lobbying registration laws, and we supported efforts to force the itemized disclosure of lobbying expenses.

Mr. Speaker, the Lobbying Disclosure Act accomplishes these goals and more. It will require the registration of thousands of lobbyists who have never been registered. Anyone who spends more than 10 percent of his or her time lobbying senior executive branch officials, legislative branch officials, and congressional employees will have to register with the Federal Government as a lobbyist.

The legislation also requires the registration of people who do grassroots style lobbying.

As recommended in the freshman Democratic task force report, lobbyists will also be required to itemize their expenditures in detail which will include the identity of their employers or clients, issues on which the lobbyist is lobbying, and an estimate of the total amount

of all income from the client or expenses incurred in connection with lobbying activities.

Mr. Speaker, I commend my colleagues, Representative JOHN BRYANT in the House and Senator CARL LEVIN in the Senate for their hard work on developing this underlying registration bill. In the controversy about the gift provisions of this conference report, the important registration requirements are often overlooked. Long before I took office, Representative BRYANT and Senator LEVIN were working hard to craft effective lobbyist registration legislation.

An outgrowth of my work on the reform package was an interest on my part in somehow further limiting the influence of lobbyists by restricting any financial benefits they give to members and their staffs. In August 1993, Representative KAREN SHEPHERD and I introduced the Sunshine for Lobbyists Act and the Congressional Ethics Reform Act which essentially prohibited Members of Congress from receiving any but the most nominal gifts and to disclose those that they do receive. Our legislation was patterned after legislation introduced as an amendment by Senator PAUL WELLSTONE and after a sense of the Senate resolution introduced by Senator FRANK LAUTENBERG. Both of these measures were added to Senator LEVIN's underlying registration bill.

Over the course of the past year and a half, Representative SHEPHERD and I have worked with Representative BRYANT and his staff on the inclusion of our legislation in his registration bill. We gathered support from a number of our freshman colleagues who cosponsored our bills and from more senior members like Representative JILL LONG and Representative DAN GLICKMAN who had introduced gift limitation legislation of their own. I appreciate their input throughout the process.

On March 24, 1994, by an overwhelming vote of 315 to 110, the House passed S. 349, Senator LEVIN's underlying registration bill with Representative BRYANT's gift limit language that paralleled our legislation. On May 6, the Senate passed similar legislation and a week later a separate gift ban bill introduced by Senator WELLSTONE. We in the House realized that our legislation would have to be strengthened in order to compare favorably with that of the Senate, and many of us vowed in March on the House floor to bring back a bill that was even stronger after the conference with the Senate.

This brings us to the conference report that we have before us today. This is a good piece of legislation. It is not perfect, but it is an excellent step towards addressing the concerns of our constituents about the way that business is done here in Washington. There is a very real perception outside the beltway that we members of Congress are treated like kings and queens and that we are wined and dined every night of our existence. Obviously, for most of us, this is not the case. However, the people in Ohio and in Utah and in Indiana, see us portrayed by the media as privileged people who never have to lift a finger for ourselves. They see lobbyists who have special access and influence, and they feel that their input is somehow less important.

The public's trust in Congress is at an historic low, and it is deepening. Let's act to address this problem by changing the way that things work around here. Let's restore the faith of our constituents in this body by passing the final version of this legislation to bring sunshine to our system of governing.

Mr. BRYANT. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia.

Ms. MCKINNEY. Mr. Speaker, I rise in support of the Lobbying Disclosure Act and gift ban.

My constituents are the little people, not the high rollers. When I lunch with constituents in my district, we eat fried chicken in a little cafe without tablecloths, and I am happy to pick up my own check. Really, there aren't too many places in my district where you can spend $20 on lunch for one person.

The average American doesn't eat lunch or dinner in a fancy restaurant with clean white table cloths. My constituents don't take vacations at fancy golf resorts—they pile the kids in the van and go to grandma's. So, when the people's servants are seen at fancy resorts and upscale restaurants spending time with lobbyists, it just doesn't look right.

I urge my colleagues to support strong lobbying reform. Support this conference report.

□ 1530

Mr. BRYANT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I support the Lobbying Disclosure Act because it is a step toward a more open Government, responsive to the people, not special interests. It will be good for this institution, closing loopholes in existing lobbying registration and disclosure laws, and includes the toughest restrictions on gifts to Members and staff in the history of this institution.

The tactics of the opposition are diversionary. Unwilling to face the music, opponents try to change the subject. For example, in campaign finance reform, we do need to enact it, but the deadlock to date on that subject is no excuse for gridlock on lobbying reform.

The reference to Big Mac is a big smoke screen. The opponents have tried to politicize this issue. For example, on the subject of grass roots lobbying. This bill will not inhibit efforts by religious and other grass roots organizations to express their views.

The opponents have gone too far, overpoliticizing this issue. They are standing in the way of the very kind of change they sometimes proclaim that they favor. Those proclamations now have a very hollow ring.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, the problem with this place is they pass legislation that has fancy sounding titles, like this bill, the Lobbying Disclosure Act of 1994. What a bunch of bunk. Look at what this piece of legislation does. And I made this same speech when it was before us before. Now, does this bill disclose more to the public and to the press and to people who need to know?

Right now you must disclose four times a year. This bill says twice a year. Now, do you get to know more of what they are spending money on to defeat or pass legislation, I ask you?

The current law has criminal penalties. This law does not. Is that tougher enforcement? Is that going to ensure disclosure?

Do not give me this stuff about free trips going to end. With trips, this bill just limits the confines of the trip, and the same thing will go on, and the public will be dismayed.

You know what the title of this bill should be? This bill should be entitled the "Big D.C. Law Firm Relief Act," because what it does in fact is it really requires you to use one of the 23,000 attorneys in this town to present your case before this Congress.

This is a sham. This is a disgrace, that we should allow thresholds created by this bill. Are you 10 percent lobbying, are you 10 percent pregnant? Come on. You are fooling the American people. Why not, if you have got it even a dime report it. Report it, who gave it, who got it.

Now, I know who wrote this bill, and it is a sham. I support the gift provisions, but you have weakened the system, and you are going to force the American people to again to be dismayed by your actions here. And yet we can take, as they have said here, a $20 meal and reject, not today, a $10,000 PAC contribution. What a sham.

Mr. BRYANT. Mr. Speaker, I yield myself 30 seconds, in which I would like to say that the gentleman from Florida who just spoke indeed did make those points in debate last March. He was dead wrong then, and he is dead wrong now.

At this time, I yield 1 minute to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, we are here today to follow through on a commitment that many of the freshmen made this place work in congressional reform legislation. This bill before us is that commitment, signed, sealed, and delivered. Our message is clear: Instead of empty rhetoric, we have chosen to act. The Lobbying Disclosure Act that was originally proposed by the freshmen Democratic task force in 1993 is what is before us today, and is that commitment to the American people. It moves us one step closer.

Those same people want to see campaign lobbying reform. They wanted to see other improvements, and we hope that we will get bipartisan efforts to bring those bills before Congress and continue to have them voted on before we adjourn.

But, specifically, what we are voting on today, this legislation includes the

broadcast and strictest lobbying disclosure requirements ever enacted. It provides a total ban on entertainment and other gifts from lobbyists to Members of Congress and their staffs, and it permanently limits the influence of lobbyists and special interests on Capitol Hill.

This, I think, is the most important lobbying disclosure act that we can pass. Let us move a step closer to the American people. Let us move a step closer to Government that makes sure that these interests are registered.

Mr. BRYANT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas for yielding, and I thank the gentleman from Texas for listening to all of this. There is no one that should have gotten abuse on this, because he has worked so hard to tighten up these loopholes.

If people want to know what a sham was, a sham was the prior laws on lobbyists, and that is why we have such an incredible culture growing here, where we have tens of thousands of lobbyists blooming all over this city, along with many lawyers who can also be lobbyists. Now they are going to have to register and tell and disclose a lot more, and now they are going to have to sell us on the facts. And that is what it is all about.

Actually, that is what it has really been about for a lot of people for a very long time. I am always amazed, and it always reminds me of how much this law and this reform is needed, whenever I have a constituent following me around during the day. Because at the end of the day, they always say. "Wow, that is not what I thought your life was like."

When you ask them what they thought your life was like, they thought it was about getting gifts and fancy meals, playing athletic games, and doing all sorts of things. They had no idea that we really worked here. And that has been the media image, and that has been the unfortunate image many people picked up.

Well, that is not the image for most Members of Congress. This is a very hard-working group. But for those who have abused it, this is the way we bring those abuses under control. Let us be perfectly clear what this is about. The Committee on the Judiciary that I have sat on has done long, long hearings on this, has looked at this. It is very similar to what they have done in many State legislatures.

It does not do anything about cutting off grass roots. For heaven's sake, anybody can phone, anybody can write, and this means their phone call and their letter is going to mean a whole lot more. Because those who weigh more heavily on the sides of others will now have to listen to everybody more equally.

I say support this reform. It is long overdue. I thank the gentleman from Texas [Mr. BRYANT] for bringing it to the floor.

Mr. GEKAS. Mr. Speaker, I have a list of speakers yet to appear, and would ask the gentleman from Texas if he would proceed until they appear on the floor. I had the gentleman from Georgia [Mr. ROWLAND] down as a speaker. The speakers yet to come to the podium are not present, so I ask the indulgence of the Chair and indulgence of the gentleman from Texas to proceed on your side until they appear.

Mr. BRYANT. The difficulty, of course, is we have now expended more time than you have.

Mr. GEKAS. Mr. Speaker, than I move that we recess.

The SPEAKER pro tempore. The Chair does not entertain that motion. We should proceed in regular order. Does the gentleman from Pennsylvania seek time, or does the gentleman reserve the balance of his time?

□ 1540

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. YOUNG of Alaska. Mr. Speaker, a motion to adjourn is in order, is it not? And there will be a vote taken on it, will there not?

The SPEAKER pro tempore. Did the gentleman say a motion to adjourn?

Mr. YOUNG of Alaska. Yes. Mr. Speaker, is in order, is it not? Is it not?

The SPEAKER pro tempore. As long as it does not take a Member from his feet, it is in order, between speakers. Does the gentleman wish to enter a motion?

Mr. YOUNG of Alaska. Mr. Speaker, I asked a parliamentary inquiry. This is going to be worked out, or I will make a motion to adjourn.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, I rise in opposition to this legislation in its present form.

Mr. Speaker, while I support many of the provisions of the Lobbying Disclosure Act and appreciate the efforts of those involved in developing the conference report, I am opposed to S. 349 for a number of reasons. Specifically, I am distressed that the conference report does not include a provision pertaining to charity functions. While I will not be affected personally as I will not be returning next Congress, I remain concerned about the impact on charities.

In March of this year, the House of Representatives approved a lobbying reform bill that also banned lobbyists from giving Members gifts, meals or entertainment; however, it would permit Members to travel to charity events. I supported the House version of the bill as it does not adversely impact the endeavors of those who raise money for worthy causes. An excellent illustration is the Danny Thompson Memorial Golf Tournament which has raised approximately $2.5 million for the University of Minnesota Leukemia Research Fund and the Mountain States Tumor Institute.

In addition, it is unclear how S. 349 will impact the efforts of grassroots groups from our districts that come to Capitol Hill to inform us of their views. For example, a local chamber of commerce that has a military base in their community on the closure list would likely meet the threshold of spending 10 percent of its budget or $5,000 to plead their case in Washington. Such a group would then be subject to the reporting and registration requirements under this bill or face liability of $200,000 for failure to comply. Groups like our local Farm Bureaus who travel to Washington for brief periods of grassroots activity could be similarly affected.

As a result of these concerns, I must oppose this legislation despite its good intentions.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

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

Two years ago I did not think I would be coming to the floor of the House of Representatives speaking against a reform effort, but the bill that we have in front of us today is a sham. In many ways it is once again a Washington solution to a very serious problem, but once again, the Washington solution falls far short of what we need to do. It really goes in the wrong direction.

How do we solve a perceived ethics problem in the House of Representatives or our relationships with lobbyists? We are going to create a new bureaucracy. We are going to muzzle the grassroots, and we are going to provide preferential treatment for Members of Congress.

I do not believe that is what the American people sent us to Washington for, and I do not believe that that is what the American people will identify as reform.

In many ways the legislation in front of us is the height of hypocrisy. Let me just outline some of the things that is going to be in front of the grassroots organizations, the people that we want to open up the process to, the types of things that they are going to have to go through.

They are going to have to have and meet pages and pages of new requirements that probably will ensure that they will spend more on reporting their contacts with Congress rather than the actual dollars that they will spend on any exercises. They will have to maintain a list and an inventory of all their contacts with committees, with committee members, contacts with Members of the House of Representatives, contacts with Federal agencies. They will have to go into a whole new series of accounting techniques independent

of what they do for the IRS; good faith estimates of the total expense of the registrant; good faith estimate of total expenses of the registrant and its employer in connection with the lobbying activities; a list of the employees of the registrant who acted as lobbyists; a list of all the people who may have contributed to support the lobbying activities.

What we have is a typical Washington solution, a new bureaucracy and more paperwork, and the problem will still be with us.

Mr. GEKAS. Madam Speaker, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY].

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

Madam Speaker, I oppose this bill, and I will vote against the bill.

Every time Congress passes a so-called reform, you must ask yourself, "What is being taken away from the American people?" Are we taking away from ordinary Americans their precious right to pick up the telephone and petition their elected representatives in Congress? It seems that we are. I oppose this bill because it would further isolate this institution from the American people—hard as that may be to imagine.

The more you read this bill, the more questions arise—questions for which we have, as yet, received no satisfactory answers. Let me just pose a few of those questions.

Will this bill stop secret, 500 member health care task forces from working with special interest groups, be they corporate lobbyists or nonprofit advocacy groups, to overhaul our Nation's health system?

Will this bill require advocacy groups and labor unions to report their specific contacts and agendas within such groups as the secret, 500-member health task force?

What if Lane Kirkland, president of the AFL–CIO, talked to President or Mrs. Clinton to specifically ask that the President's health bill be revised to exempt union-negotiated health plans? Would the AFL–CIO have to report the contact and the specific favor it sought?

Would the Children's Defense Fund, the Robert Woods Johnson Foundation, or the Sierra Club, or any other such group, have to disclose their lobbying of the administration for special contracts, grants, or regulatory changes?

Will the bill permit the American people to scrutinize the pervasive behind-the-scenes influence of the incredible network of congressional committees, nonprofit groups, and advocacy organizations that the Wall Street Journal has dubbed the Clinton "adhocracy"?

Will the bill disclose the activities of high-paid lobbyists and consultants, such as James Carville, Paul Begala, Mandy Grunwald, Stan Greenberg, Betsy Wright, Susan Thomases, and Tony Coehlo when they obtain White House passes to enter into high level decision making on Presidential initiatives and decisions?

Will the bill prevent a friend of the President, for example, Hollywood producer Harry Thomasson, from directing the hiring and firing of career White House staff at the White House travel office in order to ensure that the Government air charter business works through a company owned partially by himself?

Will the bill treat as a gift a $600,000 mortgage loan for a plush apartment at remarkably favorable interest rates when the recipient of the loan is a high-level White House staffer on a $125,000 a year salary?

Will the bill prevent a Cabinet Secretary, say, the Agriculture Secretary, from conducting his official business at the Super Bowl, courtesy of a chicken company? Will it prevent the Cabinet member from accepting free trips, cheap jeep rentals, and who knows what else until an independent counsel completes an investigation?

Will the bill prevent a Cabinet member, say, the Commerce Secretary, from soliciting contributions from big business special interests during the Presidential inaugural festivities?

Will the bill force someone who works on the President's election campaign and hopes to be rewarded with a plumb post after the election, say, the job of U.S. trade representative, to brief such clients and potential clients as General Electric, Bell Atlantic, and U.S. West?

The authors of this bill owe us answers to these questions.

Madam Speaker, I will submit in the RECORD selected newspaper articles and other material relating to the questions I have just asked.

Finally, I will also submit in the RECORD a sample of the disclosure form that the House Judiciary Subcommittee has advised would be an acceptable disclosure form under the terms of this bill. I think the American people may be disappointed with how little the bill would actually reveal about the contacts occurring between paid lobbyists and their Government in Washington.

When Congress says it wants to protect your right to petition Congress, read the fine print.

I urge my colleagues to oppose the rule, support the motion to recommit, and oppose this bad piece of legislation.

Madam Speaker, I include for the RECORD the articles to which I referred.

[From the Washington Times]

DWINDLING VITAL SIGNS OF HEALTH CARE REFORM

(By Paul Greenberg)

No wonder Hillary Rodham Clinton didn't want to reveal the working papers of her Task Force on National Health Care Reform. She successfully stonewalled for some 18 months before releasing 234 boxes of documents, each containing about 2,500 pages of material. Her task force was able to maintain its secrecy much longer than the one amassed around Haiti, but of course Miss Hillary's outfit had a more determined commander in chief.

And what do the first, cursory dips into this library of healthspeak show? That almost from the first, officials within the administration were making the kind of devastating criticisms that, in the end, sank this Task Force. The criticisms were ignored, but nobody can say Ira Magaziner, who was supposed to coordinate this uncoordinated effort, wasn't warned. Hillary Clinton should have been able to detect the torpedoes, too. They started coming early:

On Feb. 17, 1993, a senior economist at Treasury—James R. Ukockis, described the administration's health-care planners as having gone "from frenetic to frantic" in trying to answer unanswerable criticisms of its work. It was clear to Mr. Ukockis even then that the White House "was not interested in a balanced evaluation" of its plan, but just looking for "someone to make the best possible case for a specific price control program."

Somehow this does not surprise. Rather than conducting an objective study to find the best solution to the problems of American health care, the organizers of the task force seemed out to confirm their own preconceptions. True Believers are like that; they hold onto their cognitive dissonance as if it were an article of faith, confident that sheer will power can make 2 plus 2 equal 5. Or at least 4½ as a compromise. Can this be what Bill Clinton, in his 1992 presidential campaign, used to deride as "brain-dead politics"?

A month later (March 23, 1993) Mr. Ukockis surveyed the jury rigged plan being assembled and warned: "Every option has fatal flaws, which, although passed off as problems 'still under examination,' are actually major roadblocks to successful implementation." It would take more than a year for the administration to tacitly admit as much when it agreed to scuttle the task force's plan. The challenge now is to make a strategic rout sound like a great victory.

The big problem with the Clinton Plan was that, instead of making only incremental changes, or beginning anew, it attempted to make coherent changes—well, changes that seemed coherent to its theorists—in a health-care system that isn't a coherent whole to begin with. How did health insurance in America ever get tied to employment in the first place? Because war industries during the First World War set up their own medical systems to care for their workers, and everything else just grew from the quirk. If the American (non)system of health care had a name, it would be Topsy.

Eventually the country would develop an arrangement under which insurance companies make medical decisions, lawyers' fees determine insurance rates, competition has less effect on price than do government dictates, coverage tends to end when the job does, employees have an HMO instead of a doctor, taxes are called "mandates" * * * and the whole, ramshackle system continues to grow in all directions, or maybe shrink.

One cannot make changes, however rational in theory, to selected parts of this clanking, uneven machine without throwing off all the other parts. The economist at Treasury had identified the big problem with the Clinton Plan early in the game: "Every option

has fatal flaws" that could be disguised as "problems still under examination" only for so long. Eventually the American people, to judge by the polls, caught on, Congress followed suit, and ClintonCare was undone.

Here's a memo from Treasury that affords a glimpse into how things worked on Planet Clinton: On April 1, 1993, when the administration was asked to provide some reliable figures on how much its health plan would cost, the health planners "sat around the table making guesstimates of the savings to be realized" by their ever-changing plan. Conclusion: "It was an appropriate exercise for April Fool's Day."

What we have here is the familiar triumph of theory over mere reality: First concoct a program or a policy, and then find the numbers to justify it. The administration's health-care plan, like Dr. Johnson's description of second marriages, was a triumph of hope over experience.

The administration was able to pursue this complex mirage for more than a year, but inevitably it fell apart. What reason cannot teach, time must. And now Congress is considering only incremental reforms that could have been passed in President Clinton's first year in the White House, or maybe even President Bush's last.

The True Believers are in retreat for the moment. What is remarkable is not that they had to retreat, but that they held out against the facts for so long. Ira Magaziner's leadership style, which might best be described as extraterrestrial, lost touch with reality early, while Hillary Clinton did not give up the struggle till late, apparently under the impression that arithmetic was but another sneaky Republican plot that must be foiled at all costs.

Whatever all this says about the health plan, it demonstrates once again that the Clintons make a perfectly balanced political couple: If the president seems to have no convictions he won't sacrifice for political advantage, Mrs. Clinton has entirely too many.

[From the Washington Post, April 15, 1994]

CARVILLE'S ARTFUL DODGE

(By Jack Anderson and Michael Binstein)

In politics, sometimes appearance is everything. Nobody understands that better than James Carville, the "Ragin' Cajun" whose political prowess helped transform the governor of Arkansas into the president of the United States. Today, Carville's celebrity has crowned him with two highly desirable hats: presidential confidant and a top draw on the speaking circuit.

Although no official numbers were available, each appearance nets him more than $15,000, according to several sources, including one whose group recently hired Carville to speak. Recent engagements were before organizations the White House might label "special interests": the American Hospital Association, the American Trucking Associations, the National Association of Home Builders and the New Mexico Oil and Gas Association.

Because Carville is not a government employee, he is in an ethical no man's land—allowed to float from the private to the public sector without being subjected to the stringent new ethics rules of the Clinton administration or those already in place proscribing acceptance of speaking income.

The arrangement suits both President Clinton and Carville. Clinton can capitalize on Carville's trouble-shooting skills, and Carville, a member of Clinton's "Kitchen Cabinet," can pursue a private-sector career while maintaining White House ties.

Although Carville's road show breaks no laws or regulations, some believe it's an artful dodge, particularly given the cleaner-than-Caesar's-wife standard set by the Clinton administration.

"Carville can say that he's not in government. But if you're at the White House every day, you're in government," says Charles Lewis, executive director of the nonpartisan Center for Public Integrity. "Perception and reality are not the same thing, though they become the same thing here."

Carville makes no apologies for his role, and defends actions of the consulting firm he runs with partner Paul Begala. "Let me make this perfectly clear. We have never taken corporate clients—ever," Carville told our associate Jan Moller. Carville confines his consulting to working to elect Democrats to office.

"Every candidate I've worked for has asked me to stay on in some way or another," Carville said, adding that he has turned down offers of "millions" to lobby on behalf of corporate interests.

Last year, corporate lobbying became a major issue after conservative Patrick J. Buchanan scolded President Bush for taking advice from Charles Black and James Lake, both of whom worked for firms with extensive corporate and foreign clients.

Carville is not the first White House adviser to confront ethical questions related to public speaking. Former national drug policy director William J. Bennett and Clinton health care adviser Paul Starr, for example, have wrestled with similar questions but arrived at different conclusions than Carville has.

Bennett turned down an offer to head the Republican National Committee in 1990, fearing in part that his extensive speaking schedule could be seen as conflicting with his role as a White House adviser. His speech-making technically would have fit within the rules.

More recently, Starr, a top adviser to Hillary Rodham Clinton's health care task force, has put his own lucrative public speaking career on hold while he serves the country. Starr, a professor at Princeton, is considered one of the grandfathers of health care reform, having developed one of the models for "managed competition" that has gained wide notice among Clinton's reformers. But sources tell us that when Starr was tapped as an adviser to the task force, he voluntarily gave up all speaking engagements until that work is finished.

The Senate discussed honoraria from speeches as part of ethics reform in 1989. After much deliberation, it banned the acceptance of honoraria in exchange for a hefty salary increase. Today, senators are required to give proceeds from speeches to charity.

"If we think honoraria is a potentially corrosive thing for congressmen, then why would it not be a problem for a daily, de facto employee?" Lewis says. Of Carville and his firm, Lewis adds: "I do admire and commend them [for rejecting corporate clients]. But if they're going to be that diligent, then they should be the same way about their honoraria."

There is no evidence to suggest Carville has let the agendas of his speaking circuit hosts filter into his discussions with Clinton. Carville says all of his engagements are booked by a speakers bureau and he plays no role in choosing his audiences. Yet there is always the problem of appearance.

[From Business Week, Nov. 15, 1993]

IT'S THE MONEY, STUPID

FOUR CAMPAIGN AIDES ARE MAKING POTS OF CASH AS CONSULTANTS—WHILE STILL ADVISING THE PRESIDENT

It was a few weeks after Inauguration Day, and delirious Democrats were still celebrating. But not James Carville, Paul E. Begala, Mandy Grunwald, and Stanley B. Greenberg. The four Clinton campaign veterans sat in a Chicago hotel room, looking through a one-way mirror while voters in an adjoining room talked about their frustrations with the nation's health system.

When the focus group ended, the four were convinced that the cautious approach some Democrats were taking on health reform was off base. Voters knew plenty about the intricacies of the health system and wanted radical change. "That knocked my socks off," recalls Begala. "It led us to understand that the President was right in wanting to move more forcefully." Back in Washington, Greenberg conveyed the message directly to the Oval Office. And that helped persuade Bill Clinton to seek the most sweeping social reform since the New Deal.

"NETHERWORLD"

Nearly a year later, the four still exert enormous clout at the White House. Like full-time White House staffers, each carries the special security pass that grants entry to 1600 Pennsylvania Ave. But none, by choice, is on the White House staff, where top aides earn $125,000. Instead, group members earn far more as consultants to the Democratic National Committee. This arrangement permits them to act as troubleshooters while working for other candidates, corporations, even foreign political parties. Never before have so many key political advisers plied their trade as free-lancers—freed from the restrictive conflict-of-interest rules that govern Administration appointees.

This dual role worries government-watchdog groups. The four "are operating in an ethical netherworld," contends Ellen S. Miller, director of the Center for Responsive Politics. "The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest." Adds Charles Lewis, head of the Center for Public Integrity: "The DNC and its advisers have become an adjunct wing of government—with no accountability to government."

The doubts haven't stopped Carville, Begala, Grunwald, and Greenberg from becoming the hottest hired guns in politics. "Every Democrat running for high office next year will call one of these people," says Republican consultant Jay Severin III. "Hire someone with their track record, and you look more like a winner than you did the day before." But their popularity raises a tantalizing question: Are the Fab Four's services being sought because they're good or because they're close to Clinton? Says one Democratic activist: "People are buying a name and a connection."

One person who isn't complaining is Bill Clinton. He constantly enlists the inside-outsiders in his "permanent campaign." The four helped direct the fight for the President's economic plan, mopped up after early stumbles over Cabinet appointments, and provided brilliant image counseling for Hillary Rodham Clinton. More recently, they developed the marketing strategy for health reform, with its alluring emphasis on lifetime security. The four are "conceptual thinkers, each with a piece of the whole," says Samuel L. Popkin, a University of California-San Diego political scientist who

worked on the campaign. "Stanley knows how to think about an issue, Paul knows how to talk about it, Mandy knows how to picture it. And James just nails it."

Obviously, each one of the four could have had top White House posts. Although Campaign Manager David C. Wilhelm was sent to head the DNC, most war-room commandos, such as George R. Stephanopoulos, went to the White House.

ROCKY RELATIONS

Critics feel that by staying outside, the four deprived Clinton of a heavyweight staff. Indeed, while Carville, Begala, Grunwald, and Greenberg ply their private interests. White House operations have been left in the hands of such relatively inexperienced aides as Chief of Staff Thomas F. "Mack" McLarty III, a former Arkansas utility executive, and Stephanopoulos and his fellow thirty-somethings. Even with the arrival of image counselor David R. Gergen, who has improved operations, few think the setup works well.

Group members dismiss the notion that Clinton needs them 'round the clock. But they fret possible conflicts. To insulate themselves, the quartet made a pact: No corporate lobbying and no deals with foreign governments. "We asked for information from the White House and DNC counsel about laws that governed us," says Grunwald. "We found out there were very few. So we decided to make our own rules." The Clintonites see no problem with self-policing. Says Wilhelm: "They come to me when there are questions. These are folks with good judgment."

YANKED PASS

Still, there are doubts. For starters, the fact that group members have White House passes troubles some—especially because a few Friends of Bill have been controversial. New York attorney Harold C. Ickes had his pass yanked after he was hired by companies to lobby against expanding a tax break for investment in Puerto Rico. New York lawyer Susan P. Thomases, a Hillary chum, surrendered her pass after McLarty raised questions about her corporate clients.

By past standards, Carville, Begala, Grunwald, and Greenberg merit passing grades for handling potential conflicts. Pollsters have traditionally worked part-time for Presidents, and Greenberg—unlike Carter guru Patrick Caddell and Reagan pollster Richard Wirthlin—has refrained from rapid expansion fueled by corporate work. Carville and Begala advise just a handful of campaigns, though that's likely to change in 1994. Grunwald's firm is growing fast but still concentrates on politics. "The President," insists Carville, "is happy for our success."

* * * * *

Carville seems intent on grasping the fleeting brass ring of celebrity. "I've never made any money in my life. If I don't make it now, I'm never going to." says Carville and his fiancee.

* * * * *

In his guise as the Ragin Cajun. Carville is a defender of the downtrodden. But now, his typical audience is a business group, which Carville describes as "150 rich white guys who quote Rush Limbaugh to me." Past clients include the American Hospital Assn., the National Restaurant Assn., and McGraw-Hill, publisher of Business Week. Isn't he taking corporate cash? Carville concedes "most of these companies are not riddled with Democrats," but denies that he's peddling access. "Reports of my influence are exaggerated."

That didn't stop the restaurateurs from making a pitch to him. Last April, the group invited Carville to speak. At the time, the White House was proposing further limits on the deductibility of business meals. Upset members buttonholed Carville. Says spokeswoman Wendy Webster: "They hope he would bring back a message to the President." Carville portrays himself as an entertainer, but not everyone agrees. Carvell & Co. "are very powerful people" says one Democratic activist. "What do they think people are buying?"

Except for lectures, Carville & Begala don't accept business clients. "When I advise the President that a tax on beer is a bad idea, he doesn't have to worry that I work for Budweiser," says Begala. Carville claims the policy "has cost us $10 million." The bids come from companies, bond houses, interest groups, even foreign governments.

As for C&B's political candidates, Begala insists that "we can't do anything to help clients at the White House." As evidence, he cites the six-week stretch he served as a White House temp during the budget fight. "When New Jersey, Georgia, and Pennsylvania [states where C&B has clients] came up, I left the room." Moreover, Carville adds, by aiding endangered Democrats such as New Jersey Governor James J. Florio, the pair is also helping Clinton.

C&B won't represent foreign governments in the U.S. But they see dollar signs in campaigns abroad. The duo recently handled the reelection bid of Greek Prime Minister Constantine Mitsotakis—badly, as it turned out. Mitsotakis was trounced by Socialist Andreas Papandreou, and C&B left Greece shaken by the death threats they received.

DRIVING MISS MANDY

Of all the inside-outsiders, Grunwald has the most complicated task—juggling White House demands and her media firm. Business is booming for Grunwald, Eskew & Donilon, which makes ads for state and congressional candidates. Recent business clients include cable giant Tele-Communications Inc. GED made ads for local cable operators battling TV stations over programming rights. Meanwhile, Grunwald has become a key player in selling health reform and the North American Free Trade Agreement.

Grunwald has a talent vital to Clinton: She can translate the most convoluted wonkisms into terms Joe Sixpack can understand. "On health reform, Mandy spent hours refining the language, fine-tuning the names of things, so people would get it," says White House Communications Director Mark D. Gearan.

Of the Fab Four, Grunwald is the most plugged in to the *zeitgeist*. She convinced Clinton to appear on MTV and *Arsenio*. "Mandy's immersed in popular culture," says partner Carter Eskew. "A lot of people in our business think in words. She thinks in pictures."

Grunwald's firm has become a magnet for politicians—so much so that some contests pose potential problems for Clinton. For instance, GED is committed to handle Alabama educator Paul R. Hubbert's expected primary challenge to Governor Jim Folsom Jr. next year.

The White House fears that when Pennsylvania Senator Harris Wofford runs for reelection next year, he may trumpet his opposition to NAFTA. In New Jersey, Senator Frank Lautenberg may boast of his vote against Clinton's tax-heavy budget. Would Grunwald produce such ads? "I don't consider that a problem," she says. Still, she adds: "I don't think it's good politics to spend a lot of time attacking this President—ask what's-his-name in Texas." The reference is to ousted Senator Bob Krueger, whose Clinton-bashing campaign flopped despite help from—guess who?—Carville & Begala.

Although Grunwald insists that DNC work is a small part of her business, it's lucrative. The party pays her $15,000 a month. In addition, the DNC compensates her firm at the standard rate—around 15%—for its media purchases. In May and June, she got more than $113,000 in DNC consulting fees, according to the Federal Election Commission.

Grunwald also handles media for the DNC's national health-care blitz. The campaign has an ad budget of $3 million, most of it raised from the pesky corporations the inside-outsiders say they try to avoid.

Some competitors think that's fine. "To the victor go the spoils," says one GOP adman. Others disagree, noting that Grunwald was among the Clinton pols who urged delaying the trade pact for fear it would clash with health reform. "Everyone knows she's against NAFTA," grouses a Democratic consultant.

Is Grunwald selling something she doesn't believe in? "I have absolutely no personal views on NAFTA," she replies. "My job is to make sure my client has his views accurately described. I understand the President's views. And I understand why Senator Wofford and others oppose it."

BEARER OF THE SCROLLS

To meet pollster Stan Greenberg is to meet a truly happy man. Ever since his college activist days, Greenberg has only wanted to work for reformist Democrats. When he met Clinton, who inhales polls like Big Macs, the two clicked instantly. Now Greenberg zips in and out of the White House with his latest readings of the President's job performance. "Clinton is remaking the country," the pollster says approvingly, "I organized my DNC contract so I can spend all my time working for him."

Actually, Greenberg Research still polls for long-standing clients: Senators Jeff Bingaman (N.M.) and Joseph Lieberman (Conn.), plus Michigan Representatives Bob Carr and David Bonior. Working for Bonior is another jarring bit of inside-outism, since he's leading anti-NAFTA forces. Greenberg says an associate is handling Bonior. Nor is he concerned about the free work he does for the African National Congress.

Despite his firm's demands, Greenberg meets White House aides nearly every day and gives Clinton a weekly briefing on his standing with voters. "Stan's the one who has to go in and say 'Mr. President, you're dropping like a hot rock,'" say Begala.

Although their circumstances differ, Clinton's inside-outsiders insist they are trying to keep their private pursuits from entangling with Clinton's. "Judge them by what their counterparts did in the past, and you see a higher standard," says party activist Mark Siegel.

Perhaps. But given their boss's vow to rid Washington of influence-peddling, even some CBGG admirers wonder whether they shouldn't take an extra step. "They should disclose their clients and their fees," says a top Democratic consultant. "That's a commonsense way to avoid potential problems in the '90s."

[From the Washington Times, Sept. 22, 1994]

ESPY "DEAD" AS REPORTS OF IMPROPER CONDUCT CONTINUE

Support for embattled Agriculture Secretary Mike Espy is quickly eroding as speculation heightens that he will resign soon.

Reports that he was paying back thousands of dollars to correct the appearance of past improprieties have not helped his cause.

Senior sources on Capitol Hill yesterday were dismayed at the increasing flow of negative reports on Mr. Espy, including details of personal trips to his home state, Mississippi, at taxpayer expense.

"Espy is dead. He has lost any moral credibility," a senior Capitol Hill official said.

An influential agricultural lobbyist agreed, saying, "All the financial stuff and the travel—it just looks horrible."

A refusal by the White House to say whether Mr. Espy had offered his resignation fueled speculation that he will quit soon, but a senior aide to the secretary denied such plans.

"The rumors are completely unfounded," said Ali Webb, director of communications at the Agriculture Department. "The secretary has not offered his resignation and has no plans to do so."

White House spokeswoman Dee Dee Myers said President Clinton will not prejudge the secretary. "The president has confidence in the job Mike Espy's done. He thinks he's served ably and well as agriculture secretary," she said. "I think the president is going to make a judgment based on the facts, not on a call for rush to judgment."

Asked whether Mr. Espy had offered to resign, Miss Myers said, "I'm not going to open that door."

Pressed on the matter, she said, "I don't want to [answer]. I do know, and I choose not to comment, and I wouldn't read anything into that."

But sources on Capitol Hill and around the city said the continual bad publicity on Mr. Espy had pushed him past the point of redemption. They said he is an embarrassment to a White House already worried about losing congressional seats in the Nov. 8 general election.

"If you were the president and were in striking distance of losing the House and the Senate, and one guy could drag you down, then what would you do?" a congressional source said.

"Espy's exercised some very bad judgment. A lot of people don't think he'll last past the election," a well-placed Senate source said.

REGISTRATION FOR LOBBYING

PURSUANT TO PROPOSED LOBBYING DISCLOSURE ACT OF 1993

A. Organization or individual filing: (if total income or expenses are $1,000 or more in semiannual period), National Association of Manufacturers, 1331 Pennsylvania Avenue, NW, #1500—North Tower, Washington, DC 20004-1703, (202) 637-3000.

Principal place of business: same as above.

Client address & principal place of business: same.

General description of client's business or activities: The NAM is a voluntary trade association principally involved in protecting & furthering the competitive free enterprise system.

B. Name of any organization that contributes more than $5,000 in a semiannual period, significantly participates in the supervision or control of the lobbying activities, and has a direct financial interest in the outcome of the lobbying activities: None.[1]

C. Name, address and approx. percentage of equitable ownership in the client [of] any foreign entity that holds at least 20% equitable ownership in the client; directly or indirectly, in whole or in major part, supervises, controls, directs, finances, or subsidizes the activities of the client; or is an affiliate of the client that has a direct interest in the outcome of the lobbying activity: None.

D. The general issue areas in which the registrant expects to engage in lobbying, and a list of specific issues that have already been addressed or are likely to be addressed: See attachment.

E. The name of each employee of the registrant expected to act as a lobbyist on behalf of the client. If any such employee has served as a covered legislative or executive branch official in the 2 years prior to the date of registration, list the position in which such employee served. See attachment.

SEMIANNUAL REPORT

PURSUANT TO PROPOSED LOBBYING DISCL. ACT OF 1993

(due July 30 and January 30)

A. Name of Registrant: National Ass'n of Manufacturers.

B. Name of Client: Same.

C. List any changes in above from initial registration: None.

D. For each general issue area in which the registrant engaged in lobbying activities during the past 6 months (use additional pages if needed):

1. A list of the specific issues upon which the registrant engaged in significant lobbying activities, including a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans: See Attachment 1.

2. A statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client: See Attachment 1.

3. A list of employees who acted as lobbyists for each issue area: See Attachment 1.

4. A description of the interest in the issue of any foreign entity listed in the registration: None.

E. Estimate of total income from the client (or for organizations lobbying on their own behalf, estimate of total expenses incurred in connection with lobbying activities):

At least $1,000 but not more than $10,000.

More than $10,000 but not more than $20,000.

More than $20,000 but not more than $50,000.

More than $50,000 but not more than $100,000.

More than $100,000 but not more than $200,000.

More than $200,000 rounded to the nearest $100,000: $900,000.

Houses and committees of Congress and the Federal agencies contacted:

Senate Committee on Appropriations.

Senate Committee on Energy and Natural Resources.

Senate Committee on Finance.

Senate Committee on Small Business.

House Committee on Appropriations.

House Committee on Energy and Commerce.

House Committee on Interior and Insular Affairs.

House Committee on Science, Space & Technology.

U.S. Environmental Protection Agency.

U.S. Department of the Interior.

Office of Management and Budget.

A list of employees who acted as lobbyists: Michael E. Baroody, Jerry J. Jasinowski, Jan Amundson, John Cohen, Susan R. Hogg, Mary C. Pigott, H. Richard Seibert

Issue area: Labor relations and product liability.

Specific Issues:

Consumer Product Safety Comm'n Reauthorization, H.R. 4706.

Medical Malpractice Reform, S. 489, H.R. 1004.

Family and Medical Leave Legislation, H.R. 2, S. 5.

Product Liability Reform, S. 640, H.R. 3030.

Drug Testing bill, H.R. 33, S. 2008.

Civil Rights Damages, S. 2062, H.R. 3975.

ERISA Preemption, S. 794, H.R. 1602, H.R. 2782.

Replacement of Strikers, H.R. 5, S. 55.

Whistleblower Protection.

OSHA Reform, H.R. 3160, S. 1622.

OSHA Criminal Penalties, S. 445, H.R. 1192, H.R. 549.

Pension Simplification.

Health System Reform, S. 1227, H.R.5502, S. 1872, S. 1936, S. 2731, S. 2732.

Unemployment Compensation Amendments of 1992, H.R. 5260.

Houses and committees of Congress and the Federal agencies contacted: [similar to listings above].

A list of employees who acted as lobbyists: [similar to listings above].

Issue area: [Others omitted—sample only].

ATTACHMENT 1 (ITEM D1 AND D2)

NAM ISSUE AREAS AND SPECIFIC ISSUES

NAM LOBBYING REPORT—JULY THROUGH DECEMBER 1992

Issue area: International Economic Affairs

Specific Issues:

Trade Import Restrictions, H.R. 5100.

Foreign Direct Investment Reporting, H.R. 2624, H.R. 2631.

Export Administration Act Reauthorization, H.R. 3489.

Export-Import Bank Reauthorization, S. 2864, H.R. 5739.

U.S.-Mexico Free Trade Negotiations.

Manufacturing Strategy Act, S. 1330.

Industrial Design Protection, H.R. 1790.

Denial of Most-Favored-Nation Status to China, H.R. 5318, H.J. Res. 502.

Trade with former Soviet Union, S. 2532.

Overseas Private Investment Corporation Reauthorization, H.R. 4996, S. 2338.

Houses and committees of Congress and the Federal agencies contacted:

Senate Committee on Banking, Housing, and Urban Affairs.

Senate Committee on Finance.

Senate Committee on Foreign Relations.

Senate Committee on the Judiciary.

House Committee on Banking, Finance and Urban Affairs.

House Committee on Energy and Commerce.

House Committee on Foreign Affairs.

House Committee on the Judiciary.

U.S. Department of Commerce.

U.S. Trade Representative.

A list of employees who acted as lobbyists: Michael E. Baroody, J. Lee Hamilton, Jerry J. Jasinowski, Howard Lewis III, William G. Morin.

Issue area: Resources and Environment.

Specific Issues:

Arctic National Wildlife Refuge, S. 1220.

Global Climate Change, H.R. 4750.

National Energy Strategy, H.R. 776.

Environmental Crimes.

Superfund Reauthorization.

Superfund Lender Liability.

Resource Conservation and Recovery Act, S. 976, H.R. 3865.

□ 1550

Mr. GEKAS. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

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[1] Questions or suggestions are discussed in NAM testimony. All entries are fictional and for demonstration purposes only.

Mr. CRANE. Madam Speaker, I rise in strong opposition to this conference report. I would simply remind the members that the British Colonial Government cut off the freedom of speech and the right of petition to our Founding Fathers, too.

Madam Speaker, I rise to oppose the conference report to accompany S. 349, the Lobbying Disclosure Act of 1994.

Madam Speaker, there are perhaps many reasons to oppose this legislation; however, I want to focus on a few of my reservations.

Man's right to free speech is an inalienable one. Thankfully, our Constitution and its Bill of Rights recognizes and preserves that right. Included in that right to free speech is freedom to petition the Government. This right was not guaranteed to the Founding Fathers by the British Colonial Government and led to their fight for independence. The conference report, as currently written, is a direct attack on that right.

Particularly onerous is the requirement that grassroots lobbying organizations release the names of their contributors. If this conference report is passed, the Federal Big Brother will be given authority to barge into the living rooms of Americans demanding to know their political views. In addition, this legislation denies an exemption to people who lobby on behalf of religious organizations, forcing them to register and report their business.

Because of the new rules created by this legislation, a businessman who flies from my home State of Illinois and spends several days in Washington to visit members of the Illinois congressional delegation could easily fall within the new definition of a lobbyist. I resent the attempt by the majority party to prohibit my constituents from expressing their legislative concerns to me.

Furthermore, the bill will create another bureaucratic agency, the Office of Lobbying Registration and Public Disclosure. The position of Director in this office will be politically appointed by President Clinton, and responsible for governing lobbying organizations. I shudder to think of the retribution that could be wielded against individuals who oppose the President's policies.

Madam Speaker, for these reasons, I urge my colleagues to vote against this conference report.

Mr. BRYANT. Madam Speaker, I yield 2½ minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Madam Speaker, as so often in life, there comes a moment where it is either put up or shut up. I am comfortable that history and the American public, in reviewing today's debate, will see through the hyperbole and the reinvention of facts which we have been hearing about.

What this lobbying disclosure bill is not about is impinging upon one's religious freedom. It is not about stopping or gagging a citizen's grass roots participation in this democracy. What it is about is cleaning up and defining an outdated gift rule, and modernizing lobbying rules which reflect the new dynamics of pressure politics.

Most of all, however, it is about ensuring our ability to govern ourselves as a nation. No country, no democratic government, can function without the confidence and trust by those who we serve, for right or wrong, whether we admit it or not, even in this the cleanest democracy on the face of the Earth, we are challenged each year, each day, to constantly and regularly strengthen that bond and trust.

Passage of this lobbying disclosure bill continues to build that faith. I encourage my colleagues to keep that faith and to make it better.

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

Madam Speaker, I thank all of the Members for their patience throughout this long debate, and throughout the last 18 months. I will have to say that while I am glad to be finished with it, I think it is going to cause a very significant improvement in the public's perception of this institution and the way in which we do business. I think one thing has been lost in the process, and that has been the realization that it seems to be almost virtually impossible to succeed with a bill like this on a bipartisan basis as we would like to have done.

Madam Speaker, the only issue that Members have mentioned to me today that they are concerned about has been this issue of grass roots lobbying. Yet less than 24 hours ago, no one had asked me about that question for 18 months, 20 months. All this time has passed and not one time did we see anybody come forward and say, "We are worried about it." Not one time did the Republican leader come forward and say, "We want to change it." Not one time did we have anybody from these organizations want to contact us.

In fact, the religious organizations we have worked with support the language and have reaffirmed their support of it, even in the last 12 hours. The fact of the matter is, the bill does not contain anything that would limit or inhibit in any way the ability of religious organizations or other grass roots organizations to petition this Congress or to lobby with regard to their objectives, not in any way whatsoever.

Madam Speaker, the facts are very, very clear. The grass roots provisions have been in the bill since last November when it passed out of subcommittee unanimously, with the support of the gentleman from Pennsylvania [Mr. GEKAS] and the Republicans. They were in the bill in March when the bill passed this House with only 110 people voting no. Nobody said a word about grass roots lobbying at the time. We checked the record today. The words "grass roots lobbying" were never uttered during that debate.

Madam Speaker, the fact of the matter is that at the very last minute, for purposes that are, I think, not too hard to figure out, we have watched many people in this country, probably people who are idealistic, who are deeply religious, be used by the leadership of the other side in an effort to stop a bill for reasons that do not have anything to do with grass roots lobbying, but have a whole lot to do with maintaining the status quo.

What is the status quo? Free meals, free tickets, free trips. That is what the status quo is. This bill is about one thing and one thing only: Changing the way we do business in Washington, DC, and reinforcing public confidence in the House of Representatives and the U.S. Senate. I strongly urge the Members to show the courage today and the foresight to reject this last-minute lobbying effort, this last-minute telephone effort, this last-minute radio show effort that is going on right now and has begun only in the last few hours, to say no to that and to say yes to a new policy that will reinforce the public's understanding that this legislative body makes it decisions based upon the public interest; that no one will have the opportunity, whether it would have that effect or not, no one will have the opportunity to wine or dine or pay for travel for Members of this Congress in order to influence the outcome of legislation.

Madam Speaker, that is the sum total of this bill. That is the sum total of the meaning of the Members' vote. Vote against the motion to recommit, vote for this bill.

Madam Speaker, I thank all the Members who have participated in this debate for their courage and their long months of work.

Mr. DOOLITTLE. Mr. Speaker, I rise in strong opposition to S. 349, the Lobby Reform and Disclosure Act. I voted for this measure when it originally came before the House only because it arose under suspension. There was no way to amend it, and Members were not aware of the more pernicious provisions in the bill.

Like the crime bill, Mr. Speaker, this legislation has noble goals that all Members of Congress share. Unfortunately, this bill, like the crime bill, is a sham. It is full of loopholes that protect the Washington special interests but infringe on the right of ordinary Americans to contribute to the national debates that affect their daily lives.

The first amendment to the U.S. Constitution states that "Congress shall make no law * * * abridging the freedom of speech * * * or the right of people * * * to petition the Government for a redress of grievances."

The bill before us today will have a chilling effect on free speech and will make it more difficult for American citizens to have their voices heard in Washington.

What's in the bill? First, it puts more restrictions on private individuals and grassroots organizations than it does on Members of Congress. For instance, the bill authorizes fines up to $200,000 against private citizens for failing to register with the new lobbying bureaucracy created by the act. Yet a Member of Congress will not even have his or her name disclosed if he or she breaks this law. This is justice, Washington-style.

Even worse, Mr. Speaker, this bill forces grassroots groups, such as churches, to register and report to the Federal Government all expenditures and list every individual who lobbies on their behalf, including volunteers. And while the Government keeps records on all individuals that lobby—a move certain to have a chilling effect on free expression—the bill addresses only appearances of impropriety for big money lobbyists.

Under the new law, lobbyists will be prohibited from taking a Member of Congress to lunch at McDonald's but will be allowed to dump $10,000 from a single PAC into the coffers of a beholden Member. This discrepancy is unjustified, Mr. Speaker, for it is big PAC's, not Big Mac's that cause the problem in Washington.

Amongst the many diverse groups opposed to this legislation are the American Civil Liberties Union, U.S. Chamber of Commerce, Defenders of Property Rights, and the Christian Coalition.

Mr. Speaker, this bill is a grassroots gag rule and deserves to be defeated. We cannot afford to tarnish the worthy cause of lobby reform with such a sham measure. Let us kill this bill, and vote for real reform that eliminates PAC's but protects first amendment freedoms.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of reforming the laws that govern Washington lobbyists. In the end, I am going to vote for the Lobby Reform and Disclosure Act conference report because it makes important changes in the way lobbyists interact with Congress.

But I am concerned about one aspect of this legislation as it is now written. In our zeal to make some important changes affecting special interest lobbyists, we may be unfairly hindering individual citizens that want to express their views through grassroots organizations.

For that reason, I will support a motion to recommit the bill back to conference so that we can make some adjustments and if that is unsuccessful I will support legislative initiatives to make this bill a better law. We must ensure that this legislation does not have the unintended effect of discouraging citizens from becoming part of the political process.

Make no mistake, the Lobby Disclosure Act makes many important changes and that is why I am going to vote for it today. Quite frankly, we need to limit the role of influence peddlers in Washington. There should be no free lunch from lobbyists, no free trips, no free golf games, for Members of Congress. This bill rightly stops this practice.

Unfortunately, the conference report language raises some issues that need to be addressed regarding the reporting requirements of activist citizens. We should not create a situation in which citizens who want to petition their elected officials on issues being considered by the Congress are afraid to do so because of concern about the complicated laws that apply to registered lobbyists.

For example, it appears that this bill would require a representative of a grassroots organization sent to Washington to speak with an official covered by the Lobby Disclosure Act to register and then in certain instances disclose all subsequent expenditures of the organization. This may very well give an advantage to Washington based lobbyists over those who come to Washington from our districts.

The bill may also require that any organization that attempts to influence Federal decisions with the help of a grassroots operation reveal the specific names, possibly including volunteers, addresses and principal places of business retained in grassroots lobbying.

Moreover, the bill potentially sets up a double standard, imposing dramatic penalties on citizens who violate its provisions while protecting Members of Congress from exposure.

For these reasons, I support the motion to recommit so that we can make this bill even better. And if we choose not to do that, I will work tirelessly with my colleagues to amend this law and correct any problems that arise with the provisions that impact the grassroots community.

Mr. WHEAT. Mr. Speaker, I rise to express my continued support for the Lobbying Disclosure Act—legislation I was proud to vote for when it was first passed by the House of Representatives this March.

Although I was unavoidably detained during the vote on the conference report today, the Lobbying Disclosure Act has my full support. This measure is the most significant reform of our Nation's lobbying disclosure laws in decades. It builds on legislation many of us cosponsored in recent years to prohibit tax breaks for lobbying, and which was passed into law last year.

The Lobbying Disclosure Act bans Members of Congress or their staffs from receiving free meals, entertainment, travel, or gifts from professional lobbyists. It closes current loopholes without undermining grassroots lobbying, or the activities of religious organizations. It expands lobbyist registration requirements for those who lobby for a living.

In short, it opens the door, and lets the American people see exactly who is seeking to influence legislation affecting their lives and how much is being spent for that purpose. And, in the process, the measure will restore a greater measure of public confidence in the institution of Congress.

Mr. Speaker, in recent years, we have taken important steps in reforming the way Congress does the people's business. In 1989, I supported the Ethics Reform Act, the most sweeping overhaul of House ethics rules and governmentwide conflict of interest laws in over a decade.

That measure banned Members of Congress from accepting money for speeches to organizations and special interests. It restricted the ability of former high government officials to turn around and lobby Congress. And it put an end to the conversion of campaign funds by ex-Members of Congress for personal use.

In 1990, I supported the Franking Reform Act which has placed strict limits on congressional mailings and required the disclosure of how much each Member spends on mail.

Last year, Congress enacted legislation to reduce the number of legislative branch employees by 4 percent and cut the congressional budget $500 million over the next 5 years. Congressional pay has been frozen for the second year in a row, and I have voted on three separate occasions to freeze salaries. In addition, I was a cosponsor of legislation to ban pay raises for Members of Congress.

I have also supported a crucial measure approved by the House to reform our campaign finance laws and create a more level playing field for candidates, legislation which I have cosponsored since my first term in Congress.

Taken together, these measures—along with today's passage of the Lobbying Disclosure Act—are steps to move us forward toward the goal of a more responsive, more accountable government for the American people.

But while Congress tends to the business of the Nation, there is more that can and must be done to change how Washington conducts its own business.

In particular, we must pass the Congressional Accountability Act to make sure that Congress lives under the same workplace laws as everyone else. As a cosponsor of the Congressional Accountability Act, I was proud to join my colleagues in the House last month to pass this measure by an overwhelming margin, 427 to 4.

Congress will make wiser policies when it lives under the same rules and regulations others must live by. But time is running short, and the other body has yet to pass the Congressional Accountability Act.

The American people have heard enough talk, they want action on a tough, strong bill on congressional compliance and enforcement. They want campaign finance reform. And they want lobbying reform. It's time to deliver these bills to the American people and help renew public faith and trust in the institution of Congress.

Mr. CALVERT. Mr. Speaker, in 1992 the voters sent Washington a clear message: They are tired of the Government being controlled by a power elite—a small political class comprised of politicians and fat-cat lobbyists, and during these last 2 years, the people have begun to mobilize at the grassroots level to take back their Government.

They have mobilized in churches. They have mobilized under the banner of citizens' movements such as United We Stand America. They have even mobilized via informal computer networks, and quite frankly, seeing the people mobilize scares the hell out of the party that has run this place for 40 years, and, it scares the hell out of the big unions and other special interests who support and control them.

Mr. Speaker, this legislation is a sham.

It is not a lobbying reform bill.

It is a protect the power brokers bill.

The provisions of this legislation will reduce public input into Congress, rather than increase it. It will have a chilling effect on religious groups, independent political parties, Chambers of Commerce and other local individuals who want their message to be heard in Washington. It won't hurt the AFL–CIO and it won't hurt the foreign governments who hire big time lobbying firms; but, it will hurt grassroots organizations like small-town religious, business or civic groups.

The registration and reporting requirements proposed in this bill threaten to jeopardize the basic right of all Americans to communicate with and lobby their Government. Apparently, that is what the majority party and their allies want, but, that is not what the American people want

Mr. Speaker, if a small church congregation from Corona, CA can't send a representative two or three times a year to tell me their views about legislation without being hassled by a Federal Bureaucracy, there is something wrong.

I urge my colleagues to send this bill back to committee.

Mr. BAKER of California. Mr. Speaker, I rise today to register my support for true lobbying reform and opposition to the Lobby Reform and Disclosure Act.

This bill has laudatory goals—to put a stop to special interest manipulation and perks paid for by lobbyists. I support these goals. However, the bill is riddled with loopholes for those inside the Washington beltway and restrictions on constitutional rights for the rest of America.

Moreover, this legislation stifles free speech and makes it more difficult for average Americans to express their views.

The First Amendment to the U.S. Constitution, in the Bill of Rights, states: "Congress shall make no law—abridging the right of the people—to petition the Government for a redress of grievances." Unfortunately, this bill puts more restrictions on private individuals and grassroots organizations than it does on Congress. This bill authorizes fines of up to $200,000 on private citizens for failure to register with the forthcoming lobbying bureaucracy at the White House. But a Member of Congress would not even have his or her name disclosed, even if he or she is involved in a violation of this legislation. Not only is this a double standard, it also violates the spirit of legislation the House passed recently to require that the laws Congress passes for everyone else apply to Congress itself.

This bill forces grassroots groups, such as churches, to register and report all expenditures and list those lobbying on their behalf, including volunteers.

While this bill puts a gag on grassroots lobbying, it addresses only appearances of impropriety on the part of big-money lobbyists. For instance, lobbyists would be prohibited from taking a Member of Congress for lunch at MacDonald's, but would still be permitted to give $10,000 to a Congressman from a single PAC.

I urge a "no" vote on this fatally flawed bill and welcome true reform legislation, including the elimination of political action committees. We need real and permanent change, not a bill that undermines the Constitution we are sworn to uphold.

Mr. ZIMMER. Mr. Speaker, once again Congress is coming up short on reform. This bill addresses only a minor part of the problem that has caused Americans to lose faith in their government. We need tougher lobby reform, and more important, we need meaningful campaign finance reform.

What's the point in banning a lobbyist from buying lunch for a Congressman if he is still allowed to hand him a $10,000 PAC check? The link between big money and politics won't be severed until we enact real campaign finance reform. But the leadership of Congress doesn't seem to want to change the rules under which they got here.

Moreover, this bill completely ignores scandalous lobbying practices that cry out for reform. For instance, Members of Congress too often leave public service and then use their contacts and knowledge to influence the very people they worked with as a public servant. I have introduced legislation with my colleague from Florida, Mr. BACCHUS, that would slam shut this revolving door. It would impose a 5-year ban on Members of Congress who seek to lobby any committee on which they served and would permanently ban them from lobbying on behalf of foreign nationals. I have introduced another bill that would prevent former Members of Congress and high-level staff from lobbying the executive branch. And, I will soon be introducing legislation that would permanently ban former Members of Congress who have been convicted of a felony from becoming lobbyists.

Despite its flaws and omissions. I will be voting for the lobbying bill because I believe it is a small step toward restoring some measure of accountability to Congress.

Mrs. COLLINS of Illinois. Mr. Speaker, as I have stated before on the floor of this Chamber, I recognize and support reasonable initiatives that seek to ensure greater openness and accountability in our legislative process. However, I do not believe that the bill before us today adequately addresses the most substantive ways in which we as Members of Congress can meet these important goals. Unfortunately, this conference report and all the innuendo and hype surrounding it have simply fed the fuel of negative opinions that all too many Americans have about Washington without tackling the real concerns on the minds of most citizens.

Each one of us as Members has been charged with the responsibility of representing the priorities and interests of thousands of individuals, families, and businesses back home in our districts. We meet this responsibility by listening to their concerns and voices at a variety of times and in a myriad of settings, including over meals or during conferences. However, this legislation seems to suggest that doing so is somehow improper or corrupt or that Members' motivations on such occasions stem from nothing more than mere self-interest. I deeply resent such a suggestion.

It is ludicrous that some of my colleagues would imply that by accepting an invitation to dinner or to an industry function my views and decisions on a particular legislative issue will be swayed. This is flatout false, and I believe that an overwhelming majority of Members would agree to this premise.

These incidental measures included in the conference report we are considering will have but minor impact on the vital business of the Nation that we conduct in this Chamber every day. For the remainder of this Congress and into the next, Members must continue to focus their efforts upon the more important and fundamental issues that underlie lobby reform and the public's disenchantment with this institution.

This issue before us is not whether Congress is for sale. It is not. The real issue is how do we expand the ability of more individuals and groups to have a say in the democratic governing process. Throughout the 103d Congress we have been extremely successful under the leadership of President Clinton in revitalizing the economy, creating jobs, strengthening our communities, families, and schools, and making our streets safer—and I look forward with great optimism to the opportunities that await the next Congress to once and for all tackle such issues as comprehensive health care and welfare reform.

My colleagues, we need to stop playing the blame game and pointing fingers at one another. We need to move forward and get on with the vital legislative business of the Nation that the American people want passed. We should not have to apologize for carrying out the important work which our constituents sent us to this body to perform. We do not need to legislate our integrity. We need to continue with the mission for which we were elected to Congress—to listen to, communicate with, understand, and represent average, hard-working Americans.

I urge my colleagues to vote no on the rule.

Mr. FAZIO. Mr. Speaker, I spoke at length when the House passed the lobbying reform bill, and so I will only take a few minutes today.

The bill that has come out of conference has been praised by reform advocates, including Common Cause. The lobbying reform bill will ban meals, travel, entertainment, and gifts from lobbyists to Members of Congress and their staff. In addition, the bill places new restrictions on meals, entertainment, and gifts from nonlobbyists.

There is a decided view in America that lobbyists and special interests have too much access to elected officials. The Lobbying Disclosure Act will address these concerns by requiring those who lobby to disclose their activities—to document the issues they lobby on and the amount of money they spend doing so.

I rise in support of the Lobbying Disclosure Act, not to limit or stop the act of lobbying, but to shed light on the process and to instill confidence that lobbying is an appropriate avenue for people to express their concerns and interests to their elected representatives.

When this bill is enacted, the American people will be better informed and educated. Whether it is a group of activists who organize a letter writing campaign, or a one-on-one meeting with a company's representative—the American people will know it happened, know what issue was discussed and how much money was spent in the process.

This bill will ban lobbyists from buying lunches, providing gifts, and paying for entertainment for Members of Congress—but it will allow Members to continue to have legitimate interaction with their constituents.

Mr. COBLE. Mr. Speaker, legislative action continues on the Lobbying Disclosure Act Conference Report. I voted against this measure primarily because of the so-called gag rule on grass-roots lobbying. This provision, buried in the conference report, is designed to kill citizen pressure from back home that has been so effective in the last few years.

This gag rule would force many groups, including religiously affiliated organizations, to register and report their activities to a new bureaucracy in the executive branch. This raises constitutional and financial considerations for grass-roots organizations.

Who will be called a lobbyist under this bill? Anyone spending 10 percent of his or her time talking to Federal officials and whose lobbying

income exceeds $2,500 or expenses are more than $5,000 in a 6-month period. No grassroots group can exist without somebody in that group devoting his or her time to the effort. Because this bill would identify that person as a lobbyist, the entire organization and its members may be brought under the reporting and penalty provisions.

A newspaper in our district, the High Point Enterprise, stated, "Citizens who join their voices once or twice in an effort to influence Congress should not be treated the same as Washington's standing army of professional corporate and special-interest group lobbyists." Let's not trample on the rights of citizens to protest the actions of their government. Our constituents should not have to register with a bureaucracy in Washington. That's not the American way. Let's kill the gag rule on grassroots lobbying and preserve every American's right to voice his or her opinion.

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

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. GEKAS

Mr. GEKAS. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. GEKAS. In its present form, I am, Madam Speaker.

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

The Clerk read as follows:

Mr. GEKAS moves to recommit the conference report on the bill (S. 349) to the committee of conference with instructions for the managers on the part of the House to carry out the following:

(1) In the proposed section 103—

(A) strike out paragraph (8),

(B) strike out the second sentence of paragraph (9)(A), and

(C) strike out subparagraph (B) of paragraph (9),

(2) Strike out paragraph (5) of section 104(b).

(3) Strike out paragraph (6) of section 105(b).

(4) In the proposed section 103(10)(B)(xviii), strike out the material following subclause (II).

(5) In the proposed section 103, insert before the period at the end of paragraph (12) the following: "or a person who spends more than $100,000 in a 6 month period to influence decisionmaking in the executive and legislative branch.".

(6) In the proposed section 106(c), strike paragraph (2).

(7) In the proposed Rule XXXV of the Standing Rules of the Senate strike out subparagraphs (a) and (c) of paragraph 2 and in clause 4 of Rule XLIII of the Rules of the House of Representatives strike out paragraphs (b) and (d) of clause 4.

(8) In title I redesignate sections 112 through 121 as sections 113 through 122, respectively, and add after section 111 the following:

SEC. 112. LEGISLATIVE SERVICE ORGANIZATIONS.

(a) COVERAGE.—Any entity affiliated with a legislative service organization shall be considered a lobbyist subject to—

(1) the registration, reporting, and disclosure requirements of sections 104 and 105

(2) the prohibition of section 106, and

(3) the amendments to the Standing Rules of the Senate and the Rules of the House of Representatives made by title II.

(b) OTHER REQUIREMENTS.—Each entity affiliated with a legislative service organization shall report to the Office of Lobbying Registration and Public Disclosure—

(1) the names and salaries of its staff,

(2) arrangements made with others to share staff and costs,

(3) relationships with other organizations in connection with lobbying activities, and

(4) any contributions, gifts, or reimbursements received.

(c) REPORTS.—Any person, organization, or foreign government which makes any contribution to any entity affiliated with a legislative service organization during the semiannual period beginning on the first day of January or the first day of July of each year shall report such contribution to the Office of Lobbying Registration and Public Disclosure not later than 30 days after the end of that semiannual period.

(d) SPECIAL FORM.—For purposes of reporting, the Office of Lobbying Registration and Public Disclosure shall issue a form that clearly identifies reportable activity by or to an entity affiliated with a legislative service organization.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(2) The term "legislative service organization" refers to a particular category of working groups or caucuses organized to provide legislative services and assistance to Members of the House of Representatives and certified by the Committee on House Administration.

(3) The term "entity affiliated" means an organization which is described in at least 2 of the following:

(A) An organization which spends at least 10 percent of its funds in any year on—

(i) travel expenses for Members of Congress or congressional staff,

(ii) meals, receptions, or other food and beverage expenses on activities attended by Members of Congress or congressional staff, and

(iii) gifts (other than educational materials) to Members of Congress or congressional staff.

(B) An organization which has a name which is like or similar to the name of an entity of the House of Representatives, including a legislative service organization or congressional member organization, or uses the word "congressional" in its official name or title.

(C) An organization which has a Member of Congress serving on its board of directors or holding another controlling position.

In the proposed section 103(3), strike "and" at the end of subparagraph (F), strike the period at the end of subparagraph (G) and insert "; and", and insert after subparagraph (G) the following:

(H) any other officer or employee not otherwise described in this paragraph serving in a position in the executive branch that is classified at or above GS-14 of the General Schedule.".

At the end of the bill, add:

Any penalty applicable to lobbyists or lobbying firms in this bill shall also apply to Members of Congress.

Mr. GEKAS (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

Mr. BRYANT. Madam Speaker, reserving the right to object, I would like to ask the gentleman from Pennsylvania [Mr. GEKAS] if the motion to recommit is the one that was most recently given to our side.

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

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

Mr. GEKAS. Yes, Madam Speaker, we believe so.

Mr. BRYANT. Madam Speaker, I would ask if we could get a clear identification of which motion it is.

Mr. GEKAS. Madam Speaker, if the gentleman will continue to yield, we are down to two versions, the one that is now being read, or was being read, the one concerning grassroots lobbying, GS-14's and 16's, campaign spending, campaign contributions, and a few others.

Mr. BRYANT. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

POINT OF ORDER

Mr. BRYANT. Madam Speaker, I make a point of order that the motion to recommit offered by the gentleman from Pennsylvania [Mr. GEKAS] is not in order, in that it instructs the conferees to carry out instructions which exceed the scope of the matters committed to conference. Specifically, the motion to recommit contains language which expands the definition of lobbyists and expands the definition of covered executive branch officials.

Both of these expanded definitions exceed the scope of the matters committed to conference. Therefore, Madam Speaker, I insist on the point of order.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. GEKAS] desire to be heard on the point of order?

Mr. GEKAS. Yes, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GEKAS] is recognized on the point of order.

Mr. GEKAS. Madam Speaker, if I am to understand the point of order, it is visited against the section that we have in which we strike out, or that we have a motion to instruct the conferees to eliminate campaign contributions, is that correct? Is that part of the point of order that was made? I could not hear all of it.

Mr. BRYANT. Madam Speaker, I have already stated my point of order.

PARLIAMENTARY INQUIRIES

Mr. GEKAS. I have a Parliamentary inquiry, Madam Speaker. If the gentleman would respond to me, I am asking if in his point of order he itemizes

the campaign contributions as one of the items.

The SPEAKER pro tempore. The Chair will control the debate. Does the gentleman from Pennsylvania [Mr. GEKAS] concede the point of order?

Mr. GEKAS. No, Madam Speaker, I want to speak on it, but I want to make sure that that is what I heard; that in the point of order that he made, as a parliamentary question, I would ask does the point of order that was just entered by the gentleman from Texas [Mr. BRYANT] include a point of order against the campaign financing feature of my motion?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] has made a point of order on several grounds. The Chair will entertain argument on the point of order from each Member on his own time.

□ 1600

Mr. GEKAS. Madam Speaker, as a point of parliamentary inquiry, I simply wanted to have repeated whether or not the point of order that was made included the point on campaign financing. I could not hear the gentleman from Texas.

The SPEAKER pro tempore (Ms. PELOSI). Will the gentleman from Texas repeat his point of order.

Mr. BRYANT. Madam Speaker, I made a point of order that the motion to recommit offered by the gentleman is not in order in that it instructs the conferees to carry out instructions which exceed the scope of the matters that were committed to the conference.

Specifically the motion to recommit contains language which expands the definition of lobbyists and expands the definition of covered executive branch officials. both of these expanded definitions exceed the scope of the matters committed to conference.

Mr. GEKAS. Madam Speaker, I believe that the motion to recommit is in order. The important feature of the motion to recommit has to do with campaign contributions in which we feel that, as we argued in the well of the House, the big gift that we should be banning is campaign contributions by lobbyists, not just sandwiches. The question is, if the point of order is to prevail and the Chair is to rule that my campaign contribution feature is out of order, does that not return it to the status of the current law in which, then, the whole issue becomes one that cannot be a point of order if it is returned to current law? I pose that as a parliamentary inquiry.

The SPEAKER pro tempore. If the Chair rules this motion out of order, the gentleman may offer another motion to recommit.

Mr. GEKAS. Madam Speaker, that is not answering my question. My inquiry is this: If the Chair rules that my motion is out of order in that the striking of campaign contributions is beyond the scope, is not the result of that, and this is the test of whether or not it is out of order, is not the result of that to return campaign contributions to the status in current law, thus making the point of order inoperable?

The SPEAKER pro tempore. The Chair cannot respond to that inquiry. The Chair will address the point of order that has been raised.

Mr. GEKAS. Madam Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Madam Speaker, is the motion in order insofar as it seeks to clarify the ambiguous language that we feel is contained in this legislation on grassroots lobbying?

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order of the gentleman from Texas.

Mr. GEKAS. Madam Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Madam Speaker, I think I know the answer to this, but I must pose it for the record.

Is the motion that I have made divisible in any way?

The SPEAKER pro tempore. The gentleman's motion is not divisible. The gentleman may offer one, proper motion to recommit.

Mr. GEKAS. I understand that. I will yield to the decision of the Chair on this matter.

Mr. ARMEY. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARMEY. Madam Speaker, I see by the rule just passed that allows this bill to be under consideration that in this rule, it says all points of order against conference report and against its consideration are waived except the provisions of clause 2. If in fact the majority is able to bring the bill to the floor by waiving all points of order against the bill, would that waiver not also cover the gentleman's motion to recommit?

The SPEAKER pro tempore. The waiver does not inure to the motion to recommit.

Mr. ARMEY. The waiver only applies to the bill brought to the floor by the majority, not to the motion to recommit offered by the minority?

The SPEAKER pro tempore. To the conference report.

Mr. GEKAS. Madam Speaker, before we receive the final edict of the Chair, am I to understand in the nature of a parliamentary inquiry that the point of order is based partially on our effort in the motion to have the conference reconsider language that would equalize the penalties making Members of Congress equally liable to citizens who violate the grassroots lobbying requirements?

The SPEAKER pro tempore (Ms. PELOSI). The gentleman from Texas has stated the point of order two times for the gentleman.

The Chair is prepared to rule. The gentleman from Texas makes a point of order against the motion to recommit offered by the gentleman from Pennsylvania.

As discussed in section 26.12, chapter 33 of Procedure in the U.S. House of Representatives, a motion to recommit a conference report may not instruct House conferees to include matter beyond the scope of differences committed to conference by either House.

The motion offered by the gentleman from Pennsylvania includes several instructions that violate this principle. For example, the motion instructs conferees to expand the definition of "lobbyist" as defined in both the Senate bill and House amendment to include not only persons who spend a certain period of time engaging in lobbying activities while serving a client but also those who spend more than a certain dollar amount within a fixed period to influence decisionmaking.

Another example is found in the instruction that expands the definition of "covered executive branch official" as defined in both the Senate bill and House amendment to include a position in the executive branch that is classified at or above GS–14 of the General Schedule.

The inclusion of even one of the above-described instructions provides the Chair with an adequate basis to find the entire motion out of order on the grounds the instructions exceed the scope of differences committed to conference. Accordingly, the point of order is sustained.

Mr. GEKAS. Madam Speaker, that is a marvelous conclusion. I thank the Chair.

MOTION TO RECOMMIT OFFERED BY MR. GEKAS

Mr. GEKAS. Madam Speaker, I offer a motion to recommit.

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

The Clerk read as follows:

Mr. GEKAS moves to recommit the conference report on the bill (S.349) to the committee of conference with instructions for the managers on the part of the House to carry out the following:

(1) In the proposed section 103—

(C) strike out subparagraph (B) of paragraph (9).

(2) Strike out paragraph (5) of section 104(b).

(3) Strike out paragraph (6) of section 105(b).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

POINT OF ORDER

Mr. BRYANT. Madam Speaker, I am reserving a point of order against the gentleman's motion.

The SPEAKER pro tempore. The gentleman must state his point of order now.

Mr. BRYANT. Madam Speaker, it is not clear to our side whether or not

this motion includes section 1, subsection (c), or only includes section 2 and 3. The motion that we have been given has portions stricken out by hand and it is not clear to us what is in and what is out.

The SPEAKER pro tempore. Without objection, the Clerk will reread the motion.

There was no objection.

The Clerk reread the motion.

The SPEAKER pro tempore. Does the gentleman from Texas insist on his point of order?

Mr. BRYANT. I do not insist, no.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Madam Speaker, I have a parliamentay inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Madam Speaker, are we to understand now that what lies before the Members of the House is our motion to recommit to the conference with instructions to sort out the language on grassroots lobbying, to strike the requirements for grassroots registration?

The SPEAKER pro tempore. That is the gentleman's interpretation of his motion.

The motion as read is what is before the House.

Mr. GEKAS. I understand.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 215, not voting 18, as follows:

[Roll No. 450]

YEAS—202

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—215

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—18

Applegate
Berman
Clyburn
Fields (LA)
Fish
Gallo
Hayes
Hutto
Lloyd
McCrery
McCurdy
McDade
McNulty
Owens
Slattery
Thompson
Washington
Wheat

□ 1629

Ms. DANNER and Mr. OLVER changed their vote from "yea" to "nay."

Messrs. ORTIZ and SHAYS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. PELOSI). The question is on the conference report.

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

RECORDED VOTE

Mr. GEKAS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 306, noes 112, not voting 17, as follows:

[Roll No. 451]

AYES—306

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Filner
Fingerhut

Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hutchinson
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McHugh
McInnis
McKinney
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—112

Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bateman
Bentley
Bliley
Boehner
Brewster
Brooks
Brown (FL)
Bunning
Burton
Buyer
Callahan
Camp
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cox
Crane
Cunningham
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Fields (TX)
Fowler
Gallegly
Gingrich
Goss
Grams
Grandy
Hall (TX)
Hancock
Hansen
Hastings
Hefley
Herger
Hoekstra
Houghton
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Laughlin
Lewis (CA)
Lewis (FL)
Livingston
Lucas
McCandless
McCollum
McKeon
McMillan
Meek
Mica
Michel
Miller (FL)
Molinari
Moorhead
Moran
Murtha
Myers
Orton
Oxley
Packard
Parker
Paxon
Pombo
Quillen
Ravenel
Roberts
Rohrabacher
Rowland
Royce
Rush
Sarpalius
Schaefer
Shuster
Skeen
Smith (OR)
Spence
Stearns
Stump
Talent
Tanner
Taylor (NC)
Thomas (CA)
Traficant
Vucanovich
Walker
Whitten
Wilson
Young (AK)

NOT VOTING—17

Applegate
Clyburn
Fields (LA)
Fish
Gallo
Hayes
Hutto
Lloyd
McCrery
McCurdy
McDade
McNulty
Owens
Slattery
Thompson
Washington
Wheat

□ 1651

Mr. HALL of Texas and Mr. LAUGHLIN changed their vote from "aye" to "no."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRYANT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

FLOW CONTROL ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 552 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 552

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 552 is an open rule providing for consideration of H.R. 4683, the Flow Control Act of 1994. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Energy and Commerce Committee.

Mr. Speaker, House Resolution 552 is a totally open rule providing that any germane amendment may be offered to the bill when it is considered for amendment. The rule provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule, and the substitute shall be considered as read.

The rule further provides that, at the conclusion of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole.

Finally, the rule provides that the previous question shall be ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4683 provides the specific congressional authorization needed to assure States and localities of their ability to control the flow of municipal solid waste and recyclable materials within their boundaries. States rely upon the assurance of an adequate waste stream to repay the bond obligations incurred to finance new or expanded waste management facilities.

A recent Supreme Court decision has raised some question about the ability

of States and localities to exercise their flow control authorities. Specifically, the Court struck down a New York State control ordinance on the grounds that it interfered with interstate commerce. It is clear that, without some congressional directive, many State and local governments which now depend upon flow control to repay their indebtedness will face significant uncertainties.

H.R. 4683 addresses the problem raised by the Carbone decision, and provides the tools necessary for the States and localities to carry out their responsibilities. I urge my colleagues to support this open and fair rule.

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

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

Mr. Speaker, I thank the distinguished chairman of the Rules Committee, Mr. MOAKLEY, and I join him in supporting this open rule.

We witnessed a rare occasion, perhaps even a first, when the Energy and Commerce Committee appeared before the Rules Committee earlier this week and requested an open rule for two bills under its jurisdiction. I applaud the committee for a job well done, and I ask unanimous consent to insert extraneous materials into the RECORD following my statement.

Mr. Speaker, H.R. 4683 is commonly known as the flow control bill. Flow control refers to State and local laws that confer power on local governments to manage municipal solid waste disposal. This bill complements the interstate waste bill we considered earlier. It addresses a Supreme Court ruling by clarifying the rights of State and local governments to exercise their flow control authority.

I understand that some Members have very strong opposing views on many provisions of this legislation, and this open rule allows all members the opportunity to offer amendments which address their particular concerns.

I urge adoption of this rule so we can proceed with the business at hand.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	99	31	31	68	69

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 28, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1700

The SPEAKER pro tempore (Mr. SKAGGS). Pursuant to House Resolution 552 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4683.

□ 1700

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes, with Mrs. UNSOELD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

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

Mr. SWIFT. Madam Chairman, I rise in support of H.R. 4683, the Flow Control Act of 1994, which was ordered reported by the Committee on Energy and Commerce by a voice vote with bipartisan support. We have been working for months to bring this important legislation to the floor, and I commend the Members both on and off the committee who have worked so hard on this legislation.

Madam Chairman, flow control authority is that authority of a local government that allows it to direct that all municipal solid waste generated within its borders be delivered to one or more specified waste management facilities. It is often utilized to provide assurances that an adequate waste stream to guarantee revenue to pay bonds issued to finance municipal solid waste management facilities is available.

Since RCRA became law in 1976, many States have adopted comprehensive waste management plans. The nature of these plans and the increasing complexity and costliness of waste management facilities have had significant effects at the local level, where responsibility for municipal solid waste management has traditionally rested.

Further, Madam Chairman, because the Federal Government does not share the cost of waste management programs at the local or State level, States and local governments have adopted various means, including flow control, to finance MSW management services and facilities. For example, when a local government builds waste management facilities, it will often use flow control to provide insurance that an adequate waste stream is there to guarantee revenue to repay bonds issued to finance municipal solid waste management facilities or systems.

Madam Chairman, we hear a great deal of debate on this floor regarding unfunded mandates. This is a similar situation. By failing to pass this bill, and thus failing to restore local governments' authority to use flow control to manage their municipal solid waste, we will be leaving local governments with the responsibility to manage their wastes, but we at the Federal level will have denied them a critical tool that they need to do it. It is nothing less than an unfunded mandate in reverse.

According to the EPA, 35 State laws authorizing their political subdivisions to use flow control exist today. Eight other States have indirectly authorized the use of flow control. In these States, billions, billions of dollars have been invested in municipal solid waste management facilities or integrated systems.

The ability of State and local governments to repay this debt, these billions of dollars, is predicated on the ability of them to control the flow of the waste stream. Local governments argue that without flow control, they will be unable to build new facilities to meet the stricter environmental requirements, and they may default on bonds issued for existing and proposed facilities.

Madam Chairman, in 1994, May 16 of this year, the Supreme Court struck

down Clarkston, NY's flow control ordinance on the grounds that it discriminated against interstate commerce, and thereby precipitated this entire nationwide crisis. As a result of that, many State and local governments that relied on flow control now face significant financial uncertainties.

The issues in the flow control debate are complex and controversial, and affect many different parties. I believe that because local governments are traditionally given the responsibility for municipal solid waste management, we should be at the Federal level very careful how we restrict the tools they have to carry out those responsibilities.

Unless the Federal Government wants to take over the responsibility for dealing with and handling solid waste, unless it wants to do that, then it seems that it must do what it can to ensure that local government has access to the tools to carry out that responsibility.

During preparation of this legislation for the subcommittee's consideration, a great deal of time and effort was spent by both parties on both sides of this debate in an effort to narrow the differences. I have to commend everybody involved, Madam Chairman, because those differences were narrowed to a very significant degree.

However, it became apparent that there are two principal approaches to addressing the concerns raised by the Clarkston case. In our committee we considered each of these approaches as two separate amendments to the base text. No other amendments were offered. The full committee adopted the one offered by the gentleman from New Jersey [Mr. PALLONE], and his amendment is now embodied in the bill we bring before the Members today.

Madam Chairman, it is critical, and I think most of us agree, that we do something to protect the roughly $14 billion in outstanding municipal bonds that are now at risk because of the court's decision. Whether or not to give local governments more flexibility than they have since the Supreme Court decision is the primary issue of our debate today.

Madam Chairman, this is a philosophical and jurisdictional dispute between those who would believe that local governments need to have recourse to the tools to carry out the solid waste management requirements that have traditionally been their responsibility and, on the other hand, those who really wish to radically change that traditional model and let the marketplace handle it, with all of the resulting uncertainties.

Today, Madam Chairman, we are presented with this choice: One, there will be an amendment offered providing limited protection for local governments from the Supreme Court decision, with a return in the relatively near future to the current situation, with flow control not being available as a viable waste management policy; or, sticking with the basic text, which preserves the bill reported by the committee, it provides that local governments have the flexibility to manage their solid waste into the future, but with limits placed on their ability to use flow control as a management tool.

In neither case, Madam Chairman, would recyclable materials be subject to flow control, unless the recyclables are voluntarily surrendered by the generator or owner.

I support the committee-reported bill. I believe it is a better approach to solving the flow control dilemma. I also note that the proponents of both proposals have made significant changes in their proposals in order to make them more reasonable, and I commend them for their efforts. It is unfortunate that we were unable to come any closer to agreement.

Madam Chairman, I believe this is the optimal way to proceed, because it will give both sides the opportunity to have a free-flowing open debate on both approaches simultaneously. Again, this is exactly what happened to the committee. I have been working with both sides to try to set up that scenario.

Madam Chairman, I urge my colleagues to listen to that debate. I think it can be very informative.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, for more than two decades local governments exercised flow control authority primarily to finance municipal solid waste incinerators. However, in recent years flow control has been used as a tool to address solid waste management problems. Facilities subject to flow control now include not just incinerators but landfills, materials recovery facilities, transfer stations, and composting facilities.

When Congress adopted the Resource Conservation Recovery Act, it recognized that municipal solid waste creates problems for local governments. Nonetheless, Congress believed that collection and disposal of garbage should remain the responsibility of State and local governments. To carry out that responsibility, many States have allowed local governments to use flow control authority to achieve the goal of reducing reliance on landfills and minimizing limited landfill disposal facilities.

In Ohio, solid waste districts have had flow control authority since 1988. In fact, until last year State law required localities to use flow control. As a result, many solid waste districts made large financial investments in recycling programs, waste material processing centers, composting facilities, and hazardous waste collection programs.

Ohio has found flow control to be an effective mechanism for protecting human health and the environment, for developing waste management capacity, and for encouraging waste reduction and recycling. In fact, my constituents believe flow control is an essential tool for local government to perform integrated waste management.

Last May the Supreme Court ruled that the flow control laws which has worked so effectively for my constituents in Ohio are unconstitutional in the absence of clear congressional authorization.

□ 1710

This legislation is clear congressional authorization. The decision has forced Congress to reexamine local governments' responsibility for solid waste management and more importantly what authority local governments need to carry out that responsibility. Reasonable arguments have been made by those who support authorizing the use of flow control and by those who oppose it. Because the Carbone decision has resulted in many State and local governments facing financial uncertainty, there is general agreement that at a minimum Congress should act to protect the financial viability of existing solid waste management facilities.

In addition, I believe that communities who have relied on flow control to safely manage municipal solid waste need certainty. Ever increasing volumes of waste combined with ever increasing Federal environmental legislation has made it more difficult for localities to plan for and pay for disposal of municipal solid waste. Flow control ordinances have been a key component of many solid waste management and financing plans. To help local governments face the challenge of safely disposing of waste and avoid disruptions in their integrated waste management plans. I urge my colleagues to support H.R. 4683 without amendment. This bill is not perfect but it certainly represents a compromise between local government and the private sector. It will provide the necessary protection without adverse effects on small businesses and consumers or for the environment.

Madam Chairman, at this time I say to the gentleman from Washington [Mr. SWIFT], the chairman of the subcommittee, it has been a pleasure in working with him in crafting this compromise legislation. All of us know the difficulty of dealing with this issue and the number of components that it undertook and all of the various groups that were interested in this legislation. Having been through all of that and worked our way through the legislative

process, not unlike what we accomplished just yesterday with the interstate waste bill, this I think is an example of how our committee can work effectively for the benefit of the environment and for our constituents and I am proud to have been part of that particular facility.

Madam Chairman, I yield to the gentlewoman from Maine [Ms. SNOWE] for the purpose of a colloquy with the chairman of the subcommittee.

Ms. SNOWE. Madam Chairman, I thank the gentleman for yielding.

I would like to engage the gentleman from Washington, the chairman of the subcommittee, in a colloquy.

Mr. SWIFT. Madam Chairman, if the gentleman will yield, I am happy to join the gentlewoman in a colloquy.

Ms. SNOWE. Madam Chairman, the bill before us today is designed in part to allow the qualified political subdivisions that have already adopted flow control ordinances to continue to exercise flow control authority over municipal solid waste generated within their jurisdictions. In many cases, these municipalities must retain flow control authority in order to meet their financial and contractual obligations with designated disposal facilities.

Some municipalities find themselves in related but somewhat unique circumstances, however. They signed long-term contracts with waste disposal facilities which require them to either deliver a minimum quantity of waste to a designed disposal facility, or to pay for that minimum quantity of solid waste even if the minimum quantity is not delivered. In Maine, 160 municipalities have signed these so-called put-or-pay contracts with one particular disposal facility. They signed these contracts prior to 1994 with the understanding that they would be able to enact flow control ordnances if necessary to meet their obligations under the contracts. Unfortunately, many of these towns had not formally enacted flow control ordinances at the time of the Carbone decision, and as a result of that decision, they now face the prospect of having to meet expensive contractual obligations without having the regulatory authority to guarantee delivery of the required amount of waste.

Was the intent of the committee, in writing and reporting H.R. 4683, to preserve flow control authority for qualified political subdivisions whose previous commitments and investments on solid waste were predicated on a need for flow control authority?

Mr. SWIFT. Yes, among other things, the Committee's purpose in reporting the legislation was to allow qualified political subdivisions that had entered legally binding agreements such as put-or-pay contracts to exercise flow control authority after May 15, 1994.

Ms. SNOWE. Madam Chairman, let me state further that the language of H.R. 4683, particularly subsection (a)(2), would appear to preserve flow control authority over municipal solid waste for qualified political subdivisions that have signed put-or-pay contracts, and begun delivering waste to a designed facility, but that have not yet enacted a flow control ordinance.

Is it your understanding that the committee, in writing and reporting H.R. 4683, intended to preserve the ability of qualified political subdivisions that signed put-or-pay contracts prior to May 15, 1994, and that have begun delivering waste to facilities designated in the contracts, to exercise flow control authority over municipal solid waste generated within their borders, even if those municipalities had not formally enacted flow control ordinances before that date?

Mr. SWIFT. Yes, the committee intends to preserve flow control authority over municipal solid waste for qualified political subdivisions that had signed put-or-pay contracts or other legally binding agreements. The fact that a flow control ordinance had not been enacted by May 14, 1994, does not disqualify municipalities from the protections provided by subsection (a)(2), as long as the municipality had signed the put-or-pay contract with a designed disposal facility and had begun delivering waste before that date.

We recognize that these qualified political subdivisions signed the contracts under the assumption that they had the authority to direct their waste pursuant to the contract, and that their decision to sign such contracts might have been very different had they known that flow control authority would not be available to them. It would be unfair to change the rules for these cities and towns now after they have already signed expensive contracts for which their citizens are liable. We believe that H.R. 4683 as written, particularly subsection (a)(2), addresses this problem and allows municipalities in this situation to exercise flow control authority in the future for municipal solid waste generated within their boundaries.

Ms. SNOWE. Madam Chairman, I thank the gentleman, chairman of the subcommittee, for his clarifying this very important point of this legislation to communities in Maine and other communities across this country.

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

Mr. SWIFT. Madam Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON], who is author of the primary amendment. I want to commend the gentleman for how he has worked with the committee. This has been a difficult situation and everybody connected with it has behaved in an extraordinarily civil and useful way which has made the legislative process work the way it is supposed to.

Mr. RICHARDSON. Madam Chairman, let me say I must return the compliment to the gentleman from Washington [Mr. SWIFT] and the gentleman from Ohio [Mr. OXLEY]. They truly worked in a spirit of trying to work this issue out. Regrettably, we were not able to.

Madam Chairman, I rise today in opposition to H.R. 4683, the Flow Control Act of 1994.

At the appropriate point, I plan to introduce an amendment offered by myself, Mr. FIELDS of Texas, and the more than 20 bipartisan cosponsors of the bill, H.R. 4643, upon which it is based.

I will offer this amendment out of concern that the bill approved by the Committee on Energy and Commerce and sent to the floor today goes much further than necessary to correct problems that might result from the recent Supreme Court flow control decision. The Court held that local flow control laws violate the commerce clause of the Constitution.

This decision has caused a panic in local governments across the country. Local solid waste management officials are worried that their previously existing waste agreements are now invalid.

While I feel that these concerns have merit, I believe that we are going too far in alleviating the problem. As currently drafted, H.R. 4683 is equivalent of trying to save a drowning man in the shallow end of the pool by jumping into the deep end without a life preserver.

Yes, we need to provide relief to those municipalities dependent on flow control for their waste disposal.

No, we do not need to go beyond simple "grandfather" authority to grant broad new powers in the future.

The bipartisan amendment I plan to introduce will grandfather existing flow control arrangements to protect those facilities financially dependent on flow control, and allow local governments which have shown significant movement toward designation to continue flow controlling waste for a limited time.

For those Members who have followed this issue, it should be no surprise that organizations such as the National Federation of Independent Businesses, the National Association of Manufacturers, the Sierra Club, the National Taxpayers Union, the U.S. Chamber of Commerce, and the Environmental Industries Association oppose flow control entirely.

But, for most Members this may come as a shock. We have heard that the language in the committee-passed bill is supported by everyone and that there is no controversy about its passage. That assertion is simply not true.

In fact, the bill my amendment is based on was originally conceived as a compromise position between the organizations solidly opposed to flow control and those in favor of broad flow control authority.

Our true compromise amendment really reflects the halfway point between the two very contentious sides of this debate.

Unfortunately, flow control has been an incredibly complicated issue that has not caught the attention of our constituents and therefore has not been at the forefront of our attention.

However, I can assure my colleagues that H.R. 4683 is a bill in trouble. As we head for the home stretch of the legislative session, I do not think that we should blindly go forward on legislation that is the source of as much controversy as this legislation.

From the Sierra Club, NY Public Interest Research Group, and Clean Water Action we have heard that flow control impedes recycling efforts and promotes the spread of dioxin-spewing incinerators throughout the country. On environmental grounds alone we should oppose the current language.

From the National Taxpayers Union, the Competitive Enterprise Institute, and Citizens for a Sound Economy we have heard that "flow control would establish protected government monopolies that have no incentive to increase the quality of their services. Waste management prices would be set by political forces, without regard for market pressures. There is little doubt that under this scenario, consumers of waste management services would pay more."

From the National Federation of Independent Businesses and the National Association of Manufacturers we have heard that flow control hurts small business because the monopolization of the marketplace under flow control deprives small businesses from securing the most inexpensive or most environmentally preferable method of waste disposal.

From Browning Ferris Industries, Laidlaw Inc., Chambers Development Corp., Union Pacific and Southern Pacific Corp., we have heard that flow control would impose Superfund liability on waste generators by stripping them of the ability to send waste to the protective facility of their choice or the most environmentally appropriate location.

Madam Chairman, the Richardson-Fields amendment addresses all of these areas by providing careful, rational, responsible relief to those facilities that truly need it.

I do not believe it makes sense for Congress to consider any more far-reaching policy than that without the benefit of a thorough debate on the Resource Conservation Recovery Act which will not happen until next year at the earliest.

As the second session of the 103d Congress comes to a close, now is not the time to act hastily on emotional appeals which will result in higher prices for waste management services and higher taxes for our constituents.

Now is the time to solve the problems of the Nation quickly and efficiently and go home.

I urge my colleagues to join me in supporting the Richardson-Fields amendment and opposing the overreaching and monopolistic provisions of the current bill.

□ 1720

Again, Madam Chairman, let me say that Chairman SWIFT, the committee, and the gentleman from Ohio [Mr. OXLEY], have made an honest effort to work with us. We came close, but regrettably not close enough so that there will be unanimity on the bill. So the choice will be on an approach that we think is market oriented and we think is environmentally sound, the approach which Chairman SWIFT and the gentleman from Ohio [Mr. OXLEY], have, which is an honest effort, but we do not think it goes far enough.

Mr. OXLEY. Madam Chairman, I yield 4 minutes to the gentleman from California [Mr. MOORHEAD], the ranking member of the full committee.

Mr. MOORHEAD. Madam Chairman, I thank the gentleman for yielding me the time.

I rise in support of H.R. 4683, the Flow Control Act of 1994. Disposal of waste has become a major problem in the United States.

We need limited and responsible flow control legislation this Congress. Flow control is the ability of local governments to direct the flow of municipal waste in a given jurisdiction to a specific facility. This authority allows for more stable financial planning for municipal facilities. However, such authority can also restrict free market competition for waste management services. That is why I believe flow control legislation should be focused on the immediate problem.

The recent Supreme Court decision in Carbone versus Clarkstown has placed a number of communities which rely on flow control in a difficult situation. Accordingly, I support enactment of some flow control legislation this Congress to help communities that relied on flow control when planning for existing facilities.

Two competing compromise bills were presented on this issue in the Energy and Commerce Committee: H.R. 4683 and the Richardson-Fields substitute. The Richardson-Fields approach is more consistent with my belief that free market competition will, on balance, provide the most economical and efficient national policy. Accordingly, I plan to vote for the Richardson-Fields amendment.

However, I believe both H.R. 4683 and the Richardson-Fields substitute are responsible compromises. I plan to support either on final passage.

Mr. SWIFT. Madam Chairman, I am happy to yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE], who has also been invaluable in helping to develop the compromise that resulted in this bill.

Mr. PALLONE. Madam Chairman, I also want to thank the gentleman from Washington [Mr. SWIFT] and the gentleman from Ohio [Mr. OXLEY] for all of their work on this legislation.

Madam Chairman, the Committee-passed legislation provides equity to local communities where there has been reliance and tax dollars expended. For more than two decades local governments financed waste disposal facilities and environmental projects, such as composting and recycling plants and waste reduction programs under flow control laws and ordinances.

The Committee-passed legislation does not endorse incineration or any particular type of waste management. Rather, the committee bill is narrowly drawn to protect the investment of public funds while assuring that competition is preserved in the free market should a local community decide to exercise other options for its waste management.

On May 15, the Supreme Court barred such flow control without an express affirmation from the Congress. It is critical for the Congress to act before this session ends to help these communities who have relied on flow control to finance disposal facilities.

The Energy and Commerce Committee bill strikes an appropriate balance between public and private sector concerns and has the broadest political support of any proposal. Here are four reasons why this bill should be enacted:

It strikes a fair balance: It protects only those communities that have already relied on flow control or have made significant recent financial commitments in the process of implementing flow control. It also bars flow control over commercial waste in the future.

It preserves competition and is pro-small business: No new flow control is permitted without meeting strict competitive standards spelled out in the legislation. Many small businesses support our proposal because it levels the playing field.

It is pro-environment and pro-recycling: Without the revenue bond financing available because of flow control, recycling and composting facilities will not be built by communities without tax increases or reliance on general revenue bonds. Also, our proposal permits flow control over recyclable materials only if they are voluntarily relinquished.

It is pro-consumer: Despite statements by some flow control opponents, waste disposal costs in flow controlled systems are not higher than in non-flow-controlled ones and, in many instances, are significantly lower.

It is pro-labor: The American Federation of State, County and Municipal

Employees recognizes the value of flow control as an important tool for waste management, and they, with dozens of other local government organizations, have endorsed the bill.

Madam Chairman, what we are talking about today is simply an issue of equity: equity for the hundreds of counties and municipalities that have already built recycling facilities, landfills or waste-to-energy facilities using flow control, and equity for the many communities that have expended significant amounts of public dollars to build integrated waste management systems. Without this legislation, Congress will be turning its back on both of these groups of local governments, the result of which will be potential default on billions of dollars of bonds which are supporting these systems.

Mr. OXLEY. Madam Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. MCMILLAN], a member of the committee.

Mr. MCMILLAN. Madam Chairman, I rise in support of the Pallone-McMillan-Lambert compromise, which is the true compromise of this committee which passed overwhelmingly. Flow control, I recognize, is not easy for anyone to understand. But if you live in a community in this country that has a coordinated waste management plan, then you know exactly what we are talking about, and many of them are in very difficult straits because of a court ruling that reversed the orderly development of flow control in this country.

Increased knowledge of the environment has given us a greater understanding of the consequences of waste disposal. Because of the importance of protecting the natural resources, Congress passed environmental laws designed to protect groundwater supplies and other natural elements. The Solid Waste Disposal Act, commonly known as RCRA, was passed to insure safe disposal of solid waste.

One of the side effects of the passage of RCRA was the reduction in the number of landfills and an increase in the cost of waste disposal facility construction and permitting. Furthermore, RCRA increased awareness of solid waste issues in State legislatures. This awareness, in conjunction with other reasons, led many legislatures to pass State waste management laws and recycling requirements to reduce flow. It is these State laws which contain the flow control provisions that have stimulated the legal battle and congressional concern.

Municipal solid waste residential flow control is a necessary tool for communities to insure the proper handling of solid waste. Municipalities have historically been held responsible for proper and effective residential waste disposal in order to protect health, aesthetics and safety in the community.

Flow control authority was established for communities by States to insure several things. State legislatures wanted to insure proper waste management practices were being performed, including waste reduction, recycling, composting, waste to energy—incineration—and landfilling. This coordinated waste management structure was and is seen throughout States and local government as an effective and environmentally friendly way to manage waste.

Opponents of flow control will argue that flow control may result in high waste disposal fees. There is a simple and good explanation for this. Along with flow control ordinances, a community generally enacts a coordinated waste management plan which is environmentally preferable to the option of simple landfilling. It is the environmentally friendly waste management plan that gives the impression of higher costs associated with flow control. Flow control enables the municipality to get the best deal for its taxpayers and absorb environmental costs.

Opponents of flow control would have you believe that flow control authority is anticompetitive. This is not the case. In fact, many communities which exercise flow control authority do so through private companies which have competitively bid for selection. Furthermore, this legislation requires competitive bidding be a part of the process in the implementation of any flow control authority which is not now required. Therefore, it will engender more, not less, competition.

The fundamental responsibility of waste disposal lies within the local community and on their elected officials. These officials must decide what waste disposal methods are in the long-term interest of the community. Officials must be able to insure safe disposal as well as waste reduction options which can be viable for the long-term. Flow control must be one tool which can be utilized to achieve health and environmental goals consistent with a community's needs.

I urge my colleagues to support this legislation.

□ 1730

Madam Chairman, this is a must bill for communities that are trying to do a comprehensive, environmentally effective job. I urge my colleagues to pass this bill as turned out by the committee.

Mr. SWIFT. Madam Chairman, I yield 2½ minutes to the gentlewoman from Arkansas [Ms. LAMBERT].

Ms. LAMBERT. Madam Chairman, today I rise in strong support of H.R. 4683, a bill to assist local communities in managing the disposal of their solid waste.

Many may ask, what is flow control? Many of us have learned from our local communities, flow control is an important tool locals use to manage the disposal of the huge amount of trash that we produce daily. Flow control grants communities the authority to direct that waste generated within waste management districts be disposed in the district.

Unfortunately this tool has been taken away by the Supreme Court in the Carbone decision that came down in mid-May. This decision held that communities who implement flow control violate the interstate commerce clause of the Constitution because flow control impedes the flow of interstate commerce. Along the lines of Philadelphia versus New Jersey, which was the original case that determined that solid waste was a commercial commodity, flow control was struck down as unconstitutional.

Since the Carbone decision, communities have not known where to turn. Many communities invested large sums of money in new disposal facilities to meet requirements which need the waste stream to generate the revenue to pay off their debt. However, without flow control, these communities will not be able to do this.

Mr. SWIFT, Mr. PALLONE, Mr. MCMILLAN, Mr. MINGE, and I have been working with the local communities and they in turn have forged a compromise with waste management, Ogden, the recycling industry and the public financing authorities to address flow control after the Carbone decision. I believe it is a good compromise, good policy and the only approach with such a broad base of support.

H.R. 4683 reflects this agreement. It grandfathers current facilities and the amount of waste they currently flow control. In addition, it grandfathers management plans for waste disposal. The Richardson/Fields approach would only grandfather current facilities until the end of their lives. However, this limited fix would not help communities that have instituted integrated management plans for the disposal of solid waste. Many communities have in place various methods of waste disposal, including recycling, composting, landfilling and incineration. My concern with Mr. RICHARDSON's simple grandfather is that if one of the disposal components within the entire waste disposal system, such as the composting facility, becomes either obsolete or worn out, communities will be unable to flow control to the new facility which would treat the same amount as the old facility thus breaking down the whole integrated waste management plan.

Mr. RICHARDSON's proposal also would not grandfather those communities that have invested large financial and personal resources and are in the process of implementing flow control. For example, in my district, one of the waste management districts decided to implement flow control in

January of this year. From January through to the Supreme Court decision in May, they passed a regulation and followed up with ordinances from each major city and county. However, they were unable to secure all of the ordinances before May 16, the date of the Supreme Court decision declaring these type of arrangements unconstitutional. Now this community has secured financing to purchase a landfill through the issuance of a revenue bond and devoted much time and money—however, they would receive no relief and be out of luck under the Richardson amendment. H.R. 4683 would cover this type of situation and grandfather communities who have devoted significant financial and technical resources to the development of their flow control activities.

In addition, the simple grandfather offered by Mr. RICHARDSON and Mr. FIELDS would not cover the expansion of existing facilities that need more space. H.R. 4683 would.

Local communities, in many cases, have taken the initiative to finance innovative methods to handle trash. They have installed recycling facilities, composting facilities, household hazardous waste pickup and disposal facilities in addition to the more traditional method of landfilling and incineration. These communities should have the ability to continue their work.

Local communities have always had the ultimate responsibility of disposing our trash. We don't appreciate the hard work they do or the headaches they endure to make sure that every Monday morning the trash is removed. All we do, in many areas, is put our trash bins out on the curb, and we expect that the waste is removed and disposed of in an environmentally sound way.

These local communities should have the tools available to them to control the movement of the waste so that when they plan in the future, in an environmentally responsive way, both for disposal techniques and future capacity, that they have some certainty that they can carry out their plans.

H.R. 4683 would not include the prospective flow control of commercial waste, but it would include the prospective flow control of residential waste under 2 very important stipulations: As long as there is a competitive bid process and as long as there is the presorting of recyclables before the disposal of the waste.

This is a good bill and good policy, and I urge you to vote "yes" on H.R. 4683 and "no" on the Richardson amendment.

Mr. OXLEY. Madam Chairman, I yield 2 minutes to the gentleman from upstate New York [Mr. WALSH].

Mr. WALSH. I thank my friend for yielding this time to me and also for his leadership, along with that of Mr. SWIFT, Mr. PALLONE, and Ms. LAMBERT, on this bill. I rise in strong support of committee bill H.R. 4683.

I would also like to identify myself with the comments of the gentleman from Washington [Mr. SWIFT] and the gentleman from Ohio [Mr. OXLEY] on this bill.

Flow control is smart; unfortunately, the Supreme Court did not agree with that. But they did leave us the opportunity to intervene statutorily, and this is our chance.

We have a good bill before us. I urge my colleagues to support the committee bill and oppose the Richardson-Fields amendment. Flow control is pro-environment. It allows a municipality to charge a higher fee so that it can do the recycling and the other aspects of waste removal which are required. Is it not better that every community in America handle its trash locally than to send it all over the country by truck or train or by whatever transportation vehicle there is? It is better to take care of it locally. It is better than a landfill. There are toxics, certainly, that are emitted from the smoke stack but the technology has improved dramatically. It is far safer in the long term than the time bomb of a landfill which will allow toxic wastes to go into our water supply and pollute the land and the air. It is also wasteful to ship.

I would like to read just a portion of a letter I received from our county legislature:

> Our Onondaga County solid waste system includes several components, including recycling, yard waste composting, household hazardous waste collection, waste-to-energy production and finally landfilling. Our recycling program has received national recognition and awards for recycling approximately one-third of our waste stream. Our community has borrowed more than $175 million for the construction of a waste-to-energy facility that will greatly reduce the volume of waste. Additionally, our community will also benefit from the sale to Niagara Mohawk Power Corporation of electricity produced at the Rock Cut Road Waste-to-Energy Facility.

Madam Chairman and my colleagues, this legislation is good legislation. It will help all of our communities to deal with their own problems rather then send their waste around the country somewhere else.

Mr. SWIFT. Madam Chairman, I am happy to yield 2 minutes to the gentleman from Washington [Mr. KREIDLER], a member of the committee.

Mr. KREIDLER. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, some say that this bill is bad for the environment—that it will hurt recycling and encourage incineration.

I am now and always have been a strong supporter of recycling. I am from a State that strongly supports recycling.

That is why I am also a supporter of this bill.

It will help local communities develop stable and comprehensive recycling programs.

It will give recycling companies like Weyerhaeuser the certainty they need to make investments in recycling technologies.

If this bill would harm recycling efforts, why is it supported by those who make a living by recycling, including the Institute of Scrap Recycling, Weyerhaeuser, and the American Forest and Paper Association?

If this bill would encourage incineration, why is it opposed by large waste management companies, many of whom construct, own, and operate incinerators?

I urge my colleagues to recognize this argument for what it is—a red herring—and to support the bill.

□ 1740

Mr. OXLEY. Madam chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH] who has been an active participant on this issue since its inception, and I salute his leadershop on this important issue.

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman from Ohio [Mr. OXLEY] for those kind words, and I thank he and the distinguished chairman, the gentleman from Washington [Mr. SWIFT], for this good work on this. Although I am not a member of the subcommittee, the chairman and the ranking member have been very, very kind in extending their hand to me to be a part of the process, and I am very grateful for that and say, "Thank you, Chairman SWIFT."

Madam Chairman, I rise today in very strong support of H.R. 4683, the Waste Flow Control Act, a bill to help remedy the solid waste management crisis created by the Supreme Court's May 16 decision in Carbone versus Clarkstown, New York. In the Carbone case, Madam Chairman, the High Court seemingly pulled the plug on each and every flow control ordinance in the land. Flow control, the ability of governments to direct the garbage to its ultimate disposal, was, as the court said, not authorized by Congress and thus ruled that such an ordinance was an excessive burden on interstate commerce. The court, however, invited Congress to take action and to authorize flow control as a means of garbage management and as a means to finance long-term, environmentally sound, integrated waste management programs.

Madam Chairman, H.R. 4683 answers the Court's invitation and grandfathers those laws, and ordinances, and solid waste management plans adopted prior to May 15 so that local governments can continue to regulate the transportation management or disposal of their trash. The bill, which is a produce of hours, weeks, of labor, of negotiations

and a bipartisan consensus building protects the investments of time, money, energy and resources made by State and local governments in order to procure safe, clean, and financially efficient garbage disposal. Additionally the bill provides for a strong free market and public involvement through a new competitive bidding and designation process.

Madam Chairman, flow control is the linchpin of waste management self-sufficiency for my State of New Jersey and for many, many other States. Flow control enables communities to determine their waste tonnage, their cost projections, their financing needs, and their disposal methods and capacities. To date New Jersey communities have assumed a $1.6 billion debt in bond obligations in order to move forward with high tech recycling, waste to energy and composting facilities. If we do not protect waste flow control authority, this debt and the $10 billion debt incurred through projects around the country will be shifted to the taxpayer while future technologically sophisticated projects are likely to be scapped.

Madam Chairman, over the past several months I have worked very hard with a dedicated group of people representing diverse interests to develop a consensus approach to flow control policies and protecting taxpayers. This coalition, with more than 300 members, includes recycling groups, the Public Securities Association, State and local governments such as the National Association of Counties, the League of Cities, the Conference of Mayors and many others all working together in a cooperative way to find solutions.

This agreement did not come easy. I would like to especially point out that in my own State Mercer County Executive Bob Prunetti did an outstanding job in leading the county executives around the country and in making sure that this job was done, and I also would like to single out David Brooman who drafted major portions of this bill, and he is the unsung hero in this long journey to waste flow control enactment.

Mr. SWIFT. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Madam Chairman, I thank and commend the distinguished chairman, the gentleman from Washington [Mr. SWIFT], and my colleague, the gentleman from New Jersey [Mr. PALLONE], for their leadership in this legislation.

New Jersey has the most developed system of planning and regional self-sufficiency in the Nation. This hard won achievement was in response to the victimization of the people of the state by racketeers. Hiding behind the facade of private sector businesses, these mobsters monopolized the private handling of waste hauling, engaged in the illegal dumping and mixing of toxic waste with municipal trash. I will, under leave to include extraneous matter, include a related Wall Street article in my statement.

In the Carbone decision, the Supreme Court struck down the authority of state and local government to direct the flow of interstate waste. Under this decision, waste haulers cannot be directed by States or localities to specific facilities for waste disposal. The Carbone case was largely paid for by organized crime.

New Jersey has paid approximately $1.6 billion for waste disposal self sufficiency. This money has funded transfer stations, resource recovery facilities, recycling and incineration centers. Without flow control, these facilities will be unable to meet bonding obligations. Failing to pass flow control legislation will require local taxpayers to pay huge tax increases to pay off defaulted bonds. This legislation prevents needless increase in local taxes.

Flow control is not a question of free markets. Let me quote the New Jersey attorney general in her brief before the U.S. Court of Appeals.

> The purpose of New Jersey's system was to take control of an industry facing capacity and corruption crises in the 1970's and '80s and to insure that every piece of solid waste in this State had an environmentally sound destination [and was properly handled] at a just and reasonable rate. Essentially we note that New Jersey has tried the free market in the solid waste industry and it has failed. The free market in this state resulted in the disposal crises and in industry-wide indictments for anticompetitive conduct.

In August, the New Jersey attorney general indicted the individuals who were major contributors to the Carbone case. In a 31 count indictment including fraud, racketeering and theft, the conspirators were accused of having "masterminded a sophisticated, multimillion dollar shell game.—through sham recycling and other unregulated companies.—they have maintained their place in the solid waste industry" after having been fined $4 million and banned from that industry in the 1980's.

Waste disposal is a $26 billion industry. Do not give a huge subsidy to organized crime. Support the flow control legislation.

FIGHTING CITY HALL: IN A TUSSLE OVER TRASH, 2 HAULERS COULD WIN RULING COSTLY TO TOWNS

(By Jeff Bailey)

HILLSDALE, NJ.—Municipal sanitation chiefs across the country face a frightening prospect: a Supreme Court decision expected soon that could strip away their control over trash, threatening billions of dollars of public investment in dumps and incinerators. The legal challenge doesn't come from a national waste-control company but from two local garbage haulers who are hoping for sweet revenge.

For 15 years, state and local officials have tried to run Salvatore and Carmine Franco out of the garbage business in part because, they allege, the Francos have Mafia ties. New Jersey wants to bar the two brothers' grown children, too. And authorities in the state are preparing a sweeping criminal case, hoping to seize much of the family's wealth and send the elder Franco to jail.

The Supreme Court case runs along a separate legal path and can't stop the anticipated indictments, but it does give the Francos a chance to get even. It also underscores the increasingly rancorous battles between municipalities and haulers for control of the $25 billion-a-year trash industry. At stake are many municipal budgets, more than $10 billion in bonds issued to finance waste facilities and, ultimately, the garbage fees paid by millions of households and businesses.

"The satisfaction I'm going to get," Sal Franco, the more diplomatic of the brothers, says of the possibility of a high court decision in his favor, "is that I kicked their a p--." The surprising story stretches from three unsolved murders to a trash-strewn expressway to the halls of Congress.

A municipal role in trash initially made sense. Many places had been gouged by private haulers found to have engaged in collusive price-fixing and bid-rigging schemes during the 1970s and 1980s. Public officials were further alarmed by the tendency of some privately operated dumps to turn into toxic sewers.

But many cities and counties may have gone too far. They invested heavily in dumps, incinerators and garbage-transfer stations and then legislated "flow control," which allows them to commandeer all the trash within their borders and direct it to a favored disposal site. Once wielding monopoly power, many municipalities jacked up their dumping fees to pay for other services, such as recycling, cleaning up old dumps and salaries for sanitation officials. Haulers fumed.

Then, although officials had predicted a shortage of dump space, a glut developed. And market forces began eroding public control. Haulers cheated on flow control, sneaking trash off to cheaper private outlets. And some, like the Francos, sued.

Their case, C&A Carbone Inc. (named for some partners) versus Clarkstown, N.Y., involves a transfer station just over the New Jersey border into New York, where trucks were unloaded and waste was repacked into big rigs for trips to dumps in Pennsylvania and beyond. Authorities in New Jersey and New York, suspecting that the Francos were diverting trash from municipalities in both states in violation of flow-control laws, mounted an impressive investigation: helicopter surveillance, troopers pulling over big rigs on interstate highways and an armed raid by more than 30 law-enforcement officials in June 1991 to seize records.

Officials may now wish they hadn't bothered. Many experts expect the Supreme Court to rule for the Francos, holding that flow control illegally interferes with interstate commerce. If so, municipal sites could get too little trash and disposal prices could plunge in some areas. That could trigger a price war among haulers, to the benefit of businesses and consumers.

Most vulnerable is the Francos' home turf: New Jersey has nearly $2 billion invested in public trash facilities. Some counties charge $100 a ton and more to dump, while $50-a-ton disposal abounds across the Delaware River in Pennsylvania. Fearing defeat, local-government groups already are lobbying Congress to preserve some sort of flow control and protect public-sector investments and bondholders.

The Francos, acknowledged as talented entrepreneurs even by some government critics, would probably prosper in no-holds-

barred competition. With additional transfer stations here in Bergen County, N.J., and in Philadelphia, and a sizable hauling operation, the family business has annual revenue of $50 million to $100 million. It is one of the largest haulers in New Jersey, a state with a fragmented market that WMX Technologies Inc. and Browning-Ferris Industries Inc., which operate nationally, have yet to dominate.

Entering the New Jersey hauling business in 1963, the Francos showed an early flair for organization. In 1976, Carmine Franco became president of a haulers' group, the Trade Waste Association, that law-enforcement officials have frequently alleged brought to New Jersey a New York City-style price-fixing system. What set that scheme in motion, the New Jersey Board of Public Utilities concluded after hearings, was Mr. Franco's bold move in setting July 1, 1977, as the cutoff date for competition; customers swiped from other haulers before then could be kept but, after that date, a hauler's accounts couldn't be touched.

After official meetings of the trade group, Carmine Franco would adjourn to a restaurant to settle grievances among haulers. Sal Franco says his brother's edicts weren't binding, that haulers were "free to tell Carmine * * * 'I'm not giving the customer back.'"

Subduing competitive instincts proved difficult. Alfred DiNardi, a New Jersey hauler who took customers from rivals, was shot to death in a New York City parking garage in June 1976. Gabriel San Felice, another hauler who bid on and took a rival's account, was shot dead in May 1978 while dropping a load of garbage at a dump. And Crescent Roselle, a hauler who had lost business to both victims, was himself murdered in December 1980 outside his office. All three killings remain unsolved.

Another hauler, Eugene Sorgine, underbid the Francos in the 1970s on a job to operate a dump. He later sold his business to them. About the same time, a fire broke out at his house.

No one has been charged. "So his house burns," Sal Franco says, denying any involvement. "We get blamed for it. Three guys get killed. Police tried like hell to attribute that to us."

During a daylong interview while touring the trash facilities of Bergen County and Clarkstown in his Mercedes sedan, the 55-year-old Mr. Franco says he and his brother aren't Mafia-connected, though he acknowledges they know a few mobsters socially.

Tino Fiumara, identified by law-enforcement officials as a Genovese crimefamily soldier, "was a friend of ours," Sal Franco says. Mr. Fiumara was released in early February after 14 years in prison on racketeering and extortion convictions. Sal Franco says he has also socialized with Salvatore Avellino, the Long Island trash chief for the Lucchese crime family. Mr. Avellino pleaded guilty in mid-February to racketeering charges that include extortion and conspiracy in the murder of two haulers who defied Mafia price fixing.

Carmine Franco himself, now 58, pleaded guilty to a misdemeanor in the 1983 Trade Waste Association price-fixing case, in which New Jersey charges against organized-crime figures, including Mr. Fiumara, were dropped. The judge who in 1983 sentenced Mr. Franco to 180 days, served on work release, said evidence of his mob ties "is almost solely by way of innuendo, hearsay and triple hearsay."

While the Francos have never been accused of a violent crime or extortion, the mob tag—asserted by New Jersey and other states' law-enforcement officials and widely publicized—has stuck. "The newspapers do a hell of a job," Sal Franco says. "My customers don't want to leave—they're afraid. Even our lawyers think, well maybe."

After Carmine Franco's guilty plea, the Francos and New Jersey officials settled into trench warfare. The state bumped a $4,000 fine up to $2.2 million, though a state appellate court reversed that. The state litigated until 1987 and finally succeeded in ousting Carmine Franco from the New Jersey trash business. (He now runs the Philadelphia operation.)

Along the way, the Francos frustrated public officials' broader goal of controlling trash and thus established themselves as a defiant presence. In the late 1980s, Bergen County, for instance, built the nation's biggest transfer station, about four times the size of a football field and capable of handling all the county's trash. That ignored, however, the fact that private transfer stations, including one owned by the Francos, already had ample capacity. The county tried using flow control to force trash into its facility, but, in a test of wills with haulers, lost.

One morning, Sal Franco drops by the county plant and finds it quiet. A trickle of no more than 400 tons of trash a day arrives at the facility, though it is designed for up to 3,750 tons daily. Albert Adcock, security chief for the county utilities authority, welcomes Mr. Franco, and the two men commiserate over the recent demise of a favorite Hackensack saloon.

Nature calls, Mr. Adcock offers his washroom to Mr. Franco, and alone with a reporter, volunteers: "All that stuff you hear about Sal, it's bull s---." In the background, a bulldozer slowly pushes a trash pile around the plant floor.

In contrast, the Francos' Sal-Car transfer plant in Hillsdale is a model of efficiency, with trucks lined up to empty trash onto a tiny tipping floor where a giant compactor immediately reloads the waste into big rigs.

Indeed, state and local officials charge that the site has been too busy, exceeding its daily permitted limit and, in effect, spreading to adjoining Franco property that lacks a proper permit. The state has also gone after the Francos for having too many hauling permits, which makes it difficult to put them out of business; if one hauling permit were revoked, state officials complain, the Francos could shift customers to another hauler.

Sal Franco was banned from the industry in New Jersey administrative proceedings involving multiple hauling permits, and the state later charged him with contempt for allegedly continuing to run the business. The state has also sought to bar six grown sons and daughters of Carmine and Sal Franco who, according to the Francos, now run the business.

Nearly all these disputes, in which the state seeks millions of dollars in penalties, have been appealed by the Francos from administrative proceedings to state courts. The Francos deny wrongdoing.

Steven J. Madonna, the state environmental prosecutor who has overseen much of the civil litigation, says he wants the Francos out of the trash business. "We're working toward ending their involvement," he says. Of their alleged business ties with the mob, Mr. Madonna says, "I don't think anybody cannot take into account that reality." He mentions murder, violence and arson. "I'm not making a leap that that is the Francos. But it would be unreasonable to disregard that."

In recent months, meanwhile, Sal and Carmine Franco and some of their grown sons have received so-called target letters from the state attorney general saying they could soon be indicted on criminal charges. A state official confirms that an indictment is expected soon, but won't discuss the charges. Sal Franco says the charges would include theft for diverting trash from Bergen County's flow-control system and contempt for his staying in the business. He expects the state to seek prison terms for him and Carmine and financial penalties as high as $20 million. "They're going to come up with a big one. I guarantee you."

The increasing nastiness with New Jersey officials followed the Francos to their New York state operation, where Sal is an owner but Carmine never was (through he helped in the business). Clarkstown also has flow control, requiring haulers to dump at a town transfer station for $81 a ton. The Francos were doing business nearby at $70. Clarkstown, losing volume, went looking for the reason.

The town's police staked out the Francos' business, first trying to hide beside the Deer Head Inn, a tavern up the road. "We thought it was a speed trap," says the bar's owner, Ken Brennan, who sent a bartender out to ask the police if they wanted anything. Police switched to helicopter flyovers. "Real cloak-and-dagger stuff," Sal Franco says.

The break in the case come in March 1991, when an Indiana trucker, Carl E. Drake, loaded up with trash at the Franco site, got lost and turned into the Palisades Interstate Parkway, which bars trucks. His trailer rammed the first bridge it came to, spilling the trash.

On the bridge overhead, Carmine Franco was soon spotted trying to direct a hurried cleanup, according to Paul D'Alessandro, a Clarkstown detective. Troopers and police started pawing through the mess and say they found what they were looking for, Clarkstown trash, by looking at addresses on the junk mail.

The Francos say that the trash was from elsewhere and that local stuff must have got mixed in when police impounded the load and took it back to the Clarkstown transfer station for a closer look.

In the following weeks, police pulled over and checked the loads of more truckers leaving the Franco operation. Then, in June 1991, police, prosecutors and environmental regulators from New York and New Jersey, guns drawn, descended on the site. "They opened the door and pointed their guns into the office," says Linda Franco, Sal's daughter, who was working there at the tme. She was frightened. For that, Mr. Franco says Clarkstown can expect an especially spirited competitive effort from the Francos should the Supreme Court toss out flow control. "I'll never forgive what they did to my daughter," he adds.

The Francos haven't fought this battle entirely on their own. More than 100 New Jersey and New York haulers paid $1,000 apiece last fall to attend a legal-defense fund-raiser in Manhattan. And the Franco case has become a darling of the free-enterprise set. Friend-of-the-court arguments poured in from, among others, Detroit's Big Three auto makers, the National Association of Manufacturers and the Chemical Manufacturers Association; big business also doesn't like to be told where and at what price to dump its trash. "Hell no, we won't flow," says Bruce Parker, a Washington lawyer for a haulers' group.

On the other side, municipal governments weighed in, warning about bond defaults and

environmental risks if haulers prevail. "We're talking disaster," says H. Lanier Hickman, head of a municipal trash officials' group.

After oral arguments before the Supreme Court last December, Detective D'Alessandro walked up to Sal Franco and asked, "Who would've thought it would wind up here?" The hauler replied: "You underestimated the Francos."

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, first of all I rise in support of H.R. 4683. Let me congratulate and thank my distinguished colleague, the gentleman from Ohio [Mr. OXLEY], and also acknowledge the leadership of the gentleman from Washington [Mr. SWIFT], the gentleman from New Jersey [Mr. PALLONE] and the gentlewoman from Arkansas [Ms. LAMBERT] on this important piece of legislation.

Mr. Chairman, H.R. 4683 allows for the control and management of municipal solid waste. The bill reinstates local government authority to manage the flow of municipal solid waste.

Mr. Chairman, for two decades local governments have exercised authority over the flow of municipal waste within their jurisdiction. It was this authority which has allowed municipalities to build the facilities required to address the solid waste needs of their residents.

Without the ability to control the flow of municipal waste, local and State governments would be unable to finance the needed waste management infrastructure, including environmentally sound technologies such as recycling and composting. Unfortunately, this spring that control was put in jeopardy by the Supreme Court.

Flow control is a key mechanism for implementing local government decisions regarding integrated municipal solid waste management. Once the decision has been made to develop new waste management infrastructure, flow control is a means, first, to effectuate that decision regarding the best method for managing MSW, and, second, securing the community's financial support. Without flow control, many communities would not be able to develop environmentally advanced MSW management systems. This reflects the fundamental fact, recognized in a lengthy study by Congress' Office of Technology Assessment, that if left to the normal operation of the economic forces of the marketplace, MSW will flow to the lowest cost, short-term alternative. I must emphasize short term. If we want local government to develop long-term environmentally sound MSW management systems at stable prices for our constituents then they must have flow control authority. It is that simple.

I should also emphasize that environmentally sound MSW management and public health protection are the predicate for exercising flow control authority under State laws. Moreover, the use of flow control offers additional environmental benefits. One example is a significantly increased commitment to recycling. Flow control authority allows local government to provide very costly recycling, yard waste collection, household hazardous waste collection, and other types of programs without imposing any direct charge on their residents for those services. That powerful incentive for recycling would not be possible without flow control authority.

I must also note that H.R. 4683 represents a very exhaustive compromise effort that included all sectors of the waste industry, local government, recycling industries, and others. The process that led to this legislation was extraordinarily inclusive.

In particular I want to emphatically reject a myth that some have offered to oppose flow control—specifically the false claim that flow control is anticompetitive. The private waste industry is highly concentrated, and becoming even more so. That concentration has been coupled by explosive growth in the industry and outstanding profitability. I would simply refer you to the recent annual reports filed with the SEC by major waste management companies. Their profits are soaring. And as emphasized by these reports, growth has been the dominant feature of their business. All of this has occurred in direct parallel with increasing use of flow control by local government. Don't get me wrong, I have no problem with increasing profitability. But in the face of these facts, the assertion that flow control is anticompetitive doesn't hold any water.

In addition, flow control is not a debate between public versus private facilities. Local governments that rely on flow control repeatedly use a competitive process to procure waste management services from private companies. And flow control allows those communities to obtain environmentally sound waste management capacity for the long term at stable prices.

Finally, yesterday we approved H.R. 4779, which will restrict the ability of States to export municipal solid waste and require exporting States to become more self-sufficient. Flow control is the essential complement for restrictions on interstate transportation of MSW. Flow control provides local government with the tools for self-sufficiency.

On May 15, 1994, the Supreme Court ruled in C&A Carbone versus Town of Clarkstown that local governments do not possess the ability to control the flow of waste unless Congress grants it to them. H.R. 4683 does just that. It will grant our governments the authority they have relied on for decades to address their municipal waste needs.

Mr. Chairman, we cannot deny our towns, cities, and counties the tools they need to govern. We must pass H.R. 4683, and I encourage all my colleagues to join me in supporting this important measure.

Mr. SWIFT. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE] who has been a consistent worker on this issue since the first day he walked onto the floor in this Congress.

□ 1750

Mr. MINGE. Madam Chairman, I would like to associate myself with the remarks made by other Members of this Chamber. I certainly agree with their insights, their comments, their analysis, of the problem we face. I would just like to briefly outline a slightly different approach to what we are trying to address in this legislation today.

We had a lot of discussion in Congress in the last few months about unfunded mandates, and we have had a lot of discussion about the impact that this has on local units of government. In fact, the Federal Government and States have placed an unfunded mandate in many respects upon local units of government, and that mandate is that solid waste, or trash, must be disposed of in a manner that is consistent with the environmental laws that have been passed in this city and in State capitals around the country.

Local communities have responded to this mandate. They have constructed state-of-the-art facilities. They have constructed landfills. They have gone to great expense. They have bonded to cover the financing costs. And what they have found is that once they constructed these facilities and tried to make sure that they were financially self-supporting, they were involved in litigation. That litigation, tragically, resulted in the U.S. Supreme Court determining that trash is a commodity and, when it moves in interstate commerce, only Congress can regulate its flow. Consequently, we are here this afternoon.

The other tragic aspect of the litigation is that these local units of government that have acted responsibly to meet an unfunded mandate, have had the power, the tools that they need, to meet this mandate, stripped away.

This legislation goes a long way toward redressing this tragic result. One thing that we still have to address is what do we do with the hundreds, perhaps thousands, of local units of government that are still in the process of trying to determine how to effectively and economically deal with their trash problems, and what can we do in the future to ensure that they have the tools available to them to meet this mandate in a responsible fashion.

I know that this added concern is one that is shared by many Members of

this institution, and hopefully in the months to come, we will find a way to resolve that as well.

But in the meantime I would like to join with the other Members here in indicating my support of H.R. 4683, and urging all Members to support this important legislation.

Madam Chairman, on May 16, 1994, the U.S. Supreme Court ruled that local flow control laws were unconstitutional. This stripped local governments of the tools they need to meet environmental standards handed down by the Federal Government. In her concurring opinion, Supreme Court Justice Sandra Day O'Connor made clear that it was within Congress' power to authorize and make available local autonomy over waste flow control. All Congress has to do is act and that would promote the continued use of innovative and environmentally sound solid waste management.

Afer 1½ years of negotiations, H.R. 4683 represents a compromise agreement reached by local governments, some of the waste management industry, public finance groups, and others impacted by court decisions against waste flow control.

Flow control simply means that local governments can designate an environmentally safe facility for trash disposal. When the Federal Government mandated that States meet minimum environmental standards for garbage disposal, some of our localities adopted flow control ordinances in order to comply with these unfunded Federal mandates. In trying to meet these mandates, some communities borrowed millions of dollars to build environmentally sound disposal facilities with the assurance that they could designate that site as the community site for garbage disposal.

In my own district, two counties issued $7.9 million in revenue bonds to construct a state-of-the-art composting facility. To ensure that waste generated within the counties would be disposed of at the new facility and to protect the integrity of those outstanding bonds, the counties implemented the flow control ordinances. But a waste hauler—which owns a landfill in Iowa—challenged flow control, and now, the counties' municipal solid waste is being hauled over the border and dumped into the clay-lined landfill.

With the recent Supreme Court decision and local ordinances overturned, responsible solid waste management has been handicapped and the integrity of some $18 billion nationwide in outstanding municipal bonds has been undermined.

This compromise would allow: First, flow control over residential waste and second, flow control over commercial waste only in those communities which have already designated a facility for commercial waste—or that had committed to designate.

Flow control is an option for our localities—not a requirement. In Minnesota we encourage private enterprise as the preferred waste managers. Flow control is only our final tool to ensure that RCRA mandated standards are met.

Support this legislation and restore local government choice. They know better than we what is best for them.

Support this legislation and unite the hands of local government in their efforts to manage their waste stream in a way that's sound economically and environmentally.

Support this legislation and promote recycling and the environment. Without flow control, environmentally sound disposal methods will likely be replaced with the cheapest disposal option—large regional landfills.

And finally, support this legislation and give our localities the tools they need to protect our environment—and in turn—protect our children and our communities.

Mr. OXLEY. Madam Chairman, I yield 2 minutes to our good friend the gentleman from upstate New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, forget about every negative argument you have heard about flow control. Quite simply, they just do not flow. As the House considers H.R. 4683, let us look at the facts.

Fact No. 1: A reversal of flow control policy represents a classic unfunded mandate. The Federal Government requires that municipal solid waste be disposed of in a particular manner, and then it strips States and local communities of the means to meet these requirements, including jurisdictions that have invested millions of dollars and made long-range commitments to properly dispose of solid waste in an environmentally sound manner.

Fact No. 2: The bill is not bad for the environment. In fact, failure to pass this bill may jeopardize current successful environmental programs already implemented by many local communities.

Fact No. 3: Flow control authority is not anticompetitive. Under H.R. 4683, flow control arrangements would have to meet strict competitive standards before flow control authority would be granted.

Fact No. 4: Flow control policy represents a successful partnership between the private sector and local governments. Flow control systems often result in lower costs for the consumer due to high volume business and increased negotiating leverage.

These are the facts, Mr. Chairman. H.R. 4683 is responsible legislation, and we are doing it in a responsible manner. We are doing the House proud, because this is a bipartisan measure. Republicans and Democrats, the gentleman from Washington, Chairman SWIFT, the gentleman from Ohio, ranking minority member OXLEY, working hand in glove, consulting every step of the way, to fashion a bill that deals with a serious national problem in a very responsible way.

Madam Chairman, I urge my colleagues to support this worthy legislation.

Mr. SWIFT. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding, and congratulate him and his ranking member, the gentleman from Ohio [Mr. OXLEY] for their work on this.

Mr. Chairman, solid waste and dealing with solid waste and the problems of solid waste are I think one of the leading environmental problems in the country. It is an issue that is intrinsically local in its nature. It is simply impossible for us to superimpose an overall solution on the Nation. This is something that involves education, and it involves a myriad of different efforts at the local level.

In fact, that effort has begun. It is amazingly successful in many of our communities. As I have seen States convey to the counties certain responsibility in Minnesota, they have entered into agreements and attempted successfully to deal with solid waste, recycling, and trying to provide the impetus to the market.

In order to do that, they have what they call tipping fees they charge when there is solid waste put in a solid waste facility, a landfill, or put into a process for recycling. Most of them necessitate a subsidy because the market does not sustain them, but we know environmentally it is much better to recycle the aluminum, to use the various products that can be recycled.

Unfortunately, this particular system is about to have the rug pulled out from under them. They cannot do that unless they have the tools. The rug is being pulled out by someone in Iowa or Wisconsin, saying you can come dump this in my landfill and pay a much lower tipping fee. Of course, at the point of the customer, where the customer is paying, they can dramatically reduce the price, undercutting those dealing with this in an environmentally sound manner.

I know there has been some very creative thinking here in terms of how to avoid this problem. So they have appealed through the courts under the interstate commerce laws, as is appropriate. The end result, of course, is you are going to have anarchy.

If we want this issue dealt with, you have to put the tools in the hands of the local and State governments so they can do it. We are not going to do it in Congress. You are not going to avoid the dreaded incinerator, which apparently is one of the criticisms here, that there is someone who bonded an incinerator. They bonded incinerators for some waste, and when they cannot recycle it, they burn it.

Vote with the committee, and against the amendments which weaken the tools given to local governments.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to my old friend and colleague just north of my district, the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Chairman, I rise to support the bill and to oppose the amendment to be offered by the gentleman from New Mexico [Mr. RICHARDSON].

I was president of the Ohio Senate in 1988 when our State passed one of the most comprehensive, forward-thinking solid waste disposal laws in the country. We did what Congress wanted us to

do: We planned for our disposal needs well into the future, set up local solid waste districts, and required management plans. We gave local waste districts the power to designate where their waste would go. That is called flow control.

Some of the waste districts quickly designated facilities to which their waste would go. Some bought land to guarantee future disposal space. Some decided they would wait because their disposal needs would not change for a few years. That is, they wouldn't need to build a new facility for several years thus make an obligation of public funds, buy land, site the facility, go through permitting, and so on.

We have counties across our State in varying stages of solid waste planning and management, and varying amounts of effort and investment that would be lost without flow control. It is the same thing all across the country—cities and counties find themselves in different positions. The Richardson amendment would leave a lot of them financially exposed. For example, it wouldn't protect a community that has perhaps spent years and significant of money siting a facility but has not yet "committed to its construction." The committee-passed bill would protect a much broader range of situations.

If we pass the Richardson amendment, we risk creating a disparity between two communities that are at exactly the same point in their waste planning process, except that one merely hasn't formally signed a construction contract. The solid waste management process involves a great deal more than simply signing a contract, and the committee-passed bill recognizes this. Let us stick with the bill as it is.

□ 1800

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of H.R. 4683, legislation that I believe is crucial to the promotion of responsible solid waste management.

During my tenure as mayor of Akron, OH, in the early to mid-eighties, Akron's flow control ordinance was challenged by private haulers as being unconstitutional. At every legal step, including two appeals to the Supreme Court, I fought successfully to retain Akron's law. As mayor, I understood how vital flow control authority is to responsible waste management planning. Local governments have the responsibility to pick up and dispose of all of the trash generated within their borders. We simply cannot allow them to lose the principal tool they have to finance the construction and operation of the facilities they need to meet this obligation.

The people of Ohio recently passed a broad waste management law which requires local governments to band together to ensure that they have adequate disposal capacity for decades to come. Without flow control authority, many of these collaborative agreements will be in jeopardy. This type of responsible planning is crucial to the future of innovative and integrated recycling programs and waste management techniques.

Mr. Chairman, I want to thank Chairman SWIFT for his willingness to work with me to clarify that the counties I represent will be able to pursue their long-range management plans. As usual, the gentleman from Washington has listened to diverse interest and has worked to craft consensus legislation that moves this Nation forward. Again, I thank him for his assistance on this bill and for his years of brilliant service to this House.

Mr. GEJDENSON. Madam Chairman, I rise in support of H.R. 4683. I want to thank the gentleman from Washington [Mr. SWIFT], and the gentleman from Michigan [Mr. DINGELL], for bringing this bill to the floor. I also want to thank the gentleman from New Jersey [Mr. PALLONE], who has been a strong advocate of protecting the interests of local governments across the Nation.

The Supreme Court decision in the case of C&A Carbone, Inc. versus Town of Clarkstown has significant implications for municipalities and taxpayers across the country. The case invalidated the use of flow control to manage solid waste generated within the borders of a community. The implications are far reaching because according to the Congressional Research Service [CRS], 41 States exercise flow control either through statute or other means. Many States have used flow control to ensure that municipal solid waste [MSW] is disposed of in accordance with several Federal laws and regulations.

Flow control authority is especially important to communities across my State of Connecticut. Many small towns in eastern Connecticut have contracts with solid waste disposal facilities which require them to deliver a minumum amount of waste or face financial penalties, also known as "put or pay" requirements. Towns entered into these agreements because they believed that flow control ordinances, authorized under State law, would allow them to meet their contractual obligations. Without flow control, residents in communities such as Norwich, Vernon, Gordon, Tolland, Westbrook and many others will be forced to pay higher taxes to pay penalties for failing to deliver the minimum volume of waste. To make matters worse, the majority of solid waste disposal facilities in my State have been financed with State revenue bonds. Disposal authorities require a minimum amount of waste to operate at levels sufficient to generate revenue to repay these bonds. If facilities can not make these payments, the bond holders could be forced to make the payments. According to Connecticut's attorney general, the State and its taxpayers could ultimately be responsible for $520 million worth of bonds. This would be disastrous for our State which is only beginning to fully recover from the recession.

H.R. 4683 will provide relief to these communities. It grandfathers existing flow control ordinances, statutes, and agreements. It also allows communities to flow control certain recyclable material provided that the material is voluntarily relinquished. This is especially important because flow controlling common household recyclables in urban areas helps to subsidize recycling efforts in rural communities. The bill makes it clear that such authority does not place an undue burden on interstate commerce.

Contrary to what some opponents of the bill argue, this is a balanced approach. For MSW generated by entities other than households, a community must have a flow control ordinance in place or have identified one or more solid waste disposal methods before May 15, 1994, in order to exercise flow control in the future. In addition, it limits flow control authority only to those materials addressed in the ordinance. In order to use flow control over household MSW or recyclables, a community must demonstrate that flow control is necessary to meet its solid waste management needs and establish a competitive process for designating a disposal facility for recyclable material. This is not anticompetitive. In addition, the bill terminates flow control authorization if a community does not actually designate a disposal facility within 5 years of enactment of this bill. If flow control is essential to a community, it should act in a reasonable amount of time to exercise that authority or lose it. Finally, the bill specifically prohibits States from requiring owners of recyclables to give up those products.

Madam Chairman, I want to take a moment to comment on the charge that flow control damages the environment. I am not aware of a single case where this argument has been proven conclusively. In fact, the vast majority of communities use flow control to direct waste to state-of-the-art disposal facilities. In my State, waste goes to transfer stations, landfills, and other facilities which meet strict State, Federal, and local standards designed to project the air, water, and public health. Charges that flow control damages the environment are a red herring designed to prevent Congress from providing important relief to small communities across the country.

Madam Chairman, it is essential that the House pass this legislation today. If we fail to act, taxpayers across the country could face much higher tax bills as their communities are penalized for failing to meet their contractual obligations. This is a balanced bill which provides needed relief while placing reasonable limits on future flow control authority. I urge my colleagues to support this important bill.

Mr. MCHALE. Mr. Chairman, in anticipation that the vote on final passage on H.R. 4683 will be by voice vote, I would like to take this opportunity to express, for the RECORD, my support of this bill.

A few minutes ago, I voted for the Richardson-Fields amendment in belief that while some version of flow control is essential, the Richardson amendment was superior to the existing bill. However, with defeat of the Richardson amendment, I am convinced that the committee draft of the legislation, as now before us, should be enacted. It is my intention, therefore, to vote "aye" on final passage of H.R. 4683, the Flow Control Act of 1994.

Mr. Chairman, recent Supreme Court decisions on the subject of flow control have cast doubt on the continuing constitutional validity of existing State and local flow control legislation. In my own State of Pennsylvania, our existing State statutes, and the local waste disposal plans adopted subject to it, are now faced with the very real possibility of a successful constitutional challenge. State and local governments should not be held hostage to evolving Supreme Court case law. For this reason, it is important that the validity of existing State and local legislation be confirmed by an appropriate delegation of authority under the commerce clause. Though a voice vote will prevent Members from documenting their individual positions regarding final passage, I wish to make it clear that my vote will be aye.

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

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

The CHAIRMAN pro tempore (Mr. VENTO). Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

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

S. 4683

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

SECTION 1. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) AUTHORITY.—Each State and each qualified political subdivision may, in accordance with this section, exercise flow control authority within the boundaries of such State or political subdivision, as the case may be, for each of the following:

"(1) Municipal solid waste generated from household sources within the boundaries of the State or qualified political subdivision.

"(2) Municipal solid waste generated within the boundaries of the State or qualified political subdivision, if, before May 15, 1994, the State or qualified political subdivision adopted a law, ordinance, regulation, solid waste management plan or legally binding provision that—

"(A) exercised flow control authority over such solid waste with respect to a proposed or existing waste management facility designated before May 15, 1994, or

"(B) identified the use of 1 or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated within its boundaries, and committed to the designation of 1 or more waste management facilities for that method or methods.

"(3) Recyclable materials generated within the boundaries of the State or subdivision.

Any State or qualified political subdivision meeting the requirements of subparagraph (A) or (B) of paragraph (2) may also, after the effective date of this section, direct, limit, regulate or prohibit the transportation, management, and disposal of such solid waste from any existing or future waste management facility to any other existing or future waste management facility, and may do so without regard to subsection (b)(2).

"(b) LIMITATIONS.—(1) A State or qualified political subdivision may exercise the authority described in paragraph (3) of subsection (a) with respect to recyclable materials only if—

"(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

"(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

"(2) A State or qualified political subdivision may exercise the authority provided by subsection (a)(1) or (a)(3) only if the State or qualified political subdivision—

"(A) before exercising the authority described in subsection (a)(1), establishes a program to separate, or divert at the point of generation, recyclable materials from the municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect; and

"(B) after conducting 1 or more public hearings—

"(i) finds, on the basis of the record developed at the hearing or hearings that it is necessary to exercise the authority to meet the current solid waste management needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for management of municipal solid waste or recyclable materials; and

"(ii) provides a written explanation of the reasons of the finding described in clause (i).

"(3) The authority to direct, limit, regulate, or prohibit the transportation, management, or disposal of solid waste pursuant to subsection (a)(2) shall apply only to the specific classes or categories of solid waste to which the authority under subsection (a)(2)(A) was applied by the State or qualified political subdivision before May 15, 1994, and/or to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to designate a waste management facility under subsection (a)(2)(B).

"(4) The authority granted under subsection (a)(2) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding provision, 1 or more proposed or existing waste management facilities within 5 years of the date of enactment of this section.

"(c) COMPETITIVE DESIGNATION PROCESS.—A State or qualified political subdivision may exercise the authority provided by subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process with respect to waste management facilities or facilities for recyclable materials which—

"(1) ensures that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or subdivision;

"(2) sets forth the goals of the designation process, including at a minimum—

"(A) capacity assurance;

"(B) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

"(C) any other goals determined to be relevant by the State or qualified political subdivision;

"(3) identifies and compares reasonable and available alternatives and options for designation of the facilities;

"(4) provides for public participation and comment;

"(5) ensures that the designation of the facilities is accomplished through an open competitive process during which the State or qualified political subdivision—

"(A) identifies in writing the criteria to be utilized for selection of the facilities;

"(B) provides an opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

"(C) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

"(6) bases the designation of each such facility on reasons that shall be stated in a public record.

"(d) CERTIFICATION.—(1) A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under subsection (c).

"(2) In making a certification under paragraph (1), a Governor shall—

"(A) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

"(B) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that they satisfy the requirements of subsection (c);

"(C) provide interested persons an opportunity to comment on the proposed certification, for a period of time not less than 60 days after publication of the notice; and

"(D) public notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

"(e) OWNERSHIP OF RECYCLABLE MATERIALS.—

"(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision (or any designee thereof) to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision, unless the generator or owner voluntarily made the materials available to the State or qualified political subdivision (or any designee thereof) and relinquished any rights to, or ownership of, such materials.

"(2) PROHIBITION ON PROHIBITED TRANSACTIONS.—Nothing in this section shall prohibit any person from selling, purchasing, or accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless the generator or owner voluntarily made the materials available to the State or qualified political subdivision (or any designee thereof) and relinquished any rights to, or ownership of, such materials.

"(f) EXISTING LAWS AND CONTRACTS.—

"(1) IN GENERAL.—This section shall not supersede, abrogate, or otherwise modify any of the following:

"(A) Any contract or other agreement (including any contract containing an obligation to

repay the outstanding indebtedness on any proposed or existing waste management facility) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility pursuant to a law, ordinance, regulation, solid waste management plan or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994.

"(B) Any other contract or agreement entered into before May 15, 1994, for the management of solid waste.

"(C)(i) Any law, ordinance, regulation, solid waste management plan or legally binding provision—

"(I) that is adopted before May 15, 1994; and

"(II) that pertain to the transportation, management, or disposal of municipal solid waste generated within the boundaries of a State or qualified political subdivision;

if the law, ordinance, regulation, solid waste management plan or legally binding provision is applied to the transportation, management, or disposal of municipal solid waste, generated from household sources within its boundaries, to a proposed or existing waste management facility designated before May 15, 1994, under such law, ordinance, regulation, solid waste management plan or legally binding provision.

"(ii) Any law, ordinance, regulation, solid waste management plan or legally binding provision—

"(I) that is adopted before May 15, 1994;

"(II) that pertains to the transportation, management, or disposal or municipal solid waste generated within the boundaries of a State or qualified political subdivision; and

"(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste that is generated, or is commingled with municipal solid waste that is generated, from commercial, institutional, or industrial sources within its boundaries, or construction debris or demolition debris, generated within its boundaries;

provided that the law, ordinance, regulation, solid waste management plan or legally binding provision is applied to the transportation, management, or disposal of such solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, under such law, ordinance, regulation, solid waste management plan or legally binding provision.

"(iii) Any law, ordinance, regulation, solid waste management plan or legally binding provision—

"(I) that is adopted before May 15, 1994; and

"(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision;

provided that the law, ordinance, regulation, solid waste management plan or legally binding provision is applied to the transportation or management of recyclable materials, that are generated within its boundaries and with respect to which the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, under such law, ordinance, regulation, solid waste management plan or legally binding provision.

"(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

"(3) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall comply with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

"(g) SAVINGS CLAUSE.—(1) Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws and regulations that apply to the disposal or management of solid waste at waste management facilities or facilities for recyclable materials.

"(2) Nothing in this section shall be interpreted to authorize a qualified political subdivision to exercise the authority granted by this section in a manner inconsistent with State law.

"(h) EFFECT ON INTERSTATE COMMERCE.—The exercise of flow control authority in compliance with this section by a State or qualified political subdivision shall itself be considered a reasonable regulation of commerce and shall not itself be considered as imposing an undue burden on or otherwise impairing, restraining, or discriminating against interstate commerce.

"(i) DEFINITIONS.—As used in this section—

"(1) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct the transportation of such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

"(2) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—(i) The term 'municipal solid waste' means all waste materials discarded for disposal by households, including single and multifamily residences.

"(ii) The term also includes waste materials generated by commercial, institutional, and industrial sources, to the extent such wastes—

"(I) are essentially the same as waste normally generated by households; or

"(II) were collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d).

"(iii) The term includes residue remaining after recyclable materials have been separated, or diverted at the point of generation, from waste materials described in clause (i) or (ii).

"(iv) The term also includes any waste material or waste substance removed from a septic tank, septic pit, or cesspool.

"(v) Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

"(B) EXCLUSIONS.—The term does not include any of the following:

"(i) Any solid waste identified or listed as a hazardous waste under section 3001.

"(ii) Solid waste containing a polychlorinate biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

"(iii) Any solid waste, including contaminated soil and debris, resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606),

"(II) a response action taken under a State law with authorities comparable to the authorities of section 104 or 106, or

"(III) a corrective action taken under this Act.

"(iv) Recyclable materials.

"(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

"(vi) Industrial solid waste.

"(vii) Any solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator or a company with which the generator is affiliated.

"(viii) Any medical waste referred to in section 11002 that is segregated from, or not mixed with, solid waste.

"(4) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the governmental entity or political subdivision.

"(5) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

"(6) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste adopted by a State or qualified political subdivision pursuant to and conforming with State law.

"(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which solid waste is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

"(8) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The phrase 'Committed to the designation of one or more waste management facilities' as used in subsection (a)(2)(B) means that the State or qualified political subdivision, prior to May 15, 1994, was legally bound to designate one or more existing or future waste management facilities, or performed or caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

"(A) Solicitation of proposals for designation of a waste management facility.

"(B) Purchase of land on which the waste management facility to be designated will be located.

"(C) Execution of a legally binding contract or franchise agreement for waste collection services expressly for the delivery of waste to a waste management facility to be designated.

"(D) Other action since January 1, 1993, that evidences recent significant financial commitment for the continuing development of a waste

management facility for which a designation will be made unless such action has been halted by a court order based upon a ruling under the Constitution of the United States.".

(b) TABLE OF CONTENTS.—The table of contents for such subtitle D is amended by adding at the end of the items relating to such subtitle the following new item:

"Sec. 4011. Congressional authorization of State control over transportation, management, and disposal of municipal solid waste.".

The CHAIRMAN pro tempore. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN: Page 20, after line 12, insert:

SEC. 2. EFFECTIVE DATE OF TRUCKING DEREGULATION.

Section 601(d) of the Federal Aviation Administration Authorization Act of 1994 is amended by striking "January 1, 1995" and inserting "January 1, 1996".

SEC. 3. TECHNICAL CORRECTIONS TO ACT PREEMPTING STATE ECONOMIC REGULATION OF MOTOR CARRIERS

(a) Section 11501(H)(2) of Title 49, United States Code, is amended as follows:

(1) Strike "and" after subparagraph (A).

(2) Strike the period at the end of subparagraph (B) and insert in lieu thereof a semicolon.

(3) Insert the following new subparagraphs at the end thereof:

"(C) does not apply to the transportation of garbage and refuse;

"(D) does not apply to the transportation of recyclable materials, as defined under section 10733(b), pursuant to programs conducted under the auspices of any unit of government; and

"(E) does not apply to motor carriers providing tow or wrecker services.".

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SWIFT. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SKEEN. Mr. Chairman, I have taken this opportunity and I appreciate the concession from the chairman of the subcommittee and the ranking member, because I want to offer this amendment to delay trucking deregulation for a year. I seek principally an opportunity to discuss some salient points in support of this need for the delay.

Early last month the House and Senate conference committee attached legislative language to the Federal Aviation Administration Authorization Act which essentially deregulates interstate trucking. This bill is now law, and deregulation will take effect on January 1, 1995.

Many States are in the same position as New Mexico in that the State legislature and small trucking companies will not have an opportunity to meet and adjust to this deregulation by this January. Deregulation would require or will require new State authority to address safety, taxes, and a myriad of other legislative reforms.

Those supporting the delay include the National Conference of State Legislators, National Association of Regulatory Utility Commissioners, Regular Common Carrier Conference, the Teamsters, the National League of Cities, Public Citizen, and a number of State motor carrier associations from Michigan, California, Oregon, Washington, Oklahoma, Louisiana, Pennsylvania, just to name a few.

I would also like to thank the gentleman from Michigan [Mr. BONIOR] and the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Oklahoma [Mr. LUCAS], who offered to be cosponsors of a bill to effect this delay. And rather than take this, that course, it was deemed more prudent to try this as an amendment.

Whether or not Members agree with the concept of trucking deregulation, the responsible thing to do is to give State regulatory bodies and small truckers time to adjust.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. RICHARDSON: Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Flow Control Act of 1994".

SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

(A) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section after section 4010:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) AUTHORITY.—Each State and each political subdivision thereof is authorized to require the movement of municipal solid waste generated, and recyclable material voluntarily relinquished by its owner, within its jurisdiction to one or more waste management facilities or recycling facilities if such requirement—

"(1) is imposed pursuant to a law, ordinance, or other official act of the State or political subdivision in effect on May 15, 1994; and

"(2) has been implemented by designating before May 15, 1994, the particular management facilities in operation as of May 15, 1994, to which the municipal solid waste and recyclables must be moved.

Such authorization shall include any political subdivision that has in fact implemented such requirements prior to May 15, 1994, by requiring municipal solid waste to be sent to particular waste management facilities, but for which the legal authority for requiring such movement of municipal solid waste does not require the designation of particular facilities to receive such waste, or such legal authority resides in a designated official of the political subdivision. The authority of this section shall only extend to the specific classes or categories of municipal solid waste which were actually subject to a requirement of movement to one or more waste management facilities on or before May 15, 1994. With respect to each designated facility, the authority of this section shall be effective for the remaining life of a contract between the State or political subdivision and any other person regarding the movement or delivery of such waste or recyclable materials (as in effect May 15, 1994), or until completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994), or for the remaining useful life of the facility, whichever is longer.

"(b) CERTAIN REDESIGNATIONS OF FACILITIES.—Notwithstanding the restrictions in subsection (a)(2), any political subdivision of a State, which (1) required the movement of municipal solid waste or recyclable materials voluntarily relinquished by its owner to one or more waste management facilities or recycling facilities prior to May 15, 1994; (2) declared its intent to redesignate the facilities receiving such materials prior to May 15, 1994, and (3) as of the date of enactment of this section is in the process of redesignating the facilities receiving such materials, shall be granted the authority in subsection (a).

"(c) COMMITMENT TO CONSTRUCTION.—Notwithstanding the restrictions in subsection (a)(1) and (2), any political subdivision of a State may be granted the authority in subsection (a), if—

"(1) the law, ordinance, regulation, solid waste management plan, or legally binding provision specifically provides for the transportation or disposal of municipal solid waste generated within its boundaries, was in effect prior to May 15, 1994, and, in the case of a solid waste management plan, has the approval of either the State or the Administrator pursuant to this title, and

"(2) commits to the selection of one or more waste management facilities for such method of transportation facilities or disposal of municipal solid waste. Such a commitment to one or more waste management facilities is demonstrated by one or more of the following factors—

"(A) all required permits for the construction of such facility were submitted prior to May 15, 1994,

"(B) contracts for the construction of such facility were in effect prior to May 15, 1994,

"(C) revenue bonds were presented for sale to specifically provide revenue for the construction of such facility prior to May 15, 1994, or

"(D) the State or subdivision submitted to the appropriate regulatory agency or agencies, on or before May 16, 1994, administratively complete permit applications for the construction and operation of the waste management facility.

"(d) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than

the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision shall consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes, and against any cause of action for nuisance, personal injury or property loss under any State law.

"(e) FLOW CONTROL STUDY.—The Administrator, in cooperation with the National Academy of Public Administration, shall conduct a study of the extent to which the decision of the United States Supreme Court in C & A Carbone v. Clarkstown, New York has affected the ability of public and private agencies and entities to secure or retain financing for solid waste management facilities or services. Such study shall address whether such decision is likely to interfere with the implementation of State solid waste management plans, and whether such decision is likely to reduce the increased use of recycling or composting. The Administrator shall submit a report on such study to Congress, together with recommendations for needed legislation, if any, not later than March 31, 1996.

"(f) EFFECT ON OTHER LAWS.—Nothing in this section shall be interpreted or construed to have any effect on any other law relating to the protection of human health and the environment, or the management of municipal solid waste.

"(g) DEFINITIONS.—For the purposes of this section—

"(1) The term 'municipal solid waste' means solid waste generated by the general public and from residential, commercial, institutional, and industrial sources, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible materials and noncombustible materials such as metal and glass, including residue remaining after recyclable materials have been separated from waste destined for disposal, and including septage, except that the term does not include—

"(A) any waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances and Control Act,

"(B) any waste, including contaminated soil and debris, resulting from response taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602 or 9606) or a corrective action taken under this Act;

"(C) medical waste;

"(D) industrial waste;

"(E) recyclable materials; or

"(F) sludge.

"(2) The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, composting or organic materials such as food and yard waste, or reuse (other than for the purpose of incineration), only to the extent that the generator or owner of the materials has voluntarily made the materials available to the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials, and the State or political subdivision assumes such rights to, or ownership of such materials.

"(3) The term 'waste management facility' means any facility collecting, separating, storing, transporting, transferring, treating, processing, or disposing of municipal solid waste.".

"(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item after the item relating to section 4010:

"Sec. 4011. Congressional authorization of State control over movement of municipal solid waste and recyclable materials.".

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

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I offer this amendment in the nature of a substitute of H.R. 4683 with Mr. FIELDS of Texas and the 22 cosponsors of H.R. 4643, the bill upon it is based.

In this congressional session when nearly all the environmental legislation we have considered has been stalled, we do have an opportunity to do something positive for environmental protection, for Superfund reform, for environmental justice, and for competition and free market principles. That opportunity is this amendment.

As we enter the final days of the 103d Congress, there is no denying that we are all looking for ways to pass important bipartisan legislation that responsibly addresses the problems of this Nation: We are all trying to work hard and go home.

The Richardson-Fields amendment offers the perfect broad-based, bipartisan opportunity to do just that. Where else will you find the National Taxpayers Union and Clean Water Action, National Association of Manufacturers, and the Sierra Club on the same side of an issue?

The Richardson-Fields amendment would grandfather existing flow control arrangements to protect those facilities financially dependent on flow control, and allow local governments which have shown significant movement toward designation to continue flow control controlling waste for a limited time in the future.

However, our amendment will not allow for future flow control authority. If you are not flow controlling now, and you cannot prove that you had made significant steps toward flow control authority prior to the Supreme Court decision then you should not be able to exert new monopoly power in the future.

Mr. Chairman, the one thing to remember through all the hazy rhetoric we will hear today is that without our amendment, we will continue the monopoly power of local governments to continue to exert sole authority over waste disposal in the future.

But, don't be fooled, we aren't playing with Monopoly money. If you defeat the Richardson-Fields amendment you will be writing a blank check that will be cashed on the taxpayer's money.

FLOW CONTROL AND RECYCLING

In the past several days, local governments have been telling Members that flow control is pro-environment and pro-recycling.

In fact, because flow control guarantees a waste stream for newly constructed facilities like incinerators, the Sierra Club says that "these facilities lock out the adoption of recycling and source reduction alternatives because incinerators compete for the same materials collected by recycling programs."

And the New York Public Interest Research Group, Clean Water Act, the Audobon Naturalist Society, Baltimore Recycling Coalition, the Environmental Planning Lobby, and the Grassroots Environmental Organization of New Jersey all say that "Congressional authorization of flow control could inhibit the development of alternative waste management options, including market-driven recycling efforts."

These same organizations further charge that flow control laws "unnecessarily inhibit the ability of recyclers and other ecological entrepreneurs to compete in the marketplace."

So, my fellow colleagues, you have a choice. You can believe the monopoly proponents that flow control is somehow good for recycling, or you can believe a nationwide coalition of environmental groups that flow control and recycling are like oil and water: they don't mix.

FLOW CONTROL AND INCINERATION

During this debate, we will hear that flow control and incineration do not necessarily go hand in hand. But who do you believe? The Sierra Club says that "H.R. 4683 would make it significantly easier to site new incinerators."

The executive director of Pittsburgh Against Toxic Incineration, Clean Water Action, and the New York Public Interest Research Group say that the monopoly power over solid waste decisions conferred by flow control leads to the disposal of waste at "overpriced, inefficient incinerators."

The Nation's environmental groups say flow control is bad for the environment; the Nation's two largest incinerator companies are trying to convince Congress that flow control is good for

you and poses no threat to environmental protection efforts. You be the judge.

FLOW CONTROL AND SUPERFUND

Future flow control authority has the potential to lock waste generators and communities into using unnecessary or unsafe disposal facilities.

Local governments are not required to ensure that a facility treat waste in the safest possible manner. Waste generators who have no control over where or how their waste is disposed of under flow control, could be liable as a potentially responsible party under Superfund simply because their waste was shipped to an environmentally unsuitable facility.

The American Trucking Association and the National Association of Manufacturers have said that "flow control is totally at odds with the objections of Superfund" because "generators are denied altogether the ability to send waste to the most environmentally appropriate location."

Waste generators should demand that flow control not be enacted or even considered until the Congress can consider comprehensive RCRA reauthorization next year.

And, as many of my colleagues may know, waste generators and waste transporters are demanding that future flow control not be debated until we can talk about RCRA comprehensively. Kimberly-Clark Corp., the National Association of Manufacturers, the American Trucking Association, Southern Pacific Transportation Co., Union Pacific Corp., and Chicago and Illinois Midland Railways are all opposed to H.R. 4683.

FLOW CONTROL AND ENVIRONMENTAL JUSTICE

Because flow control leads to more incinerators, H.R. 4683 presents a problem for environmental justice advocates. As Congressman ED TOWNS and I know from the sponsorship of our incinerator bill, H.R. 2488, incinerators are more often located in communities of color and low-income areas.

If we pass H.R. 4683 today without the Richardson-Fields amendment, we will be signing a blank check for the future construction of incinerators. The EPA's recently announced reassessment of the toxic dioxin found that the most common source of dioxin emissions in the United States is municipal solid waste incinerators.

If Congress passes H.R. 4683 today without the Richardson-Fields amendment, we will be saying to people of color and people of low incomes that we don't care about their health and well-being because we're going to allow more dioxin-spewing incinerators to be located in their neighborhoods to dispose of someone else's trash.

FLOW CONTROL AND CONSUMERS

The National Taxpayers Union, Citizens for a Sound Economy, and the executive director of the Consumer Alert Advocate say that "flow control confers a portion of the solid waste management market to politically preferred constituencies at the expense of consumers."

In describing the effect of unlimited flow control authority in the future, these organizations say that "consumers of waste management services would pay more as they would be deprived of the option to take their business elsewhere when prices get too high."

FLOW CONTROL, COMPETITION, AND THE FREE MARKET

A diverse group of businesses including Browning-Ferris Industries, Laidlaw, Inc., and the National Association of Manufacturers says that "under flow control, competition would be limited and costs would increase."

The Competitive Enterprise Institute and the Reason Foundation say that "flow control would establish protected government monopolies that have no incentive to increase the quality of their services. Waste management prices would be set by political forces, without regard for market pressures."

Mr. Chairman, competition not monopolization is the best alternative for waste disposal decisions. The artificial constraints of flow control represent a step backward toward government control of waste policy, not free market competition where the best facility at the best price wins.

The argument has been made that our efforts to block future flow control authority represent another unfunded Federal mandate. This is simply not true. The Richardson-Fields amendment would in fact provide local governments with relief from the immediate impact of the Supreme Court decision while allowing the free market and open competition to prevail in the future.

The following organizations have opposed H.R. 4683: National Federation of Independent Business; National Association of Manufacturers; Chamber of Commerce of the United States of America; American Trucking Associations; Sierra Club; Clean Water Action; Environmental Action; Audubon Naturalist Society; National Taxpayers Union; Consumer Alert Advocate; Citizens for a Sound Economy; Competitive Enterprise Institute; New York Public Interest Research Group, Inc.; New Jersey Chamber of Commerce; Ohio Chamber of Commerce.

International Council of Shopping Centers; Union Pacific Corporation; Southern Pacific Transportation Company; CS First Boston; Browning-Ferris Industries; Laidlaw, Inc.; Chambers Development Company, Inc.; Kimberly-Clark Corporation; New Jersey Business & Industry Association; Georgia Chamber of Commerce; American Bakers Association; The John Locke Foundation; Environmental Industry Associations; Environmental Transportation Association; Grassroots Environmental Organization of New Jersey.

Institute for Justice; Indiana Policy Review Foundation; Arizona Institute for Public Policy Research; The Yankee Institute for Public Policy Studies; National Center for Public Policy Research; Institute for Local Self-Reliance; Hudson River Sloop Clearwater; The Heartland Institute; Chicago and Illinois Midland Railways; Intermodal Technologies; National Environmental Development Association's RCRA Project; Pittsburgh Against Toxic Incineration; Waste-NOT; PERC; Environmental Planning Lobby.

SEPTEMBER 26, 1994.

Hon. BILL RICHARDSON,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE RICHARDSON: The issue of flow control—the monopolization of municipal solid waste by local governments—is a deeply troubling one for us. The implications for taxpayers, businesses and the environment are extremely dangerous. Congress should not lightly interfere with interstate commerce, and Congress should not confer monopoly power on the public sector when there is a competitive private sector already operating successfully.

Under flow control, competition would be limited and costs would increase. We urge Congress to act to reduce costs by assuring the continuing existence of a vibrant private sector industry.

We believe flow control is totally at odds with the objectives of Superfund. It is unfair to impose Superfund liability on waste generators who would be stripped of the ability to send waste to the protective facility of their choice. Under flow control they could be forced to send their waste to sites that either are or may well end up on the Superfund list. Instead of providing incentives for waste generators to take steps that protect the environment, generators are instead denied altogether the ability to send waste to the most environmentally appropriate location.

Flow control does a disservice to the environment. Flow control commits communities, in many cases for 20 to 30 years or more, to massive investments in environmental technologies that may soon be outdated. By interfering with the free market, flow control can also represent a barrier to recycling, which depends on the untrammeled movement of post-consumer recyclables for its success.

For all these reasons—threat to the free market, increased costs, imposition of Superfund liability and obstruction to environmental advances and recycling—we urge Congress to approach the issue of flow control with extreme caution. Excessively broad flow control legislation, and most certainly the virtually unlimited grant of flow control authority that recently passed the House Energy and Commerce Committee, would present precisely those problems that we believe Congress should be trying to prevent, not create. If it is necessary to legislate in this area, we believe that an approach that protects existing facilities dependent on flow control for the life of the original facility, but that confers the benefit of the free market in all other circumstances, is the best way for Congress to proceed. We would appreciate your support for our position.

Respectfully submitted,

International Council of Shopping Centers; Southern Pacific Transportation Company; Union Pacific Corporation; Intermodal Technologies; Chicago and Illinois Midland Railways; The National Environmental Development Association's RCRA Project; National Association of Manufacturers; American Trucking Association; Browning-Ferris

Industries; Chambers Development Company, Inc.; Kimberly-Clark Corporation; Environmental Transportation Association; and Laidlaw, Inc.

SIERRA CLUB,
Washington, DC, September 27, 1994.

DEAR REPRESENTATIVE: Broad "flow control" legislation, H.R. 4683, to be voted on by the full House this week, could negatively impact public health, the environment and safe waste disposal. Such legislation would give local governments exclusive control over the flow of trash, make it significantly easier to site new incinerators, and increase the possibility of Superfund liability for waste genertors. Sierra Club strongly urges you to narrow the scope, and curb these impacts by supporting an amendment expected to be offered by Reps. Bill Richardson (D-NM) and Jack Fields (R-TX).

Flow control requires that municipal solid waste be disposed of in a designated waste facility. The overwhelming experience in most communities has been the use of flow control to support the construction of capital intensive incinerators or waste-to-energy facilities which can emit dangerous toxins. (Flow control guarantees a waste stream for newly constructed facilities. Thus the revenue from the waste allows a facility to pay off the indebtedness occurred from building the facility.) These facilities also lock out the adoption of recycling and source reduction alternatives because incinerators compete for the same materials collected by recycling programs. Sierra Club urges that prospective flow control be considered only within the context of a RCRA reauthorization where sound solid waste plans—including reduction, recycling, and composting—and enforcement of those plans, can be adopted.

Furthermore, flow control could potentially lock waste generators and communities into using unnecessary or unsafe disposal facilities. Local governments are not required to ensure that a facility treat waste in the safest possible manner. Thus a generator might be liable simply by complying with a municipalities' flow control requirements should the waste facility ultimately be listed under Superfund. Waste generators should demand that flow control not be enacted or even considered until the best waste management system is established under RCRA.

The Richardson-Fields amendment would "grandfather" current flow control arrangements established prior to May 15, 1994, yet require new facilities to be built based on competition. This "grandfather" provision would prevent the disruption of existing municipal financing arrangements. Additionally, the Richardson-Fields grandfather has been broadened further to include those existing facilities that have not completed the schedule of payments for capital costs, or those in which the useful life of the original facility had not expired, whichever is longest.

The ramifications of enacting flow control legislation are great. We urge you to vote for the Richardson-Fields amendment which would provide a reasonable compromise to full-scale flow control. Sound solid waste management should not bring waste facilities on-line hastily, or when they are not the safest option.

Thank you for your consideration.

Sincerely,

A. BLAKEMAN EARLY,
Washington Director,
Environmental Quality Program.

COMPETITIVE ENTERPRISE INSTITUTE,
Washington, DC, September 20, 1994.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: In May of this year, the Supreme Court ruled that local flow control laws are unconstitutional impositions on interstate commerce. Now, some in Congress hope to reverse this decision and provide specific Congressional authorization for those laws. We, the undersigned, believe that this would be a terrible mistake and urge you to oppose any such efforts.

Flow control is the practice whereby local governments require all waste within their jurisdiction be processed at designated facilities, often at overpriced, inefficient incinerators. In this manner, flow control confers a portion of the solid waste management market to politically-preferred constituencies at the expense of consumers. It is this type of arrangement that the Supreme Court declared unconstitutional.

Reauthorizing the use of flow control would be a step backward in the handling of municipal solid waste. Rather than encourage expanded markets in solid waste management that would encourage greater efficiencies and innovation, flow control would establish protected government monopolies that have no incentive to increase the quality of their services. Waste management prices would be set by political forces, without regard for market pressures. Public sector facilities would not have to compete for any of their business. There is little doubt that under this scenario, consumers of waste management services would pay more as they would be deprived of the option to take their business elsewhere when prices get too high.

Equally important, Congressional authorization of flow control could inhibit the development of alternative waste management options, including market-driven recycling efforts. Flow control laws unnecessarily inhibit the ability of recyclers and other ecological entrepreneurs to compete in the marketplace. While our organizations have different perspectives on waste management, we agree that if recycling efforts are to succeed, they need to establish a firm foothold in the marketplace. Flow control represents a political barrier to this development.

We, the undersigned, represent no single ideological or economic interest. Rarely are we united on a single issue. In this instance, however, we are working together to oppose the folly of flow control. Flow control laws unnecessarily limit competition within the waste management industry, increase costs for local consumers, and discourage environmental innovation. They are not in the interest of the American people.

Sincerely,

Fred L. Smith, Jr., President, Competitive Enterprise Institute, Washington, DC.

Larry Shapiro, Senior Attorney, New York Public Interest Research Group, Inc., New York, NY.

Michael Sanera, President, Arizona Institute for Public Policy Research, Phoenix, AZ.

Neal Fitzpatrick, Conservation Director, Audubon Naturalist Society, Chevy Chase, MD.

Daniel Jerrems, Coordinator, Baltimore Recycling Coalition, Baltimore, MD.

Paul Beckner, President, Citizens for a Sound Economy, Washington, DC.

Paul Schwartz, Assistant to the Director, Clean Water Action, Washington, DC.

David Ridenour, Vice President, National Center for Public Policy Research, Washington, DC.

David Keating, Executive Director, National Taxpayers Union, Washington, DC.

Richard Stroup, Senior Associate, PERC, Bozeman, MT.

Betsy Ensminger, Founding Member, Pittsburgh Against Toxic Incineration, Pittsburgh, PA.

Robert Poole, President, The Reason Foundation, Los Angeles, CA.

Joseph Stouffer, Legislative Director, Sierra Club—Atlantic Chapter, Albany, NY.

Paul and Ellen Connett, Co-Editors, Waste-NOT, Canton, NY.

Laurence Cohen, Executive Director, The Yankee Institute for Public Policy Studies, Glastonbury, CT.

Frances Smith, Executive Director, Consumer Alert Advocate, Arlington, VA.

Lee Wasserman, Executive Director, Environmental Planning Lobby, Albany, NY.

Madelyn Hoffman, Director, Grassroots Environmental Organization of New Jersey, Flanders, NJ.

Joseph Bast, President, The Heartland Institute, Palatine, IL.

Bridget Barclay, Environmental Director, Hudson River Sloop Clearwater, Poughkeepsie, NY.

Thomas Hession, President, Indian Policy Review Foundation, Indianapolis, IN.

William H. Mellor III, President and General Counsel, Institute for Justice, Washington, DC.

Neil Seldman, President, Institute for Local Self Reliance, Washington, DC.

Marc Rotterman, President, The John Locke Foundation, Raleigh, NC.

□ 1810

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in my opinion the Richardson substitute is really unfair. The Richardson alternative would freeze out communities that have spent significant resources to build facilities. The Richardson substitute would bar using flow control in the future to finance new facilities, retrofits, or expansions necessary to meet current needs or new environmental requirements.

A community that has spent years and hundreds of thousands of dollars to finance its facility would be frozen out under the amendment. Richardson pretends to grandfather communities that have invested in good faith reliance on flow control authority, but only under very rigid and limited circumstances.

The committee bill, on the other hand, will not now nor will it ever provide unfettered flow control authority. It simply recognizes the equity of allowing counties that have made significant financial investments in integrated waste systems to go ahead with their plans where those plans have been relying on flow control.

The committee-passed legislation neither encourages nor discourages a particular method of disposal, and I think that is very important to emphasize. We are not discouraging or encouraging any particular method of disposal: incineration, landfill, whatever.

For example, in my home State, we have an integrated system that consists of 12 modern lined countywide

landfills, 14 major transfer stations, and 5 regional incinerators. I view flow control as prorecycling and procomposting.

In my home county, which is called Monmouth County, we have an aggressive recycling program in place which has achieved a 42 percent total waste stream and a 44 percent municipal waste stream recycling rate. Through county planning and with the use of flow control authority, Monmouth County is well on its way toward meeting the statutory 60 percent total and 50 percent municipal stream recycling goals by the end of 1995. We would not be able to achieve this without flow control authority.

Mr. Chairman, some have argued that flow control authority merely fuels incinerators, and I think this is very misleading. Flow control allows the local governments to move forward and implement better technologies, environmental technologies. The real environmental danger comes from the reduced recycling and haphazard disposal of trash that will occur without strong flow control authority from municipalities.

Recycling and composting facilities are very costly initiatives, often requiring designating authority and subsidies to make them viable. What responsible local government could finance or construct a recycling or composting facility without flow control authority.

The financial community testified, Mr. Chairman, before the subcommittee in the Committee on Energy and Commerce and warned that recycling and composting facilities would not likely be financed without the option of flow control. Should a county like Monmouth County, my own county, want to build a composting or recycling facility, they would have no choice without flow control but to raise taxes. They would have no other alternative.

Mr. Chairman, I personally am concerned as an environmentalist that we may face a major step backward in environmental protection as the short-term economic gains of artificially cheap disposal prevail over more comprehensive long-term strategies to reduce the amount of waste we produce through resource reduction, reuse, and recycling. Make no mistake that the environmental vote is no on the Richardson amendment.

Mr. FIELDS of Texas. Mr. Chairman, I rise in support of the Richardson-Fields amendment.

Mr. Chairman, first of all, I want to commend the gentleman from New Mexico [Mr. RICHARDSON] for his eloquent statement and explanation of our amendment just a moment ago.

Mr. Chairman, I rise today in support of the Richardson-Fields amendment.

Since the recent Supreme Court Carbone decision, the local governments' push for legislative relief has intensified. After many negotiations and significant alterations to our bill, I am proud to be a sponsor with my friend, Mr. RICHARDSON, of an amendment to be offered as a substitute to the bill today. Our amendment will protect those facilities financially dependent on flow control but would rely on the free market and open competition in the future.

Our amendment addresses the core problem by providing the needed relief to the local government which are currently operating under flow control ordinances until such time as their contract expires or the current schedule of payments for the facility is paid off, whichever is longer. This amendment actually goes beyond our original bill by including facilities not yet constructed if they meet certain requirements such as having obtained required construction permits, the completion of contracts for construction or the presentation for sale of revenue bonds for financing the construction of the facility.

As a proponent of the free market, I believe our approach is the only one which would protect taxpayers, businesses, and the environment. Unlimited flow control authority which gives local governments a monopoly power would disrupt open competition and could raise prices for waste collection and disposal. As we all know, the market for waste is a large and extremely competitive one. Having no evidence that the private sector cannot effectively and maybe more efficiently control the movement of municipal solid waste, there is no need for Congress to grant this monopoly power to the local governments.

You all should have received a copy of a letter from the National Federation of Independent Businesses stating their opposition to virtually any flow control ordinance. The National Association of Manufacturers, the U.S. Chamber of Commerce, the Associated Builders and Contractors are just a few of the others who strongly oppose flow control.

They are concerned that small and large businessowners who want the ability to contract for the best possible price for their solid waste collection will not be able to do so under eternal flow control arrangements. They also feel that all waste companies should be allowed to compete fairly for waste collection contracts.

Let's address the real problem today and grandfather those facilities which would be affected immediately by the Supreme Court decision and leave the future in the hands of a competitive marketplace.

Mr. Chairman, I urge my colleagues to support the Richardson-Fields amendment. I yield back the balance of my time.

The environmental vote is aye, and the pro-business vote is aye.

□ 1820

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very interested in the arguments in favor of the Richardson substitute. I feel they are fallacious. To say that the environmentally favorable position is aye on this amendment really defies analysis. What we see happening around this country is that hundreds of local communities are attempting to do the right thing environmentally. They are being hamstrung by the Carbone decision. They are being hamstrung by the delay in Congress in responding to that decision. The responsible thing is to let local governments get on with the environmentally sound work that they have started. In my State, we have dozens of local communities that are trying to work together to do the right thing with local enterprise.

The other aspect of this which I find very interesting is that if we can, we should allow local units of government to solve these problems in their own communities rather than trying to micromanage things from Washington, DC or forcing local units of government to have one hand tied behind their back as they deal with a very difficult problem.

Mr. Chairman, I feel that those of us here in Congress on both sides of the aisle recognize the importance of maximum local autonomy to respond as is appropriate to local problems. I feel that the responsible vote on this amendment is no if we are thinking about how we relate to our local units of government and those officials. What we should do is encourage this debate to occur in our local communities. Let them thrash out the problem. Local businesses can come in, present their arguments, and they can work out an accommodation that makes sense at the county level.

Therefore, Mr. Chairman, I urge that all in this Chamber vote against the Richardson substitute.

Mr. MCMILLAN. Mr. Chairman, I move to strike the requisite number of words and I rise today in opposition to the amendment offered to the committee-passed bill.

Mr. Chairman, proponents of Richardson argue that flow control is environmentally unsound, and anticompetitive. It is pure and simple one waste management company and the Sierra Club.

Each of these charges is specious. The committee bill, which this amendment seeks to strike, has language to compel the use of competitive bidding, solid waste management planning, and a time certain when commercial flow control authority ends. This is not the open-ended granting of broad authority that the proponents of Richardson would have you believe it is. The committee bill balances the needs of both sides of the debate, Richardson does not.

Forty-three States allow the use of flow control authority, most as a base for environmentally sound solid waste management laws. Richardson would effectively make compliance with many of those laws impossible because the laws were based on flow control authority.

Under the Richardson language, scores of communities who have made substantial financial commitments could be left without the means to accomplish waste management goals required by State law.

Proponents of Richardson argue that flow control leads to incineration and supporting this amendment will result in a reduction in exposure to dioxin. This argument ignores that incineration is strictly regulated by EPA and a choice a community should make.

Finally, to say the committee bill eliminates competition in the marketplace is wrong. I am a strong advocate of competition and worked to insure that any flow control legislation include a requirement that competitive bidding be a part of any new designation. This competitive bidding process increases not decreases private sector involvement.

The arguments supporting this amendment were weak and unsound when it was handily defeated in the full Energy and Commerce Committee and they are weak and unsound today. I urge a "no" vote on this amendment.

Ms. LAMBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Richardson Amendment. I believe that this amendment, while providing limited relief to our local communities, still leaves many communities, who have relied in good faith on flow control, out in the cold.

The Richardson approach would not help communities that are in the process of implementing flow control nor would it help communities that have comprehensive waste management plans in place. In both of these situations, communities have devoted much time and money.

Mr. Chairman, flow control will not create new monopolies with the localities. First, H.R. 4683 would provide for a competitive bid process for future flow control authority; second, it does not expand on existing flow control authority.

Mr. Chairman, some would say that H.R. 4683 is bad for small business and bad for the environment. I disagree.

Under this bill, small waste haulers will be able to compete on an equal level with the large vertically integrated waste management companies. Since these large waste management companies own their own landfills in addition to hauling waste, their tipping fees at the landfill can partially subsidize the costs associated with their hauling expenses. However, where the local governments own the waste disposal facility, the most competitive and price effective waste hauler will win the hauling contract, regardless of the size of the business. For this very reason, these small mom and pop trash haulers have survived and flourished in flow control jurisdictions.

This bill is also environmentally friendly. Under many flow control jurisdictions, local governments have installed new environmentally sound methods of waste disposal. Many localities have built and financed recycling and composting facilities and have organized curbside recycling and household hazardous waste pickups. None of these jurisdictions would have been able to invest in such facilities were it not for flow control. Without flow control, the locals would be unable to secure an adequate waste stream to pay off the debt secured by revenue bonds.

Additionally, recyclers are in strong support of H.R. 4683. Supporters of this bill include the American Forest and Paper Association, Weyerhaeuser, and the Institute of Scrap Recycling Industries. Many of my colleagues know that I am a strong proponent of recycling. I am pleased to say that the bill before the House protects municipal, as well as commercial, recycling of paper, glass, plastic, metals, textiles, and rubber. Recyclables voluntarily provided to governmental entities are unaffected by H.R. 4683. This bill does not subject to flow control those recyclables which have been collected and processed by commercial entities and which have not been voluntarily relinquished to government programs. Thus, this bill preserves the commercial market for recyclables.

In closing, flow control will not create new monopolies with the localities. First of all, H.R. 4683 would provide for a competitive bid process for future flow control authority and, second of all, it does not expand upon existing flow control authority.

H.R. 4683 is responsible legislation and I urge my colleagues to vote "no" on the Richardson amendment that would weaken this bill.

Mr. SCHAEFER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Richardson-Fields amendment. This substitute offers us a responsible compromise to the troubling issue of flow control. Ultimately, flow control is about a choice between inefficient government monopolies and a competitive free enterprise system. The Supreme Court has already chosen in favor of free enterprise. It has already ruled that local governments should not be able to have a monopoly on the flow of waste.

My preference would be to allow the court decision to stand. Congress does not need to provide broad new authorities to overturn the Court's ruling. Let the free market do the job.

I do realize that some local communities will suffer if Congress does not take some sort of action. If Congress must act, it should be in a very limited way to assist these communities and leave the core of the Carbone decision intact. This is what the Richardson-Fields amendment would accomplish. It would protect those communities currently involved in flow control, and it would protect free enterprise in the future.

If we must act, let us act responsibly. The Richardson-Fields amendment will accomplish this outcome. The bill before us right now will not.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to join my good friends from New Mexico and Texas in support of their amendment to grandfather existing flow control programs.

Flow control is a legal regimen that some communities have adopted to underwrite expensive waste projects. It was adopted because these communities found that they could not raise the necessary capital to pay for high priced incinerators and landfills without somehow assuring that the flow of waste would be large enough to provide the revenues to pay for that capital.

When the Supreme Court's Carbone decision struck down flow control, it left many communities that had made such commitments with stranded investments. Some cities and counties had invested tens of millions of dollars in landfills, incinerators, and waste-to-energy plants.

With flow control suddenly gone, how are they to pay back the loans or service the bonds that were issued to pay for these facilities?

The Richardson-Fields amendment resolves this problem by simply allowing communities that had made such financial commitments to retain flow control authority long enough to honor these obligations.

It is not the "Hands off Carbone" policy some of the waste companies and environmental groups wanted. It is not the complete, unlimited grant of flow control authority that some communities want. Like the interstate waste bill we passed overwhelmingly yesterday, it is legislation that gives no party all that it wants but, most importantly, it is fair to all parties.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take 5 minutes because much of what I have to say has been said in one form or another. However, I did not want the opportunity to go by without responding to something that was said about New Jersey, and also to reinforce the belief of I think most of this House that this committee has done a good job really in bringing out a balanced piece of legislation addressing a very difficult but

important issue. I congratulate the gentleman from Washington State and the gentleman from Ohio for their work.

□ 1830

I rise in support of the committee bill and in opposition to the Richardson-Fields amendment.

If a Member wants to be a mayor of a community, they ought to go back and run for mayor. They have enough problems trying to deal with waste management and they have done a good job.

I invite my colleagues to come to New Jersey and see what New Jersey is doing to recycle its waste. It is one of the most densely populated States in the Union, a lot of miles of coastline. Much of my industry is tourist oriented, and we have a major problem trying to manage waste. We have made major investments in facilities to recycle. We are aggressive recyclers. We are ahead of the curve. We are doing a good job in New Jersey like in many parts of the country.

We cannot invest millions and millions of dollars, as we have done, in major facilities without having some ability to control the flow of wastes. That is what these municipalities have done, they have invested tens of millions of dollars in an effort to provide good waste management.

Those who suggest that the environmental vote is a vote in favor of Richardson really have not looked at what is happening in waste management, because the committee bill basically does encourage, it grandfathers those that presently are managing wastes through flow control. It also encourages those who are trying to grapple with the problems to invest in facilities that will do just that, to recycle, to develop better waste management programs, and that is why the committee bill is the right bill, and I urge my colleagues to support it and salute the committee for their outstanding work.

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Richardson-Fields amendment.

In very practical language, in my district in Illinois there is a real practical problem, a practical problem that some cities have pulled together in cooperative entities to try to solve the waste problems, and some of them, 50 some communities have been tied into a consideration that has spent a lot of money and used taxpayers' money. All of a sudden these cities now cannot get out of that amalgamation because of this waste flow legislation. They cannot get out and they cannot invest in better ways and the new technologies in the environmentally sound ways, and quite frankly, they cannot get out to save their taxpayers money.

The Richardson-Fields amendment holds harmless those people who are already doing it but prospectively allows us to start to plan for cities to be able to find better opportunities not being tied into the old corporate schemes that are out there. I think it is a good amendment. It deserves the support of this body and I ask for positive support.

Mr. Chairman, it is premature and irresponsible for Congress to pass this bill at this time. Congress should wait, and not enact any flow control legislation, until we have had time to determine the impact of the Carbone decision pertaining to currently operating waste management facilities. Furthermore, I do not believe any case can be made for granting prospective relief from Carbone.

As currently created, H.R. 4683 would enable local governments to control where wastes brought into a community, or generated within a community, will be disposed of. Such authority could remove many existing waste facilities from the competitive marketplace, a marketplace which in many instances would save taxpayers money. Additionally, this flow control legislation would eliminate incentives to control costs, provide quality services, and maintain efficient facilities. In short, this legislation creates a government monopoly that would stifle competition and deny the public the benefits of a free market system. To be sure, Congress should not be in the business of creating these government monopolies.

In conclusion, I believe that the free market is capable of responsibly and efficiently managing our waste facilities. Accordingly, I am opposed to enacting any flow control legislation during this Congress. I urge my colleagues to act responsibly and defeat this ill-timed piece of legislation.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too rise in opposition to the Richardson-Fields amendment.

Mr. Chairman, H.R. 4683 very wisely grandfathers integrated systems including a full range of services such as recycling, composting, and energy to waste. H.R. 4683 enables communities that use flow control to continue advancing and creating better and more sophisticated means of disposal.

The Richardson-Fields amendment, on the other hand, grandfathers facilities only, and once a facility runs its useful life, flow control authority is over as well, no grandfathering of retrofits, expansions, redesignations, or modifications. If a landfill becomes full, tough luck, no more flow control. If a burner is too small for increased waste, too bad.

Mr. Chairman, the Richardson amendment will freeze out hundreds of local governments across the Nation, including many counties in my State of New Jersey that have taken meaningful actions toward flow controlling their waste management facilities but have not yet completed such actions.

I think the committee has, again, very wisely, crafted a bipartisan bill, a bill I think that is environmentally sound, and I think that the Richardson amendment ought to be rejected and this consensus bill accepted by the House.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words. I just want to expand on this issue as I rise in opposition to the Richardson-Fields amendment, and I rise based on the experience I had in local government for 8 years and the State legislature for 11 years. As county commissioner I served as chairman of the Board of Public Works and had a great deal of responsibility with solid waste disposal and became intimately familiar with solid waste problems and handling these problems at the local level. In the State Senate I chaired the Natural Resources and Environmental Affairs Committee and was involved in developing a State-county planning mechanism which was very effective in resolving some of the issues we are talking about here.

I believe it is very important to pass the original bill and to reject the Richardson-Fields amendment because States and counties have in many cases worked out systems of modified flow control which I believe are legitimate, should be constitutional, and will work.

I believe in competition, as the sponsors of the amendment do. But I have found that in the area of solid waste we generally do not have true competition. First of all, in this era of superlarge landfills and limited numbers of landfills, we often have a monopoly situation, and that does not lend itself to competition. Frequently it is necessary to institute flow control in order to obtain competition.

Furthermore, we have to recognize that the true costs of landfills are not always apparent. As an example, we are spending billions of dollars through Superfund to clean up landfills, and including the true costs of those landfills make waste reduction facilities, incinerators, and other facilities look far more competitive. We still have that problem today. We must introduce some other methods to assure true competition.

with flow control we can still have industry competition, as we do in Michigan, by having the State and the county have limited flow control, but then having the projects bid out to the private sector. That I think is probably the best way of ensuring competition in a semimonopolistic situation.

I am well aware of the environmental community's concerns with incinerators, but I have investigated that thoroughly, and I am convinced that the use of incinerators with good air-pollution controls, along with aggressive recycling programs, is better than the use of landfills, which are often the only alternative.

Mr. Chairman, I urge this body to reject the Richardson-Fields amendment

and pass the bill as originally submitted.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I would like to remind Members that this committee was the first committee the Congress formed after 1787. It did so because of the squabbles between the States and reaffirmed that we regulate interstate commerce.

We need a bill, but I think we need a bill as moderate as we can get. We need to act very cautiously in a very limited manner when addressing this issue which we knew arose as a result of the Supreme Court decision.

Our colleagues, the gentleman from New Mexico [Mr. RICHARDSON] and the gentleman from Texas [Mr. FIELDS], have an amendment that addresses a genuine problem: to grandfather existing facilities in communities that had invested in flow control laws. This legislation, with some very minor fine tuning, should be all that is needed.

While I have the greatest respect and have enjoyed working with the chairman of the subcommittee for the 14 years I have been privileged to serve on the Committee on Energy and Commerce, and I have enjoyed working with the gentleman from Ohio, and as much as I respect him, I think on this issue that they are wrong, that the gentleman from Texas [Mr. FIELDS] and the gentleman from New Mexico [Mr. RICHARDSON] have the better argument.

□ 1840

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Richardson-Fields amendment.

Mr. Chairman, first, I would like to note that I believe both H.R. 4683 and the Richardson-Fields approach represent responsible compromises and that I would vote for either approach upon final passage.

I have discussed these approaches with community leaders in my district. At this time and based on these discussions, however, I prefer the approach in H.R. 4683.

The approach in H.R. 4683, in effect, grandfathers flow control systems and, thus, allows for redesignation. The Richardson-Fields substitute authorizes flow control for only the initial facility, which may make it difficult for communities to provide for integrated waste management that may include transfer facilities, and different types of disposal facilities that may change over time.

I also do not believe that H.R. 4683 is a blank check to local governments. H.R. 4683 only allows for flow control of commercial waste under reasonable indicia of a commitment to designate a facility within a specified period of time. Moreover, the bill contains a competitive designation process that ensues some competition for operating the facility. Flow control in such situations, in effect, allows a community to bargain for the most cost-effective and environmentally sound waste management system for the whole community and assured financial stability for that system. This is a traditional function of local government.

I am not saying that flow control is the best option in any given community. I do, however, believe that legislation should not limit existing operations or facilities late in the planning process. I am more confident that H.R. 4683 will not disrupt these local communities, than I am with the Richardson-Fields substitute.

Accordingly, I ask my colleagues to vote against the Richardson-Fields amendment.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had brilliant remarks in opposition to the amendment offered by the gentleman from New Mexico, but in an act of heroic restraint, I will not give them at this time.

While I recognize that the gentleman from New Mexico has made a number of improvements to his amendment, and commend him for making these changes, I cannot support it for the following reasons:

First, the amendment contains only a narrow grandfather, limited to facilities. To me, this does not adequately address the issue of the integrated waste management systems which we have been urging States and local governments to adopt.

Second, the grandfathered flow control authority sunsets at the end of the life of contracts for delivery of waste to the facility, or the completion of the schedule of repayments for the facility, whichever is longer.

This sunset ensures that, while the local government will probably be able to pay off its financial commitment regarding the facility, it will never be able to use the facility to generate revenue. In effect, the use of the facility beyond the sunset date will be taken away.

Third, while the amendment makes some provision for local governments that need to redesignate facilities to account for a facility's closing, the grant of authority to make such redesignations is too restrictive.

Fourth, the same is true of the amendment's language regarding facilities in the pipeline, but not up and running, as of the date of the Carbone decision.

The Richardson amendment calls for an end to flow control in the near future. Before we take that step, we should consider a few factors:

Local governments have traditionally had the responsibility for waste management. They need to have the full range of available tools in order to best fulfill this responsibility.

Flow control is a useful solid waste management tool, especially for local governments that wish to develop integrated waste management systems.

Perhaps the alternative to providing local governments with the waste management tools they need is to take the responsibility for waste management from them and give it to another entity, such as the Federal Government.

Another option would be to regulate the waste disposal industry as a public utility.

The private sector will not always provide every service a community desires, especially when some of these services are not profitable. Examples of such services are household hazardous waste and scrap tire collection.

Local governments can use flow control to subsidize these unprofitable, but desirable, services.

The private sector is often the beneficiary of flow control—it provides them with long-term waste supplies at a guaranteed price. Besides, several of the larger members of the industry do not seem to be unduly suffering under the current system.

The escalating construction and operation costs for waste management facilities such as landfills, and the increasing reliance on regional facilities, automatically lead to more private sector involvement—it seems unlikely to me that many local governments will be building large subtitle D landfills in the coming years. They might wish, however, to contract with a private landfill operator, in which case they will probably need to guarantee a reliable waste stream for that privately owned or operated facility. Flow control is an excellent way to do this.

Mr. GRAMS. Mr. Chairman, as an original cosponsor of the Richardson-Fields flow control grandfather legislation, I rise in strong support of the Richardson-Fields amendment. Minnesota—like 28 other States—is a flow control State. When the U.S. Supreme Court ruled State flow control laws unconstitutional, local governments in my State were thrown into turmoil.

In my home State, county officials developed an integrated waste management system premised upon waste flow control laws. They build incinerators or composting facilities with a mandate for a steady stream of waste to finance them. Yet, as a result of the Carbone decision, these county commissioners have been faced with the unsavory options of having to cut vital programs or raising residential taxes.

Over the past 2 years, I have worked closely with Minnesota officials and representatives from the various parties interested in the flow control debate. I've worked hard to identify a compromise to address the arguments being made on all sides of this issue.

That compromise is embodied in the Richardson-Fields amendment. This language protects existing investments made under flow control before it was struck down, but does not expand the practice to the remainder of the country. It is a pure grandfather—affecting only those facilities teetering out on a limb—and sunsetting when the facility debt is paid off or a flow control contract expires.

Richardson-Fields fixes only what is broken, and does not interfere with the free-market in situations where flow control did not exist. That is why Richardson-Fields has gained the broadest base of support, including environmental groups, business groups, taxpayer, and consumer groups.

The Richardson-Fields amendment is the true compromise here today. I urge my colleagues to adopt the Richardson-Fields amendment as a solution for those governments which are in a bind as a result of the Carbone decision, and as a means of averting efforts to expand flow control.

Mr. ACKERMAN. Mr. Chairman, I rise today to speak on an issue that has affected municipalities in my district and districts all over the country, flow control of municipal waste.

Ever since a recent U.S. Supreme Court decision struck down local laws that control the flow and disposal of trash, municipalities, large and small, have been in conflict in an effort to best serve the needs of their taxpayers.

In my district, flow control was locally enacted several years ago, in order to ensure that incinerators owned and operated by the town governments received a constant and steady supply of garbage. The Supreme Court, however, has ruled that State and local governments cannot use their regulatory power to favor their own incinerators.

These incinerators were built by the towns in order to dispose of the waste created there, when the town governments felt they were under an obligation to do so. Smaller municipalities now wish to find more cost effective places to dispose of their waste, to benefit their taxpayers. If the town incinerators go unused, however, it is these same taxpaying citizens who are the real losers.

For these reasons, I rise in support of H.R. 4683, the Municipal Solid Waste Flow Control Act of 1994. This legislation would grandfather existing flow control contracts, which provide authority to local governments to designate facilities where municipal solid waste must be disposed of. Additionally, it would allow States and local governments to exercise flow control authority for either household waste or recyclable materials if it: First, establishes a program providing for separation or recyclable materials from other waste, for recycling, reclamation and reuse; and second, makes a finding, on the basis of one or more public hearings, that the use of flow control is necessary to meet current or anticipated solid waste management needs.

I urge my colleagues to support this bill.

Mr. TOWNS. Mr. Chairman, I rise in support of the flow control substitute offered by the gentleman from New Mexico.

Despite the attention given to many environmental issues, flow control is relatively esoteric and commands few headlines. Yet it could effect the pocketbooks of ratepayers and businesses throughout the United States.

We are voting today to decide what local governments can do to determine where people must send their trash. For most, this is not much of a constraint, residents put their trash at curbside and are happy to be rid of it. For businesses, commercial and industrial, waste disposal is more complicated, and certainly the cost of waste disposal is an important concern to a business' viability.

With flow control, many local governments will be able to plan knowing that they can capture all the ordinary garbage, residential and commercial, that is generated. The effect of this may not be so sanguine. Many governments have overbuilt for disposal, and need flow control precisely because their facilities are much more expensive than other options.

In particular, flow control supports incinerators, which are often more expensive than alternatives. I have been urging my own city, New York, to invest as much in recycling as they have in new incinerators. Ironically, recycling capacity could easily dwarf the capacity of the pending incinerator proposals, and it does not lock the city into an expensive technology for 20 years.

I am glad to see that flow control can also be used to support recycling programs, but I am not convinced that flow control is necessary to make recycling work. Most residents will surrender their trash happily. Many businesses will seek a part in recycling because that is seen as "the right thing to do." But flow control casts too broad a net, and supports foolish decisions as well as wise ones.

I am especially troubled by how this might affect businesses under Superfund. A local government would have the authority to tell a business where to send its trash. But if that site is not as well-managed or as well-designed as hoped, it could become, or contribute to, a superfund site. Businesses could have superfund liability where they had no choice. I support making the polluter pay, but this does not strike me as fair.

It is not that I do not acknowledge the merits to some of the arguments the other side will make. People hold local governments responsible for handling trash, and Congress has certainly encouraged planning at local and State levels. But we do not need the broad flow control in the current bill.

We do need to do something limited in this area to protect a few communities who have already issued bonds and built facilities under the assumption that they could use flow control, but we do not need to encourage this inefficient behavior.

I support the much more limited option in the amendment of my good friend from New Mexico. I urge my colleagues to support this substitute.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The question is on the amendment in the nature of a substitute offered by the gentleman from New Mexico [Mr. RICHARDSON].

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

RECORDED VOTE

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 244, not voting 34, as follows:

[Roll No. 452]

AYES—161

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bliley
Blute
Boehner
Bonilla
Boucher
Bryant
Bunning
Byrne
Callahan
Camp
Canady
Chapman
Conyers
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
de Lugo (VI)
DeLay
Doolittle
Dreier
Duncan
Dunn
Edwards (TX)
English
Eshoo
Ewing
Fields (TX)
Filner
Fowler
Frost
Furse
Gallegly
Geren
Gilchrest
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Grams
Grandy
Green
Gunderson
Hall (TX)
Hancock
Harman
Hastert
Hefley
Hoekstra
Huffington
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Johnson, E. B.
Johnson, Sam
Kennedy
Kim
Kingston
Klink
Klug
Kolbe
Kopetski
Kyl
LaFalce
Leach
Lewis (GA)
Lightfoot
Linder
Livingston
Machtley
Maloney
Mann
Manton
Manzullo
Martinez
McCollum
McHale
McInnis
Mfume
Michel
Mineta
Moorhead
Morella
Nadler
Norton (DC)
Nussle
Obey
Ortiz
Parker
Pastor
Payne (VA)
Pelosi
Pickle
Pombo
Porter
Poshard
Pryce (OH)
Quinn
Rahall
Reed
Richardson
Roberts
Rohrabacher
Romero-Barcelo (PR)
Roth
Roybal-Allard
Royce
Sanders
Sarpalius
Schaefer
Schiff
Scott
Serrano
Shepherd
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stenholm
Stump
Swett
Talent
Tanner
Tejeda
Thomas (WY)
Torkildsen
Torres
Towns
Upton
Velazquez
Vucanovich
Waters
Watt
Waxman
Wilson
Young (AK)
Zeliff

NOES—244

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Baesler
Baker (LA)
Ballenger
Barlow
Barrett (WI)
Bateman
Beyill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coyne
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Durbin
Edwards (CA)
Ehlers
Emerson
Evans
Everett
Farr
Fawell
Fazio
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gordon
Goss
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Hastings
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hughes
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klein
Knollenberg
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lipinski
Long
Lowey
Lucas
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McDermott
McHugh
McKeon
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Murphy
Myers
Neal (MA)
Neal (NC)
Oberstar
Olver
Orton
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Portman
Price (NC)
Ramstad
Rangel
Ravenel
Regula
Reynolds
Roemer
Rogers

Ros-Lehtinen	Skaggs	Traficant
Rose	Skelton	Tucker
Rostenkowski	Slaughter	Unsoeld
Roukema	Smith (IA)	Valentine
Rowland	Smith (NJ)	Vento
Rush	Snowe	Visclosky
Sabo	Spratt	Volkmer
Sangmeister	Stearns	Walker
Santorum	Strickland	Walsh
Sawyer	Studds	Weldon
Saxton	Stupak	Whitten
Schenk	Swift	Williams
Schroeder	Synar	Wise
Schumer	Tauzin	Wolf
Sensenbrenner	Taylor (MS)	Woolsey
Sharp	Taylor (NC)	Wyden
Shaw	Thomas (CA)	Wynn
Shays	Thornton	Young (FL)
Shuster	Thurman	Zimmer
Sisisky	Torricelli	

NOT VOTING—34

Andrews (NJ)	Hoyer	Quillen
Applegate	Hutto	Ridge
Calvert	Inhofe	Slattery
Clyburn	King	Stark
Engel	Laughlin	Stokes
Faleomavaega (AS)	Lloyd	Sundquist
	McCrery	Thompson
Fields (LA)	McCurdy	Underwood (GU)
Fish	McDade	Washington
Ford (MI)	McNulty	Wheat
Gallo	Murtha	Yates
Hayes	Owens	

□ 1903

The Clerk announced the following pair:

On this vote:

Mr. Calvert for, with Mr. Andrews of New Jersey against.

Mrs. MEEK of Florida and Messrs. VENTO, JACOBS, FARR of California, MILLER of California, and MYERS of Indiana changed their vote from "aye" to "no."

Mr. BOEHNER, Ms. ENGLISH of Arizona, Messrs. LEACH, JEFFERSON, and WILSON, Ms. NORTON, and Messrs. MCCOLLUM, DOOLITTLE, POMBO, and CUNNINGHAM changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 4683, flow control legislation brought to the House floor by the Energy and Commerce Committee. This bill will ensure that States, like New Jersey, which have made flow control an important part of their solid waste management plans have the necessary authority to do so.

Unfortunately, the Supreme Court's Carbone ruling this past May, which held that local governments do not have the legal right to enact flow control ordinances absent Congressional authorization, has cast into doubt a local government's right to adopt flow control policies. Prompt passage and enactment of this legislation, prior to our final adjournment, must be a very high priority for the bipartisan leadership of the 103d Congress and President Clinton.

Earlier this week, I received a letter from the State Department of Environmental Protection's [DEP] Commissioner, Robert Shinn, outlining why New Jersey prefers H.R. 4683, as reported by the Energy and Commerce Committee, to the Richardson-Fields alternative.

Having said that, the State has made it clear to the New Jersey delegation that it would still like to see some improvements to H.R. 4683 with respect to its provision that a State's Governor affirmatively certify compliance with the so-called competitive designation provision. I hope that when the conference committee meets to craft a final version of flow control legislation that the concerns of New Jersey can be addressed. If so, I would welcome the chance to support final passage and enactment of that bill as well.

In the meantime, I urge all of my colleagues in the House join me in supporting House passage of the Energy and Commerce Committee version of H.R. 4683 this afternoon.

Mr. SWIFT. Mr. Chairman, I move to strike the last word for the purpose of informing the membership that there has been agreement on both sides that the vote we just had will be the last vote of the evening. We will seek a voice vote on final passage, or, should we be surprised, we will roll that vote until tomorrow so the membership can plan the rest of its evening.

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I originally planned to offer an amendment, but I will not, Mr. Chairman, because of my respect for the chairman of the subcommittee with whom I have had the privilege to work with for the last 14 years, and this may be the last vote on the last bill that he controls the time on the floor, and certainly it is one of the last.

Mr. Chairman, it has been a privilege to work with the gentleman from Washington [Mr. SWIFT]. He has always been patient and understanding, particularly when I first came in as a young man, ready to change the world, and he tried to change me, sometimes successfully, and sometimes unsuccessfully. But on this matter of flow control I think that the term "significant finance commitment" is unnecessarily broad, and I would hope that he and the ranking member, as they go to conference with the other body, will look at this with a view, possibly, to see if it might be tightened up.

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

Mr. BLILEY. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, I thank the gentleman from Virginia [Mr. BLILEY] for suggesting that he was such a young man and that this old man helped him, but I would remind the gentleman that his hair was gray before mine was.

Mr. BLILEY. Mr. Chairman, that is from serving in local government. One gets that way in a hurry.

Mr. SWIFT. Of course I would be very happy to work with the gentleman from Virginia on his areas of concern to see if there is some accommodation that can be reached.

Mr. SMITH of New Jersey. Mr. Chairman, the section in the bill that Mr. BLILEY would have amended is designed to provide authority to those communities that, pursuant to State law, have made significant financial commitment to develop waste management facilities for which a designation has not yet been made. These communities have spent hundreds of thousands of dollars in reliance on the right to flow control to determine sound municipal waste management options, but they have not yet secured financing for a particular waste facility.

The Bliley amendment now withdrawn would make it exceedingly difficult for those communities to carry through on their obligations and realize their investments.

More important, the Bliley amendment would subject communities to significant lawsuits brought by the waste management industry over what is and what is not "significant substantial investment", "detrimental reliance" and "substantial loss". It would be inherently unfair to local communities to second guess what is or is not a significant financial investment.

H.R. 4683 Mr. Chairman, as reported by committee is designed in part to end litigation that has saddled and burdened local community resources. The bill is designed to enable communities to effectively and efficiently manage municipal solid management without the threat of litigation.

Municipal solid waste management is a critical role of local communities today and the communities must be provided tools to do it effectively without the threat of litigation.

Mr. BLILEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Are there further amendments to this bill?

If not, the question is on the committee amendment in the nature of a substitute.

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

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROEMER) having assumed the chair, Mr. MONTGOMERY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes, pursuant to House Resolution 552, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

□ 1910

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.R. 4299, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–766) on the resolution (H. Res. 555) waiving points of order against the conference report to accompany the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–767) on the resolution (H. Res. 556) waiving points of order against the conference report to accompany the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, for certain other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4926, NATIONAL TREATMENT IN BANKING ACT OF 1994

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 543

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4926) to require the Secretary of the Treasury to identify foreign countries which may be denying national treatment to United States banking organizations and to assess whether any such denial may be having a significant adverse effect on such organizations, and to require Federal banking agencies to take such assessments into account in considering applications by foreign banks under the International Banking Act of 1978 and the Bank Holding Company Act of 1956. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 543 is an open rule providing for the consideration of H.R. 4926, the National Treatment in Banking Act of 1994.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

The rule makes in order as an original bill for the purposes of amending an amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill. Each section of the substitute shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4926, the bill for which the Rules Committee has recommended this rule, would require the Secretary of the Treasury to identify foreign countries that may be denying national treatment to U.S. banking organizations and to determine whether that denial is having an adverse effect on the banking organizations. Federal banking agencies would be required to take notice of any such assessment published by the Secretary when considering applications filed by foreign banks under various banking statutes.

Mr. Speaker, I urge my colleagues to support this open rule so that the House may consider this important legislation.

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

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

Mr. Speaker, I support this rule for consideration of the National Treatment in Banking Act. It is an open rule that does not waive points of order against the bill or any amendments. Nobody is gagged, and nobody is given preferential treatment.

Mr. Speaker, spotting a rule like this coming out of the Committee on Rules is an endangered species sighting of sorts. When it occurs, it is cause for a small celebration. I urge all Members to support this rule, and I hope very much that we see a resurgence of fair open rules emanating from our Committee on Rules.

I do have some concerns about the legislation. However, I believe that any legislation that can have the potential of closing our market to quality goods and services must be very closely scrutinized. The burden of proof must lie with those who want to restrict or threaten to restrict trade. Last fall, a year-long study by the Nation's three top experts on productivity, including Nobel laureate Robert Solow, found that the United States is still the world's productivity leader, outdistancing Japan and Germany by significant margins.

Mr. Speaker, the key finding of the report was that protectionist barriers hurt productivity in the country that blocks foreign competition. The more open the economy, the more productive the industries. While the competitiveness of the U.S. banks has been hindered by Depression-era banking laws and regulations, in general the United States has the fewest trade barriers, resulting in the United States remaining most productive. The report recommends reducing trade barriers.

The message is clear, despite how much we detest unfair treatment in other countries, protectionism abroad hurts the other country more than it hurts us. At the same time, closing our market, even in the name of increasing exports at some future date, hurts us. Therefore, while we work, even struggle to open foreign markets to highly competitive American industries such as our banking institutions, resorting to protecting our market in retaliation would in practice shoot ourselves in the foot.

Therefore, despite the very good intentions of the authors and supporters of the bill, I do not believe it is in our national interests to threaten to close our market or abandon national treatment in banking. However, I recognize the desire to provide a stick to our trade negotiators as they painstakingly work to gain national treatment agreements for financial services.

In order to better focus the legislation on the trade negotiation leverage,

rather than on the potential for self-destructive regulatory protectionism, I will be using the open amendment process to offer two amendments.

One amendment will clarify that the review process undertaken by the Treasury Department is not intended to implicate treatment by countries with which the United States has negotiated trade agreements pertaining to banking, such as those in the North American Free-Trade Agreement. I believe that this will be a noncontroversial amendment.

My second amendment recognizes the fact that the administration does not have fast-track negotiating authority for financial services agreements. The administration has asked for that authority and they have repeatedly claimed that it is critical to concluding successful negotiations. I believe that without fast track, this bill creates a stick to punish offending countries without the authority to achieve the carrot of market opening agreements.

□ 1920

Therefore, the amendment would defer the actions of the Treasury Department until fast track is granted to the administration.

In the meantime, Mr. Speaker, I strongly support this rule and urge adoption of it and look forward to working with my colleagues on this legislation.

Mr. Speaker, I include for the RECORD the following:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	99	31	31	68	69

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 28, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993)
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank the Committee on Rules for giving us this open rule, which was requested by the chairman of the Committee on Banking, Finance and Urban Affairs. An earlier version of this legislation got bogged down because there were jurisdictional problems involving the Committee on Energy and Commerce and the Committee on Ways and Means.

This bill has been redrafted so that it impinges on the jurisdiction of no other committee. I share the sentiments of the gentleman from California that our goal ought to be to open markets. We regard this as a market opener. And as the gentleman said, he has two amendments. I would just say, of his amendments, one is better than the other. And we will get into the specifics tomorrow. But we believe that the result of this will be that more markets will be opened.

America now has very open markets in the banking area. Others are not. All we are saying is, and we are not going to disrupt any existing relationships, everybody is grandparented. If one is a foreign bank and one is applying to the Federal Reserve or the Office of the Controller of the Currency or the FDIC, to any American banking regulator, if the Secretary of the Treasury has reported that their host country denies access to American banks, the regulator must take that into account. It does not even mandate that the regulator must say no. But it does give our regulators a tool which we think will result in greater opening. That is the purpose of it.

When we discussed this earlier, some of the financial institutions were worried that they might get caught up in cross-sectoral problems, that a problem in the securities industry might interfere with banking and vice versa.

This bill is drafted so that no cross-sectoral problems can arise. it deals only with banking. Because the Committee on Rules did not waive points of order, at our request, any amendment that tried to involve securities would be out of order.

I would intend to make that point of order. I am sure others would. So I can reassure Members that none of the cross-sectoral problems will come up. No committee jurisdiction problems will come up. It is our judgment that this is a useful tool to give our regulators in terms of trying to open markets.

We will discuss it more tomorrow, but that is the essentials of the bill.

I thank both the majority and minority Members of the Committee on Rules for this open rule.

Mr. DREIER. Mr. Speaker, I have no requests for time, and I am very enthused about the project of an open rule on legislation which is designed to break down barriers and expand export opportunities for goods and financial services.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BEGINNING FARMER TECHNICAL CORRECTIONS ACT OF 1994

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill, (H.R. 5065) to amend the Consolidated Farm and Rural Development Act to make technical corrections to certain provisions relating to beginning farmers and ranchers, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROEMER). Is there objection to the request of the gentleman from South Dakota?

Mr. ALLARD. Mr. Speaker, reserving the right to object, I shall not object, and I yield to the gentleman from South Dakota [Mr. JOHNSON] for an explanation of the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, this legislation was introduced by the gentleman from Minnesota [Mr. PENNY] who also introduced the original beginning farmer legislation.

H.R. 5065 makes certain technical changes in the operation of the Beginning Farmer loan program administered by USDA's Farmers Home Administration.

The bill was approved by voice vote of the Committee on Agriculture on Wednesday. I urge the House to support its passage.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5065

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 "Beginning Farmer Technical Corrections Act of 1994".

SEC. 2. LAND OWNERSHIP LIMITATION MADE INAPPLICABLE TO OPERATING LOANS.

Section 343(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)) is amended by adding after and below the end the following:

"As used in subtitle B, the term 'qualified beginning farmer or rancher' shall have the meaning given in the preceding sentence without regard to subparagraph (F).".

SEC. 3. GRADUATION OF BORROWERS WITHOUT REGARD TO YOUTH LOANS.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by adding at the end the following:

"(c) DISREGARD OF LOANS MADE TO YOUTHS.—As used in this section, the term 'loan' does not include any loan made under section 312(b).".

SEC. 4. LOAN HISTORY AND GUARANTEE HISTORY CONSIDERED SEPARATELY IN APPLYING THE TRANSITION RULE FOR GRADUATION OF BORROWERS.

Section 319(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949(b)(2)) is amended by striking all that follows the 4th comma and inserting "the Secretary shall not make a loan to the borrower under this subtitle after the 5th year occurring after the date of enactment for which a loan is made under this subtitle to the borrower, nor shall the Secretary provide such a guarantee with respect to a loan made to the borrower for a purpose specified in this subtitle after the 5th year occurring after the date of enactment for which such a guarantee is provided with respect to the borrower.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

Mr. JOHNSON of South Dakota. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JOHNSON of South Dakota: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beginning Farmer Technical Corrections Act of 1994".

SEC. 2. LAND OWNERSHIP LIMITATION MADE INAPPLICABLE TO OPERATING LOANS.

Section 343(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)) is amended by adding after and below the end the following:

"As used in subtitle B, the term 'qualified beginning farmer or rancher' shall have the meaning given in the preceding sentence without regard to subparagraph (F).".

SEC. 3. GRADUATION OF BORROWERS WITHOUT REGARD TO YOUTH LOANS.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by adding at the end the following:

"(e) DISREGARD OF LOANS MADE TO YOUTHS.—As used in this section, the term 'loan' does not include any loan made under section 311(b).".

SEC. 4. DIRECT LOAN HISTORY AND GUARANTEE HISTORY TO BE CONSIDERED SEPARATELY IN APPLYING THE TRANSITION RULE FOR GRADUATION OF BORROWERS.

Section 319(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949(b)(2)) is amended to read as follows:

"(2) TRANSITION RULES.—

"(A) CONSIDERATION OF DIRECT LOAN HISTORY.—If, as of October 28, 1992, the Secretary has, for 5 or more years, made a loan to a borrower under this subtitle, then, after the 5th year (occurring after October 28, 1992) for which a loan has been made to the borrower under this subtitle, the Secretary shall not make a loan to the borrower under this subtitle.

"(B) CONSIDERATION OF GUARANTEE HISTORY.—If, as of October 28, 1992, the Secretary has, for 10 or more years, provided a guarantee under this subtitle with respect to a loan made to a borrower, then, after the 5th year (occurring after October 28, 1992) for which a guarantee has been provided under this subtitle with respect to a loan made to the borrower, the Secretary shall not provide a guarantee under this subtitle with respect to a loan made to the borrower.".

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. JOHNSON].

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

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

GENERAL LEAVE

Mr. JOHNSON of South Dakota. 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 just passed.

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

There was no objection.

FARM CREDIT SYSTEM AGRICULTURAL EXPORT AND RISK MANAGEMENT ACT

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 4379) to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. ALLARD. Mr. Speaker, reserving the right to object, I will not object. I yield to the gentleman from South Dakota [Mr. JOHNSON] to explain the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, H.R. 4379, the Farm Credit System Agricultural Export and Risk Management Act would expand the authority of Farm Credit System's banks for cooperatives to finance exports of agricultural products. It allows the banks for cooperatives to participate in financing arrangements with other domestic or foreign businesses to promote the export of U.S. agricultural commodities. The bill specifically prohibits any of these institutions from financing the relocation of a plant or facility from the United States to another country.

The bill also allows Farm Credit System banks and associations to better manage the risk in their loan portfolios.

The bill was considered and approved by voice vote of the Committee on Agriculture on Wednesday of this week. The bill is designed to help American agriculture expand exports. I urge the bill's passage.

Mr. DE LA GARZA. Mr. Speaker, yesterday (Wednesday, September 28) the House Agriculture Committee considered and approved by voice vote the bill H.R. 4379, the Farm Credit System Agricultural Export and Risk Management Act. This legislation has two basic objectives.

First, the bill expands the authority of Farm Credit System's banks for cooperatives to finance exports of agricultural products. The bill allows the banks for cooperatives to participate in financing arrangements with other domestic or foreign businesses to promote the export of U.S. agricultural commodities.

The bill also allows the banks for cooperatives to finance joint ventures, partnerships and similar arrangements by eligible U.S. agricultural cooperatives, with certain limitations. To safeguard American jobs, the bill prohibits any of these institutions from financing the relocation of a plant or facility from the United States to another country.

Second, the bill allows Farm Credit System banks and associations to better manage the risk in their loan portfolios. The bill authorizes Farm Credit System institutions to purchase and sell loan participations with non-System lenders, thus reducing their concentration of risk by geography and industry.

Mr. Speaker, the bill was introduced by myself and Mr. ROBERTS, the ranking minority member of the Committee on Agriculture and several other Members from both sides of the aisle.

The bill has been the subject of a public hearing and was also included in our committee's proposals for inclusion in the Uruguay round implementation bill. This provision was not included in the final implementation bill and so we bring it to the House floor today so it can be considered as a separate measure.

Mr. Speaker, the committee has not had an opportunity to complete its report to accompany H.R. 4379. I do, however, want to submit and have printed in the CONGRESSIONAL RECORD at this point in the debate official correspondence and a technical analysis of the legislation received from the Farm Credit Administration, the Federal agency that regulates and examines the Farm Credit System institutions. The correspondence and technical analysis follows:

FARM CREDIT ADMINISTRATION,
McLean, VA, August 17, 1994.

Hon. E. (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to provide comment on H.R. 4379, the "Farm Credit System Agricultural Export and Risk Management Act," as modified by the House Committee on Agriculture's recommended changes to the discussion draft of legislation to implement the Uruguay Round Agreements.

The Farm Credit Administration (FCA) neither supports nor opposes the expanded authorities that would be granted to System institutions by H.R. 4379. Rather, as the agency that regulates and examines the System, we are providing an analysis of the effect of the amendments.

In addition to the technical analysis of the impact of the proposed legislation on existing authorities earlier provided to Committee staff, the FCA has evaluated the effect of each of the expanded authorities on the safety and soundness risks facing the System. (See attached addendum.) In general, we concluded that certain types of credit risk—underwriting, credit monitoring, currency risk, and political risk—may be increased, but that other risks such as concentration risk and sensitivity to changes in governmental farm and water policies are potentially decreased by the greater opportunities for diversification and the development of a broader business base. Management risk that comes from entering new lines of business may be increased, but this will depend on the extent to which the authorities are used to finance unfamiliar businesses and unfamiliar types of borrowers. In the international arena, the potential for a greater volume of unguaranteed and uninsured lending will require particular attention because of increased currency and political risk.

Although the expanded authorities granted by H.R. 4379 may require both the System and the FCA to develop additional expertise, the FCA regards the risks resulting from the expanded authorities as manageable. From a safety and soundness viewpoint, such risks, if prudently managed, may be more than offset by the opportunity for greater diversification. We would, of course, continue close regulatory oversight if System institutions were to expand into new lines of business.

More diverse and sophisticated lending could require the FCA to incur additional expense to acquire needed expertise and examination capability. However, it is not possible to provide the cost estimate you requested until we know how the expanded authority will be used. There is a significant potential, especially for banks for cooperatives, to finance new types of businesses and new types of borrowers, perhaps involving more sophisticated transactions. However, because the proposed legislation expands eligibility by relaxing restrictions on loan purpose and eligibility of existing classes of borrowers, rather than by authorizing new types of loans, it is difficult to predict what additional expertise, if any, will be needed or to quantify the additional resources that will be required. We see no immediate need to increase the FCA staff. Rather, we expect that any additional costs as may be incurred would be in response to demonstrated need and incremental in nature.

On a final note, the expansion of international lending authority for banks for cooperatives in H.R. 4379 may bring an increase in the volume of uninsured, nonguaranteed international lending, some of which may be to countries of the former Soviet Union and emerging democracies. While such loans now are statutorily required to be 95 percent Federally guaranteed, current guarantee restrictions would be superseded under H.R. 4379. Thus, the National Bank for Cooperatives (CoBank) would be able to lend, on a nonguaranteed basis, up to 35 percent of its capital ($336 million), and in certain circumstances, up to 50 percent of its capital, to an emerging democracy. Section 3.28 of the Act constrains the FCA's flexibility to respond to such an increased risk involving a single large CoBank credit.

We thank you for the opportunity to comment and stand ready to offer whatever further assistance you may require as you consider this legislation.

Sincerely,

DOROTHY L. NICHOLS
(For Billy Ross Brown, Chairman).

ANALYSIS OF IMPACT OF H.R. 4379[1] ON RISKS FACING THE FARM CREDIT SYSTEM

Expansion of international lending authorities. The expansion of international lending authorities for banks for cooperatives (BCs) would increase credit risk by increasing the potential for uninsured, nonguaranteed lending to noncooperative parties. Although BCs are currently engaged in international lending, most BC loans are guaranteed by the United States Government or agencies thereof. Loans to constituent entities of the former Soviet Union and emerging democracies (FSUs) are statutorily required to be Federally guaranteed in an amount equal to 95 percent of the loan amount. In addition, FCA regulations currently require all loans financing foreign trade receivables to be guaranteed or insured to the extent such insurance or guarantees are available, except for borrowers with high credit ratings and borrowers who have longstanding successful business relationships with the BC.

The expanded international authority of H.R. 4379 is of two types: (a) authority to lend to any exporter, domestic or foreign (whether or not a cooperative), who gives priority to cooperatively sourced products or services, where reasonably available; and (b) authority to lend to any entity, domestic or foreign, (whether or not a cooperative) in which an eligible cooperative has an ownership interest of any size for any purpose that facilitates the domestic or foreign operations of the eligible cooperative. Under the first of these authorities, loans that do not finance cooperatively sourced products and services and are not 95 percent federally insured or guaranteed are limited to 50 percent of the BC's capital, but there is no such limitation on uninsured loans financing cooperatively sourced goods or on lending to entities in which an eligible cooperative has an ownership interest. Since borrower stock is not required on international loans, capital will act as a constraint on the volume of such loans.

Because these authorities supersede current FSU authority, there would no longer be a statutory requirement that loans to FSU countries be insured or guaranteed. Although FCA regulations require that loans financing forcing trade receivables be insured or guaranteed if such insurance is available, there is no requirement, statutory or regulatory, for insurance or guarantees if the volume of international lending activity should increase beyond the supply of available insurance and guarantees. This would mean an increase in the volume of uninsured, nonguaranteed international lending, some of which may be to FSU countries.

In addition, the class of eligible entities and the types of businesses a BC is authorized to finance is significantly expanded by the elimination of the current requirements that an exporter be party to a transaction with an eligible cooperative and that the financing substantially benefit an eligible cooperative, as well as by the broadening of the permissible purposes for which a loan may be made to an entity owned by an eligible cooperative. Such expanded authority potentially increases underwriting and credit monitoring risk and the risk that the institution's expertise may not be adequate to exercise the authority prudently. However, it permits greater diversification and potentially decreases sensitivity to changes in governmental farm and water policies, which decreases the concentration risk of leading to a single industry.

Expansion of BC domestic lending authority. With respect to domestic lending authority, the relaxation of eligibility requirements for entities owned by eligible cooperatives and utilities eligible for assistance from the Rural Electrification Administration (REA) and Rural Telephone Bank (RTB)(REA- and RTB-eligibles) effects a similar expansion of the class of eligible entities and the types of businesses a BC is authorized to finance under its domestic lending authority. Currently, BCs may lend to any entity that is more than 50 percent owned by eligible cooperatives and/or REA- or RTB-eligibles. The proposed expansion of domestic authority would permit lending to any entity in which an eligible cooperative or REA- or RTB-eligible has an ownership interest for any purpose that facilitates its domestic operation, but if the entity is less than 50 percent owned by eligible entities, the amount of the financing is limited to the percentage ownership of the borrower by eligible entities. Since there is no minimum ownership requirement and the loans are not restricted to agricultural purposes, there is a potential for the risks of lending to unfamiliar businesses and unfamiliar borrowers to increase. Once again, however, there is a potential decrease in concentration risk resulting from the opportunity for greater diversification.

Expansion of BC participation authorities. In 1992, Congress granted BCs authority to purchase participation interests in loans made by other lenders to entities that are ineligible for BC financing, but engaged in operations functionally similar to eligible entities. H.R. 4379 would add a definition of "participation" for the purpose of the "similar entity" participation authority. The proposed definition is more expansive than the current regulatory definition of "participation" in that it permits risk-sharing on a basis other than pro rata. In addition, it appears to expand the "similar entity" participation authority to include participations in technical and financial assistance. This expanded definition of "participation" potentially increases credit risk, in that it permits the purchase of subordinated portions of loans. It increases management risk, in that the increased flexibility as to the types of agreements that are permitted is likely to result in more varied, complex and sophisticated agreements, increasing the risk that an institution may enter into complex arrangements without sufficient expertise to protect its interests. However, the expanded definition of "participation" also allows institutions to decrease credit risk by purchasing senior interests in loans and by purchasing interests in loan syndications, which better protect the institution from the insolvency of the lead lender. Here too, concentration risk may be decreased because

greater flexibility as to the types of agreements may result in fuller and more effective use of participations to achieve diversification.

Expanded FCB participation authorities. H.R. 4379 would authorize FCBs and direct lender associations to purchase participations in loans that are made by nonSystem lenders to entities not currently eligible under the Act but whose operations are functionally similar to entities that are. This expansion would provide authority similar to that granted to the BCs in 1991. Since there are no statutory restrictions on the types of entities to which FCBs and associations can lend, as there are for BCs, the effect of the authority is to override such restrictions on eligibility such as the statutory restrictions on processing and regulatory restrictions on foreign ownership of farming corporations. However, such participations are limited to the types of loans the FCBs and associations are authorized to make. Therefore, although there is some opportunity for added diversification from the use of this authority, it is not as likely to involve financing new and unfamiliar businesses as the existing BC authority, because FCBs and associations are subject to more loan purpose restrictions than BCs. For this reason, this authority may not have the same potential for diversification as the corresponding BC authority. The primary benefit may be in facilitating ongoing participation relationships with nonSystem lenders that will permit the sale of participation interests as well.

Credit risk may be increased to the extent an institution relies on the credit judgment of others or purchases interests in loans too remote to monitor effectively, but these risks are present under existing participation authorities and are addressed in FCA regulations. The more expansive definition of "participation," on the other hand, presents new risks in that it permits institutions to share risk on a basis other than pro rata. This would permit the purchase of subordinated pieces of loans as well as the senior pieces and transactions of increased variety, complexity and sophistication. The greater flexibility permitted under this expanded definition increases the management risk that an institution may lack sufficient expertise to adequately protect its interests in complex and sophisticated transactions.

On balance, the risks inherent in the exercise of the expanded participation authority are risks that can be managed by prudent underwriting, expert legal counsel, and effective regulatory oversight.

In sum, the greatest risk posed by the broader lending authority of H.R. 4379 is that institutions may make or participate in loans financing unfamiliar businesses and borrowers without adequate expertise or without adequate capacity to monitor. In addition, the potential for greater volume of unguaranteed and uninsured international lending increases currency and political risk. However, from a safety and soundness standpoint, these risks, if prudently managed, may be more than offset by the opportunity for greater diversification.

TECHNICAL ANALYSIS OF H.R. 4379

(As modified by the En Bloc Proposal Containing Recommended Changes to the Discussion Draft of Legislation to Implement the Uruguay Round Agreements offered by Chairman de la Garza and Mr. Roberts)

Section 3. Participation defined.

This section adds a definition of "participation" to the authority previously granted to banks for cooperatives (BCs) by section 3.1(11)(B) of the Farm Credit Act of 1971 (Act) to purchase participations in loans made to "similar entities" by non-System lending institutions. This definition does not require an undivided fractional interest in the principal amount of the loan (as FCA regulations do) and hence does not require pro rata risk sharing. Although this definition allows participation in loan syndications, which may better protect the participating institution from the insolvency of the lead lender, the effect of this change is also to allow the purchase of riskier investments, such as the subordinated pieces of loans, and the purchase of less risky investments, such as the senior pieces of loans. Also, although the authority granted by section 3.1(11)(B) is restricted to loans, the definition of participation includes other extensions of credit and other technical and financial assistance. In addition, the phrase "other forms of the purchase, sale, or transfer of interests in loans" would appear to allow the purchase of interests in loans other than principal amount, such as servicing rights.

Section 4. Agricultural Export Financing.

Section 4 of H.R. 4379 amends section 3.7(b)(1) of the Act as follows:

(1) Section 3.7(b)(1) would be amended by deleting all existing international authorities except authority to lend to noncooperative counterparties to import transactions with BC voting stockholders. The deleted authorities would be expanded by the amendment to (b)(2) of the Act, as described below. The remaining authority to finance counterparties to import transactions of voting stockholders is unchanged. The borrower must be a party to a transaction with a voting stockholder of a BC and the financing must substantially benefit the voting stockholder.

(2) Section 3.7(b)(2) would be amended to expand existing export lending authority and authority to lend to third parties in which eligible cooperatives have an ownership interest to facilitate import and export activities, as well as to expand domestic eligibility. Although the stated purpose of this amendment is to provide more flexibility to fund joint ventures, the authority is not limited to joint ventures. This expansion supersedes the narrower authority to lend to constituent entities of the former Soviet Union and emerging democracies (FSU authority), which sunsets in 1995.

Export lending authority. Currently, BCs can lend to non-cooperative parties with respect to import or export transactions with eligible cooperatives that are voting stockholders of the BC, provided the voting stockholder substantially benefits from the financing. This authority would be expanded by deleting the requirement that the borrower have a transaction with a voting stockholder of the BC and the requirement that the financing provide a substantial benefit to such stockholder. As long as there is compliance with BC policies designed to ensure that priority is given to products or services originally sourced from an eligible cooperative (as defined in 3.8(a)), where reasonably available, the borrower need not be a cooperative or actually export cooperatively sourced products, and the financing need not benefit any cooperative. However, the bill would limit the total volume of loans financing exports not originally sourced from eligible cooperatives and not insured by an agency, bureau, board, commission or establishment of the United States or a corporation wholly owned directly or indirectly by the United States in an amount equal to 95 percent of the loan amount. The uninsured amounts of such loans would be limited to 50 percent of the BC's capital. The total amount of uninsured loans financing the export of non-cooperatively sourced products and services in excess of 50 percent of the BC's capital would be required to be sold outside the Farm Credit System.

Other international lending authority. Currently, BCs are authorized to lend to domestic or foreign parties in which cooperatives have the minimum ownership interest approved by the FCA for the purpose of facilitating the export or import operations of a voting stockholder of the BC, provided the voting stockholder substantially benefits from the financing. This authority would be expanded by deleting the requirements that the borrower have a transaction with a voting stockholder of the BC and that the financing provide a substantial benefit to such stockholder. In addition, the requirement for the FCA to specify the qualifying minimum ownership is eliminated, and the permissible loan purpose is expanded from facilitating import or export transactions to facilitating the domestic or foreign operations of the eligible cooperative. In addition, the BCs would be permitted under this authority to lend to third parties, domestic or foreign, in which a person who has obtained credit from or been certified as eligible to obtain credit from the Rural Electrification Administration (REA) or the Rural Telephone Bank (RTB) (REA- or RTB-eligible) has an ownership interest, but only for the purpose of facilitating the domestic operations of the REA- or RTB-eligible.

If entities eligible for this authority—eligible cooperatives as defined in 3.8(a) and REA- and RTB-eligibles—own more than 50 percent of the borrowing entity, there is no limitation on the amount of the financing. However, if entities eligible for this authority own less than 50 percent of the borrowing entity, the amount of the financing is limited to the percentage of ownership by eligible entities. (This codifies the FCA's regulatory requirement for international lending and substitutes it for the existing domestic eligibility requirement for more than 50 percent cooperative ownership, as discussed below under domestic eligibility.)

Effect on FSU authority. Although proposed amendment of 3.7(b)(2) would delete the specific authority to lend to constituent entities of the former Soviet Union and emerging democracies (FSU authority), the authority that would be granted by the amendment is broad enough to accommodate such lending. This change has the effect of extending FSU authority beyond its current sunset date of 1995 and eliminating the requirement that FSU loans be 95% guaranteed. Note that in the proposed legislation the limitation on the amount of uninsured loans applies to the authority granted under 3.7(b)(2)(A)(i) but not to the authority granted by 3.7(b)(2)(A)(ii). However, many, if not most, loans to FSU countries may be made under (A)(i). Although the limitation on non-cooperatively sourced uninsured export loans would provide an incentive to insure such loans and limit the risk of such loans, there is no statutory requirement for insurance for export loans that are cooperatively sourced, even if the borrower is an FSU country.

FCA regulations currently require institutions engaging in the financing of foreign trade receivables to avail themselves of such guarantee and insurance plans as are available in the United States and other countries, such as the Foreign Credit Insurance Association and the Export-Import Bank of

the United States, except where a prospective borrower has had a longstanding, successful business relationship with the eligible cooperative borrower or has a high credit rating. See 12 CFR 614.4700. However, should the availability of such plans be limited, there would be no requirement, statutory or regulatory, for such guarantees or insurance, even for FSU countries. The statutory limitation on the (A)(ii) authority would be the only statutory or regulatory protection, even for FSU countries, and it only applies to loans financing noncooperatively sourced goods.

Effect on domestic lending authority. This provision also expands domestic eligibility by authorizing lending to any domestic or foreign party in which an eligible cooperative, as defined in section 3.8(a), has an ownership interest of any size for any purpose that benefits the domestic or international operations of the cooperative. This change accounts for the need for the conforming amendment to section 3.8(b)(1)(B) (made by Section 5 of the bill) to delete the more-than-50-percent-ownership requirement and the requirement that the combined entities meet the other eligibility requirements. In lieu of the restriction on ownership, the amendment limits the amount of the financing to the percentage of cooperative ownership in cases where the entity is not at least 50 percent owned by eligible cooperatives. If the cooperative ownership is 50 percent or more, there is no restriction on the amount of the financing.

New Limitation. The authorities granted by 3.7(b)(2)(A)(i) and (ii) may not be used to finance the relocation of a plant or facility from the United States to another country—a new limitation.

Effect on Similar Entity Authority. Because of the absence of loan purpose restrictions in Title III of the Act, the restriction on the types of loans a BC can make are primarily in the form of the eligibility requirements of its borrowers. Hence, the expansion of BC eligibility expands the type of loans a BC can make. As the class of eligible BC borrowers expands, the businesses in which they may be engaged is also likely to be more varied. To qualify for the BC similar entity participation authority, an entity need only be engaged in some business functionally similar to that in which an eligible borrower is engaged. Hence expansion of BC eligibility also expands the class of similar entities eligible for the loan participation authority, which may further expand the types of loans a BC can make. Since there is no statutory restriction to agricultural or agriculturally related loans in Title III, the loan need not be agriculturally related to qualify for BC financing. Loans that are not agriculturally related at all will qualify for the BC's similar entity participation authority. For FCBs and associations, on the other hand, this is not as true, because FCBs and associations are subject to statutory loan purpose restrictions. However, to keep the potential for BC participation in loans unrelated to agriculture in perspective, it should be noted that such participations are subject to a limitation of 15 percent of assets. Moreover the added flexibility to diversify may have safety and soundness benefits.

Section 6. Loan Participation Authority for Farm Credit Banks and Direct Lender Associations.

This section authorizes Farm Credit and direct lender associations to participate in loans of the types authorized under Titles I and II by other lenders to entities that would be ineligible to borrow under Titles I and II, provided such entities are engaged in operations functionally similar to those of an eligible entity. Because there are no statutory restrictions on the types of entities to which FCBs and associations can lend, the effect of the amendment is to override other types of statutory and regulatory restrictions on eligibility with respect to such participations, such as regulatory requirements designed to ensure that eligibility is restricted to entities that qualify as American farmers, and statutory and regulatory restrictions on the financing of processing and marketing activities.

The cumulative amount of participations in loans to ineligible entities is limited to 15 percent of the institution's assets, and participation in a particular loan is subject to an individual institution and a Systemwide limitation of 50 percent of the loan. Such loans are also subject to a statutory single credit risk limitation of 10 percent of the institution's capital (or the applicable higher lending limit authorized under FCA regulations if shareholders approve).

For similar entities that are eligible to borrow from a bank for cooperatives under title III, FCBs/associations must obtain the approval of the BC having the greatest loan volume in the state in which the similar entity's headquarters office is located. However, they do not need the approval of any other BC, even though the entity might be eligible to borrow from more than one BC and might in fact have a loan with another BC. Hence, this approval requirement is not quite the reciprocal of the approval requirement in 3.1(11)(B)(iii), which requires the approval of any FCB in whose territory the entity is eligible to borrow.

The authority does not apply to rural housing loans. There is no similar limitation in the existing BC authority to participate in loans to similar entities; possibly it was not deemed necessary because BCs are not expressly authorized to make rural housing loans and do not generally lend to individuals directly. However, restrictions on BC lending are primarily in the form of eligibility requirements of its borrowers rather than on the types of loans it can make, and eligibility is significantly broadened by this bill.

"Participation" is defined in the same manner as for the BC similar entity authority. See comments on section 3 of the bill above. For BCs, the expansion of the similar entity authority to include authority to participate in "technical and financial assistance" is consistent with their authority to offer such services directly. For FCBs and associations, however, it is different from their direct authority to offer technical assistance and financially related services appropriate to on-farm operations. It is unclear whether this definition of participation would permit FCBs and associations to purchase participations in financially related services that are not related to on-farm operations, since the authority granted is limited to "loans of a type otherwise authorized under Titles I and II of the Act." If so, the result would be to permit participation in a broader array of financially related services for ineligible borrowers than are available to eligible borrowers.

H.R. 4379 would help American agriculture take fuller advantage of the market opportunities in today's global economy. I urge the House to support its passage.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4379

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 "Farm Credit System Agricultural Export and Risk Management Act".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act a section is amended, repealed, or referenced, such amendment, repeal, or reference shall be considered to be made to that section of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

SEC. 3. PARTICIPATION DEFINED.

Section 3.1(11)(B) (12 U.S.C. 2122(11)(B)) is amended by adding at the end the following new clause:

"(iv) As used in this subparagraph, the term 'participate' or 'participation' means multi-lender transactions including, but not limited to, syndications, assignments, loan participations, subparticipations, or other form of the purchase, sale, or transfer of interests in loans, other extensions of credit, or other technical and financial assistance.".

SEC. 4. AGRICULTURAL EXPORT FINANCING.

(a) Section 3.7(b)(1) (12 U.S.C. 2128(b)(1)) is amended by—

(1) striking "assistance to (A)" and inserting "assistance to";

(2) striking "the export or" and inserting "the"; and

(3) striking ", and (B)" and all that follows through "subparagraph (A)".

(b) Section 3.7(b) (12 U.S.C. 2128(b)) is further amended by striking paragraph (2) and inserting the following new paragraph:

"(2)(A) A bank for cooperatives is authorized to make or participate in loans and commitments to, and to extend other technical and financial assistance to—

"(i) any domestic or foreign party for the export, including (where applicable) the cost of freight, of agricultural commodities or products, farm supplies, or aquatic products from the United States under policies and procedures established by the bank for cooperatives to ensure that such commodities, products, or supplies are originally sourced, where reasonably available, from one or more eligible cooperative associations on a priority basis; and

"(ii) except as provided in subparagraph (B), any domestic or foreign party in which an eligible cooperative association (as defined in section 3.8) has an ownership interest, for the purpose of facilitating the association's domestic or foreign business operations: *Provided*, That if the ownership interest by an eligible cooperative association, or associations, is less than 50 percent, then such financing shall be limited to the percentage held in the party by such association or associations.

"(B) A bank for cooperatives shall not use the authority provided in paragraph (2)(A)(ii) to provide financial assistance to a party for the purpose of financing the relocation of plants or facilities from the United States to another country.".

SEC. 5. CONFORMING AMENDMENT.

Section 3.8(b)(1) (12 U.S.C. 2129(b)(1)) is amended by—

(1) striking subparagraph (B); and

(2) redesignating subparagraph (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

SEC. 6. LOAN PARTICIPATION AUTHORITY FOR FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS.

Title IV (12 U.S.C. 2151 ed seq.) is amended by inserting after section 4.18 (12 U.S.C. 2206) the following new section:

"SEC. 4.18A. AUTHORITY OF FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATION TO PARTICIPATE IN LOANS TO SIMILAR ENTITIES FOR RISK MANAGEMENT PURPOSES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, any Farm Credit Bank or direct lender association chartered under this Act is authorized to participate in any loan of a type otherwise authorized under title I and II made to a similar entity by any person in the business of extending credit; except that a Farm Credit Bank or direct lender association may not participate in a loan under this section if—

"(1) such participation would cause the total amount of all participants by the Farm Credit Bank or association under this section involving a single credit risk to exceed 10 percent (or the applicable higher lending limit authorized under regulations issued by the Farm Credit Administration if the stockholders of the respective Farm Credit Bank or association so approve) of the Farm Credit Bank's or association's total capital;

"(2) such participation by the Farm Credit Bank or association would itself equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by other Farm Credit Banks and associations under this section would cause the cumulative amount of the participants by all Farm Credit Banks and associations in the loan to equal or exceed 50 percent of the principal of the loan;

"(3) such participation would cause the cumulative amount of participations that the Farm Credit Bank or association has outstanding under the section to exceed 15 percent of its total assets; or

"(4) the loan is of the type authorized under section 1.11(b) or 2.4(a)(2).

"(b) SIMILAR ENTITY DEFINED.—For the purposes of this section, the term 'similar entity' means a person or entity that, while not eligible for a loan from the Farm Credit Bank or association, has operations functionally similar to a person or entity eligible for a loan for the Farm Credit Bank or association in that it derives a majority of its income from, or has a majority of its assets invested in, the conduct of activities functionally similar to those conducted by an eligible person.

"(c) PRIOR APPROVAL REQUIRED.—

"(1) With respect to a similar entity that is eligible to borrow from a bank for cooperatives under title III, the authority of a Farm Credit Bank or association to participate in a loan to such entity under this section shall be subject to the prior approval of the bank for cooperatives having, at the time the loan is made, the greatest loan volume in the state in which the similar entity's headquarters office is located.

"(2) Approval under paragraph (1) of this subsection may be granted on an annual basis and under such terms and conditions as may be agreed on between the Farm Credit Bank or association, as the case may be, and the bank for cooperatives granting the approval.

"(3) An association may not participate in a loan to a similar entity under this section without the approval of the association's supervising Farm Credit Bank.

"(d) DEFINITION.—For purposes of this section, the term 'participate' or 'participation' shall have the same meaning as provided in section 3.1(11)(B).".

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AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

Mr. JOHNSON of South Dakota. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JOHNSON of South Dakota: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Credit System Agricultural Export and Risk Management Act".

SEC. 2. PARTICIPATION DEFINED.

Section 3.1(11)(B) of the Farm Credit Act of 1971 (12 U.S.C. 2122(11)(B)) is amended by adding at the end the following new clause:

"(iv) As used in this subparagraph, the term 'participate' or 'participation' refers to multilender transactions, including syndications, assignments, loan participations, subparticipations, or other forms of the purchase, sale, or transfer of interests in loans, other extensions of credit, or other technical and financial assistance.".

SEC. 3. AGRICULTURAL EXPORT FINANCING.

Section 3.7(b) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)) is amended—

(A) in paragraph (1)—

(i) by striking "assistance to (A)" and inserting "assistance to";

(ii) by striking "the export or" and inserting "the"; and

(iii) by striking "and (B)" and all that follows through "subparagraph (A): *Provided*, That a" and inserting "if the"; and

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

"(2)(A) A bank for cooperatives may make or participate in loans and commitments to, and extend other technical and financial assistance to—

"(i) any domestic or foreign party for the export, including (where applicable) the cost of freight, of agricultural commodities or products thereof, farm supplies, or aquatic products from the United States under policies and procedures established by the bank to ensure that the commodities, products, or supplies are originally sourced, where reasonably available, from one or more eligible cooperative associations described in section 3.8(a) on a priority basis, except that if the total amount of the balances outstanding on loans made by a bank under this clause that—

"(I) are made to finance the export of commodities, products, or supplies that are not originally sourced from a cooperative, and

"(II) are not guaranteed or insured, in an amount equal to at least 95 percent of the amount loaned, by a department, agency, bureau, board, commission, or establishment of the United States or a corporation wholly-owned directly or indirectly by the United States,

exceeds an amount that is equal to 50 percent of the bank's capital, then a sufficient interest in the loans shall be sold by the bank for cooperatives to commercial banks and other non-System lenders to reduce the total amount of such outstanding balances to an amount not greater than an amount equal to 50 percent of the bank's capital; and

"(ii) except as provided in subparagraph (B), any domestic or foreign party in which an eligible cooperative association described in section 3.8(a) (including, for the purpose of facilitating its domestic business operations only, a cooperative or other entity described in section 3.8(b)(1)(A)) has an ownership interest, for the purpose of facilitating the domestic or foreign business operations of the association, except that if the ownership interest by an eligible cooperative association, or associations, is less than 50 percent, the financing shall be limited to the percentage held in the party by the association or associations.

"(B) A bank for cooperatives shall not use the authority provided in subparagraph (A)(ii) to provide financial assistance to a party for the purpose of financing the relocation of a plant or facility from the United States to another country.".

SEC. 4. CONFORMING AMENDMENT.

Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(C) by aligning the margin of subparagraph (D) (as so redesignated) so as to align with the margin of subparagraph (C) (as so redesignated).

SEC. 5. LOAN PARTICIPATION AUTHORITY FOR FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS.

IN GENERAL.—Title IV of the Farm Credit Act of 1971 (12 U.S.C. 2151 et seq.) is amended by inserting after section 4.18 (12 U.S.C. 2206) the following new section:

"SEC. 4.18A. AUTHORITY OF FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS TO PARTICIPATE IN LOANS TO SIMILAR ENTITIES FOR RISK MANAGEMENT PURPOSES.

"(a) DEFINITIONS.—As used in this section:

"(1) PARTICIPATE AND PARTICIPATION.—The terms 'participate' and 'participation' shall have the meaning provided in section 3.1(11)(B)(iv).

"(2) SIMILAR ENTITY.—The term 'similar entity' means a person that—

"(A) is not eligible for a loan from the Farm Credit Bank or association; and

"(B) has operations that are functionally similar to a person that is eligible for a loan from the Farm Credit Bank or association in that the person derives a majority of the income of the person from, or has a majority of the assets of the person invested in, the conduct of activities that are functionally similar to the activities that are conducted by an eligible person.

"(b) LOAN PARTICIPATION AUTHORITY.—Notwithstanding any other provision of this Act, any Farm Credit Bank or direct lender association charted under this Act may participate in any loan of a type otherwise authorized under title I or II made to a similar entity by any person in the business of extending credit, except that a Farm Credit Bank or direct lender association may not participate in a loan under this section if—

"(1) the participation would cause the total amount of all participations by the Farm Credit Bank or association under this section involving a single credit risk to exceed 10 percent (or the applicable higher lending limit authorized under regulations issued by the Farm Credit Administration if the stockholders of the respective Farm Credit Bank or association so approve) of the total capital of the Farm Credit Bank or association;

"(2) the participation by the Farm Credit Bank or association would equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by other Farm Credit System institutions, would cause the cumulative amount of the participations by all Farm Credit System institutions in the loan to equal or exceed 50 percent of the principal of the loan;

"(3) the participation would cause the cumulative amount of participations that the Farm Credit Bank or association has outstanding under this section to exceed 15 percent of the total assets of the Farm Credit Bank or association; or

"(4) the loan is of the type authorized under section 1.11(b) or 2.4(a)(2).

"(c) PRIOR APPROVAL REQUIRED.—

"(1) IN GENERAL.—With respect to a similar entity that is eligible to borrow from a bank for cooperatives under title III, the authority of a Farm Credit Bank or association to participate in a loan to the entity under this section shall be subject to the prior approval of the bank for cooperatives having, at the time the loan is made, the greatest loan volume in the State in which the headquarters office of the similar entity is located.

"(2) TERMS AND CONDITIONS.—Approval under paragraph (1) may be granted on an annual basis and under such terms and conditions as may be agreed on between the Farm Credit Bank or association, as the case may be, and the bank for cooperatives granting the approval.

"(3) APPROVAL BY SUPERVISING FARM CREDIT BANK.—An association may not participate in a loan to a similar entity under this section without the approval of the supervising Farm Credit Bank of the association.".

SEC. 6. CONFORMING AMENDMENTS.

Section 3.1(11)(B)(i)(I)(bb) of the Farm Credit Act of 1971 (12 U.S.C. 2122(11)(B)(i)(I)(bb)) is amended—

(A) by striking "the other banks for cooperatives under this subparagraph" and inserting "other Farm Credit System institutions"; and

(B) by striking "all banks for cooperatives" and inserting "all Farm Credit System institutions".

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. JOHNSON].

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

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

GENERAL LEAVE

Mr. JOHNSON of South Dakota. 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 just passed.

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

There was no objection.

ENSURING THAT TIMBER-DEPENDENT COMMUNITIES QUALIFY FOR CERTAIN LOANS AND GRANTS

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 4196) to ensure that all timber-dependent communities qualify for loans and grants from the Rural Development Administration, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

Mr. ALLARD. Mr. Speaker, reserving the right to object, I yield to the gentleman from South Dakota [Mr. JOHNSON] to explain the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, H.R. 4196, has been introduced by the gentleman from Washington [Mr. DICKS].

The bill provides for a temporary increase in the population cap used in determining the eligibility of certain timber-dependent communities in the Pacific Northwest for loans and grants from USDA's Rural Development Administration.

Mr. Speaker, as we all know, many communities in the Northwest are struggling to retool their economies in the face of necessary changes in timber-cutting policies. What Mr. DICKS and others have become aware of is a gap in the funding eligibility limits for waste and water loans for communities between 10,000 and 15,000 in population. FmHA waste and water loans are available to communities up to 10,000 in population and HUD has a program that starts at 15,000. Hence, the gap.

This legislation allows these communities in Oregon, Washington, and eight counties in northern California that are under the President's northern spotted owl plan to qualify for this Federal assistance. The bill's changes terminate effective September 1998.

The bill was approved by voice vote of the Committee on Agriculture on Wednesday. I urge the House to support its passage.

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

The SPEAKER pro tempore (Mr. ROEMER). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4196

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) timber-dependent communities including those in the Pacific Northwest have contributed significantly to the economic needs of the United States, and have helped ensure an adequate national supply of timber and timber products;

(2) a significant portion of the timber traditionally harvested in the United States, including the Pacific Northwest, derived from Federal forest lands, and these forests have played an important role in sustaining local economies;

(3) a number of traditionally timber-dependent communities are experiencing significant economic difficulties, particularly those located in proximity to the range of the northern Spotted Owl; and

(4) timber-dependent communities need economic assistance to help them diversify, including support from water and waste facility loans and grants and community facilities loans and grants funded through the Rural Development Administration.

SEC. 2. ELIGIBILITY OF TIMBER-DEPENDENT COMMUNITIES FOR CERTAIN RURAL DEVELOPMENT GRANTS.

Section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7) is amended to read as follows:

"(7)(A) As used in this title, the terms 'rural' and 'rural area' shall not include any area in any city or town which has a population in excess of 10,000 inhabitants, except as otherwise provided in this paragraph.

"(B) For purposes of loans for essential community facilities under subsection (a)(1), the terms 'rural' and 'rural area' may include any area in any city or town that has a population not in excess of 20,000 inhabitants.

"(C) For purposes of loans and grants for private business enterprises under sections 304(b) and 310B, and subsections (b), (c), and (d) of section 312, the terms 'rural' and 'rural area' may include all territory of a State that is not within the outer boundary of any city having a population of 50,000 or more inhabitants and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 inhabitants per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States, and special consideration for such loans and grants shall be given to areas other than cities having a population of more than 25,000 inhabitants.

"(D) As used in this title, the terms 'rural' and 'rural area' shall include any town, city, or municipality—

"(i) part or all of which lies within 100 miles of the boundary of a national forest;

"(ii) that is located in a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, or forest-related industries such as recreation and tourism; and

"(iii) that has a population of not more than 25,000 inhabitants.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

Mr. JOHNSON of South Dakota. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JOHNSON of South Dakota: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. TEMPORARY EXPANDED ELIGIBILITY OF CERTAIN TIMBER-DEPENDENT COMMUNITIES IN THE PACIFIC NORTHWEST FOR LOANS AND GRANTS FROM THE RURAL DEVELOPMENT ADMINISTRATION.

(a) FINDINGS.—Congress finds the following:

(1) Timber-dependent communities in the Pacific Northwest have contributed significantly to the economic needs of the United States and have helped ensure an adequate national supply of timber and timber products.

(2) A significant portion of the timber traditionally harvested in the Pacific Northwest is

derived from Federal forest lands, and these forests have played an important role in sustaining local economies.

(3) A number of traditionally timber-dependent communities are experiencing significant economic difficulties as a result of their proximity to the range of the northwest spotted owl.

(4) These timber-dependent communities need economic assistance to help them diversify, including support from water and waste facility loans and grants and community facility loans and grants funded through the Rural Development Administration.

(b) EXPANDED ELIGIBILITY.—During the period beginning on the date of the enactment of this Act and ending on September 30, 1998, the terms "rural" and "rural area", as used in the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), shall include any town, city, or municipality—

(1) part or all of which lies within 100 miles of the boundary of a national forest covered by the Federal document entitled "Forest Plan for a Sustainable Economy and a Sustainable Environment", dated July 1, 1993;

(2) that is located in a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, or forest-related industries such as recreation and tourism; and

(3) that has a population of not more than 25,000 inhabitants.

(c) EFFECT ON STATE ALLOTMENTS OF FUNDS.—This section shall not be taken into consideration in alloting funds to the various States for purposes of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or otherwise affect or alter the manner under which such funds were alloted to States before the date of the enactment of this Act.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. JOHNSON].

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

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

TITLE AMENDMENT OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

Mr. JOHNSON of South Dakota. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. JOHNSON of South Dakota: Amend the title so as to read: "A bill to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of South Dakota. 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 just passed.

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

There was no objection.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1994

Mr. MINETA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1887) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. SHUSTER. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the distinguished gentleman from California [Mr. MINETA], the chairman of our committee, for an explanation.

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

Mr. Speaker, our intent is to simply take the Senate National Highway System bill, insert in lieu thereof the House-passed bill, and ask for a conference.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1887

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 "National Highway System Designation Act of 1994".

SEC. 2. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System as submitted by the Secretary of Transportation pursuant to this section is hereby designated to be the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a then existing route segment and any connection to the route segment,

if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in such subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

(B) enhances the national transportation characteristics of the National Highway System.".

MOTION OFFERED BY MR. MINETA

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

The Clerk read as follows:

Mr. MINETA moves to strike all after the enacting clause and insert in lieu thereof the text of H.R. 4385, the "National Highway System Designation Act of 1994," as passed by the House, as follows:

H.R. 4385

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Highway System Designation Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM DESIGNATION AND OTHER PROVISIONS

Sec. 101. National Highway System designation.
Sec. 102. Congestion mitigation and air quality improvement program.
Sec. 103. Quality improvement.
Sec. 104. Contracting for engineering and design services.
Sec. 105. Highway safety promotion program.
Sec. 106. Project eligibility.
Sec. 107. Wisconsin substitute project.
Sec. 108. Use of recycled paving material.
Sec. 109. Work zone safety.
Sec. 110. Corrected projects.
Sec. 111. Rescissions.
Sec. 112. Additional projects.
Sec. 113. Study of radio and microwave technology for commercial and other motor vehicles.
Sec. 114. Foothill/Eastern Transportation Corridor Agency.
Sec. 115. Railway-highway crossings project.
Sec. 116. New River Parkway, West Virginia.
Sec. 117. National recreational trails.
Sec. 118. Coal Heritage.
Sec. 119. Limitations on funding of operating assistance.
Sec. 120. Intercity bus transportation.
Sec. 121. Repeals of existing projects.
Sec. 122. Miscellaneous transit projects.
Sec. 123. Multiyear contract for metro rail project.
Sec. 124. Metric system signing.
Sec. 125. Metropolitan planning.
Sec. 126. Statewide planning.
Sec. 127. High priority corridor feasibility study.

Sec. 128. Reevaluation.
Sec. 129. Funding.
Sec. 130. Nondivisible loans.
Sec. 131. Commercial motor vehicle accidents.

TITLE II—TECHNICAL CORRECTIONS TO ISTEA AND RELATED LAWS

Sec. 201. Definitions.
Sec. 202. References to Dwight D. Eisenhower System of Interstate and Defense Highways.
Sec. 203. Federal-Aid Systems.
Sec. 204. Apportionment.
Sec. 205. Programs of projects.
Sec. 206. Advance acquisition of rights-of-way.
Sec. 207. Standards.
Sec. 208. Letting of contracts.
Sec. 209. Prevailing rate of wage.
Sec. 210. Construction.
Sec. 211. Advance construction.
Sec. 212. Maintenance.
Sec. 213. Certification acceptance.
Sec. 214. Availability of funds.
Sec. 215. Federal share.
Sec. 216. Payment to States for construction.
Sec. 217. Relocation of utility facilities.
Sec. 218. Advances to States.
Sec. 219. Emergency relief.
Sec. 220. Applicability of axle weight limitations.
Sec. 221. Toll roads.
Sec. 222. Rail-highway crossings.
Sec. 223. Surface transportation program.
Sec. 224. Metropolitan planning.
Sec. 225. Statewide planning.
Sec. 226. Control of junkyards.
Sec. 227. Nondiscrimination.
Sec. 228. Enforcement of requirements.
Sec. 229. Availability of rights-of-way.
Sec. 230. Highway bridge program.
Sec. 231. Great River Road.
Sec. 232. Hazard elimination program.
Sec. 233. Use of safety belts and motorcycle helmets.
Sec. 234. National maximum speed limit.
Sec. 235. Minimum allocation.
Sec. 236. National minimum drinking age.
Sec. 237. Revocation of drivers' licenses of individuals convicted of drug offenses.
Sec. 238. Reimbursement for segments of Interstate System constructed without Federal assistance.
Sec. 239. Federal lands highway program.
Sec. 240. Bicycle transportation and pedestrian walkway.
Sec. 241. State Highway Department.
Sec. 242. Management systems.
Sec. 243. State planning and research.
Sec. 244. Appropriation for highway purposes of Federal lands.
Sec. 245. International highway transportation outreach program.
Sec. 246. Highway safety programs.
Sec. 247. National Highway Safety Advisory Committee.
Sec. 248. Alcohol-impaired driving countermeasures.
Sec. 249. Public transit facilities.
Sec. 250. Roadside barrier technology.
Sec. 251. Pensacola, Florida.
Sec. 252. High cost bridge projects.
Sec. 253. Congestion relief projects.
Sec. 254. High priority corridors on National Highway System.
Sec. 255. High priority corridor projects.
Sec. 256. Rural access projects.
Sec. 257. Urban access and mobility projects.
Sec. 258. Innovative projects.
Sec. 259. Intermodal projects.
Sec. 260. Miscellaneous Intermodal Surface Transportation Efficiency Act amendments.
Sec. 261. Disadvantaged business enterprise program.
Sec. 262. Amendments to Surface Transportation and Uniform Relocation Assistance Act of 1987.
Sec. 263. Freeway service patrols.
Sec. 264. Pan American Highway.
Sec. 265. Section 3 program amendments.
Sec. 266. Metropolitan planning.
Sec. 267. Formula grant program.
Sec. 268. Mass transit account block grants.
Sec. 269. Grants for research and training.
Sec. 270. General provisions.
Sec. 271. Period of availability and reapportionment of section 16 funds.
Sec. 272. Rural transit program.
Sec. 273. Nondiscrimination.
Sec. 274. Authorizations.
Sec. 275. Project management oversight.
Sec. 276. Planning and research program.
Sec. 277. Needs survey and transferability study.
Sec. 278. State responsibility for rail fixed guideway system.
Sec. 279. National Transit Institute.
Sec. 280. Increased Federal share.
Sec. 281. Performance reports on mass transit systems.
Sec. 282. Cross reference to Federal Transit Act.
Sec. 283. Participation in International Registration Plan and International Fuel Tax Agreement.
Sec. 284. Intelligent vehicle-highway systems.
Sec. 285. Title 49, United States Code, amendments.
Sec. 286. Surface Transportation Assistance Act of 1982 amendments.
Sec. 287. Commercial Motor Vehicle Safety Act of 1986 amendments.
Sec. 288. Cleveland Harbor, Ohio.
Sec. 289. Other Intermodal Surface Transportation Efficiency Act technical amendments.

SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—NATIONAL HIGHWAY SYSTEM DESIGNATION AND OTHER PROVISIONS

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) DESIGNATION; MODIFICATIONS.—Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) INITIAL DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated May 10, 1994, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

"(d) MODIFICATIONS TO THE NHS.—

"(1) PROPOSED MODIFICATIONS.—The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System.

"(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System may only take effect if a law has been enacted approving such modification.

"(3) REQUIRED SUBMISSION.—Not later than 2 years after the date of the enactment of the National Highway System Designation Act of 1994, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of—

"(A) connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, rail and other intermodal transportation facilities; and

"(B) any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c), subject to the completion of feasibility studies.".

(b) PROPOSED NTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a proposal for a comprehensive National Transportation System using the National Highway System as the backbone for establishing the National Transportation System. In developing such proposal, the Secretary shall consult with and consider the views of States and metropolitan planning organizations.

SEC. 102. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 104(b)(2) of title 23, United States Code, is amended—

(1) by inserting "in fiscal year 1994" after "State" each place it appears;

(2) by inserting "in fiscal year 1994" after "States" the first place it appears;

(3) in subparagraph (A) by inserting "in fiscal year 1994" after "Act";

(4) in subparagraph (B) by inserting "in fiscal year 1994" after "subpart";

(5) in subparagraph (C) by inserting "in fiscal year 1994" after "subpart";

(6) in subparagraph (D) by inserting "in fiscal year 1994" after "subpart";

(7) in subparagraph (E) by inserting "in fiscal year 1994" after "subpart";

(8) by inserting "in fiscal year 1994" after "carbon monoxide"; and

(9) by inserting "in fiscal year 1994" after "relative populations".

(b) ELIGIBLE PROJECTS.—Section 149(b) of such title is amended by inserting before "of a national ambient" each place it appears "or maintenance".

(c) STATES WITHOUT A NONATTAINMENT AREA.—Section 149(c) of such title is amended by inserting "in fiscal year 1994" after "Act".

SEC. 103. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

"(e) LIFE-CYCLE COST ANALYSIS.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System.

"(2) ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term 'analysis of life-cycle costs' means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project or projects.".

(b) VALUE ENGINEERING.—Section 106 of such title is amended by adding at the end the following:

"(f) VALUE ENGINEERING FOR NHS.—

"(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System.

"(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplined team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.".

(c) GUARANTEE AND WARRANTY CLAUSES.—Section 112 of such title is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f) GUARANTEE AND WARRANTY CLAUSES.—The Secretary shall, by regulation, permit a State highway department, in accordance with standards developed by the Secretary in such regulations, to include a clause in a contract for the construction of any Federal-aid highway project requiring the contractor to warrant the materials and work performed in accordance with the contractor's obligations and responsibilities under the terms of the contract. The warranty or guarantee clause shall be reasonably related to the materials and work performed and in accordance with the contractor's obligations and responsibilities under the terms of the contract, and shall not be construed to require the contractor to perform maintenance.".

(d) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding for developing standards under section 112(f) of title 23, United States Code, as added by subsection (c) of this section.

SEC. 104. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) PERMANENT PROGRAM.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

"(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.".

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

SEC. 105. HIGHWAY SAFETY PROMOTION PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 312 the following new section:

"§ 313. Highway safety promotion program

"(a) ESTABLISHMENT.—The Secretary shall carry out education, research, development, and technology transfer activities to promote the safe operation and maintenance of commercial motor vehicles in interstate commerce.

"(b) GRANTS.—To carry out the purposes of this section, the Secretary shall make grants to, and enter into cooperative agreements with—

"(1) a not-for-profit membership organization that has been engaged exclusively in truck-related research and education since 1985; and

"(2) not-for-profit organizations engaged in commercial motor vehicle safety research.

"(c) FEDERAL SHARE.—The Federal share of the costs of activities carried out under this section shall be 100 percent.

"(d) FUNDING.—Out of administrative funds deducted under section 104(a) of this title for each of fiscal years 1995 through 1997, the Secretary shall make available—

"(1) for making grants and entering into cooperative agreements under subsection (b)(1) $1,000,000; and

"(2) for making grants and entering into cooperative agreements under subsection (b)(2) $500,000.

Such funds shall remain available until expended.

"(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

"(f) ANNUAL REPORT.—Annually, beginning on January 1, 1996, the Secretary shall transmit to Congress a report which provides information on the progress and activities of the programs conducted under this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 312 the following:

"313. Highway safety promotion program.".

SEC. 106. PROJECT ELIGIBILITY.

Section 108(b) of the Federal-Aid Highway Act of 1956 (23 U.S.C. 101 note) is amended—

(1) by striking "(1)" before "such costs may be further"; and

(2) by striking ", and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street".

SEC. 107. WISCONSIN SUBSTITUTE PROJECT.

(a) FEDERAL ASSISTANCE.—Subsection (b) of section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended to read as follows:

"(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—

"(1) GENERAL RULE.—Upon approval of any substitute project or projects under subsection (a)—

"(A) the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

"(B) a sum equal to the amount that would have been apportioned to the State of Wisconsin on October 1, 1994, under section 104(b)(5)(A) of title 23, United States Code, if the Secretary had not approved such project or projects shall be available to the Secretary from the Highway Trust Fund to incur obligations for the Federal share of the costs of such substitute project or projects.

"(2) AVAILABILITY.—Amounts made available under paragraph (1)(B) shall be available for obligation on and after October 1, 1994. Amounts made available under paragraph (1)(B) shall remain available until expended and shall be subject to any limitation on obligations for Federal-aid highways established by law.

"(3) APPLICABILITY OF TITLE 23 U.S.C.—Amounts made available under paragraph (1)(B) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out with such funds shall be determined in accordance with section 103(e)(4)(D) of such title.".

(b) CONFORMING AMENDMENTS.—

(1) SUBSECTION (c).—The second sentence of subsection (c) of section 1045 of such Act is amended by striking "the authority of section 103(e)(4) of title 23, United States Code," and inserting "section 21(a)(2) of the Federal Transit Act".

(2) SUBSECTION (d)(1).—Subsection (d)(1) of section 1045 of such Act is amended by striking "project for" and all that follows through the period at the end thereof and inserting "transit project.".

(3) SUBSECTION (d).—Subsection (d) of section 1045 of such Act is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) REDUCTION OF INTERSTATE CONSTRUCTION AUTHORIZATION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by striking "$1,800,000,000 for the fiscal year ending September 30, 1996" and inserting "$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, for the fiscal year ending September 30, 1996".

SEC. 108. USE OF RECYCLED PAVING MATERIAL.

(a) DOT GUIDANCE.—Section 1038(c)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note) is amended by striking "an interest in the use of such asphalt" and inserting the following: "concern in fulfilling the minimum utilization requirements of subsection (d)(1). Such technology transfer activities and training programs shall be initiated without delay and shall include all eligible uses of recycled

rubber, alternative applications, and other materials and shall focus on achieving the best performance results for all eligible uses. Not later than 90 days after the date of the enactment of this sentence, the Secretary shall transmit to Congress a report detailing the plans to implement this subsection.

(b) STATE CERTIFICATION.—Section 1038(d)(1) of such Act is amended—

(1) by striking "established by this section." and inserting ", other materials, and alternative applications established by this section. Each State shall also annually certify its progress in its waste tire abatement program under paragraph (7).";

(2) by striking "1995" the first place it appears and inserting "1996";

(3) in subparagraph (A) by striking "1994" and inserting "1995";

(4) in subparagraph (B) by striking "1995" and inserting "1996";

(5) in subparagraph (B) by inserting "and" after the semicolon at the end;

(6) in subparagraph (C), by striking "1996; and" and inserting "1997."; and

(7) by striking subparagraph (D).

(c) OTHER MATERIALS.—Section 1038(d)(2) of such Act is amended by striking the period at the end and inserting the following: "; except that, of that amount, no more than ½ may be met with the use of asphalt containing reclaimed asphalt in fiscal years 1996 and 1997. For the purposes of this paragraph, cold in-place recycling technology shall be allowable.".

(d) PENALTY.—Section 1038(d)(4) of such Act is amended—

(1) by inserting before "The" the following: "(A) WITHHOLDING.—";

(2) by indenting subparagraph (A), as designated by paragraph (1) of this subsection, and moving such paragraph 2 ems to the right;

(3) by inserting before "utilization requirement" the following: "by which such State does not satisfy the"; and

(4) by adding at the end the following:

"(B) ESCROW ACCOUNT.—Apportionments withheld from a State by the Secretary under this subsection shall be placed in escrow for 2 years pending satisfaction of the minimum utilization requirement of paragraph (1) and pending satisfaction of the requirement for which the apportionments were originally withheld. Pending satisfaction of such requirements, the withheld apportionment shall be returned to the State.

"(C) SUNSET PROVISION.—If a State which has apportionments withheld under this paragraph has not satisfied current minimum utilization requirements of paragraph (1) within 2 years and has not fulfilled the previous requirements for which such apportionments were withheld, then the apportionments held in the escrow account shall be returned to the Highway Trust Fund.".

(e) INDIVIDUAL STATE REDUCTION.—Section 1038(d)(7) of such Act is amended—

(1) by striking "prior to disposal"; and

(2) by adding at the end the following: "The Secretary, in consultation with the Administrator, shall exempt from the requirements of paragraph (1), any State that has implemented a documented waste tire abatement program if such program will result in the elimination of tire stockpiles by 1997.".

(f) ALTERNATIVE APPLICATION.—Section 1038(d) of such Act is further amended by adding at the end the following:

"(8) ALTERNATIVE APPLICATIONS.—

"(A) IN GENERAL.—A State may for any year meet up to ½ of the minimum utilization requirement established by paragraph (1) (excluding any deduction a State may take pursuant to subsection (c)) by using an equivalent amount of recycled rubber for alternative applications, other than making asphalt pavement, if—

"(i) the State certifies that the alternative application does not present a threat to safety, human health, or the environment; and

"(ii) it is demonstrated that such alternative applications provide equal or enhanced engineering benefits.

"(B) GUIDELINES.—The Secretary, in consultation with the Administrator, shall issue guidelines with respect to compliance with alternative applications under the conditions set forth in clauses (i) and (ii).".

(g) DEFINITIONS.—Section 1038(e) of such Act is amended—

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

(2) in paragraph (2) by inserting before "taken" the following: "(other than tire buffings defined as a byproduct of the retreading industry) or any products produced from the processing of whole scrap tires or tire materials";

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

(4) by adding at the end the following:

"(3) the term 'alternative applications' means uses of recycled rubber in such civil engineering applications such as noise and safety barriers, other safety hardware, fences, soil retaining walls, slope stabilization measures, subgrade insulation, and lightweight fill, where the product or material containing recycled rubber provides a benefit to the highway construction and is left in place as a result of the highway construction; such term does not apply to products or materials, such as traffic cones or vehicles, which are used only temporarily in construction of the highway;

"(4) the term 'Administrator' means the Administrator of the Environmental Protection Agency; and

"(5) the term 'State' has the meaning such term has under section 101 of title 23, United States Code.".

SEC. 109. WORK ZONE SAFETY.

Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 401 note) is amended—

(1) by inserting "technologies and services," after "appurtenances,";

(2) by inserting "training," after "traffic control plans,"; and

(3) by adding at the end the following new sentence: "The Secretary shall annually review, and provide to State and local governments, information and recommendations concerning safety practices that can enhance safety at highway construction sites, including information relating to new safety technologies, services, traffic control plans, training, and work zone-related bidding practices. The Secretary is directed to develop within the program a process for assuring that, for each project, there will be a person trained and certified who will have the responsibility and authority for assuring that the provisions of the traffic control plan and other safety aspects of the work zone are effectively administered.".

SEC. 110. CORRECTED PROJECTS.

(a) IN GENERAL.—The purpose of this section is to provide assistance for certain highway projects in order to correct errors and omissions in the Intermodal Surface Transportation Efficiency Act of 1991.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the projects described in this subsection. There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 1995 to carry out each such project the amount listed for each such project:

City/State	Projects	Amount in millions
1. North Minnesota.	Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, MN.	8.5
2. Philadelphia, Pennsylvania.	Reconstruction of the Old Delaware Avenue Service Road.	1.6

(c) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(d) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(e) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 111. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1994, the following unobligated balances on September 30, 1994, of funds made available for the following provisions are hereby rescinded:

(1) $78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) $26,500,000 made available by section 404(a)(2) of the Surface Transportation Assistance Act of 1982.

(3) $1,500,000 made available by section 106(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) $942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) $376,194.94 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) $36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) $34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation

and Uniform Relocation Assistance Act of 1987.

(8) $258,131.85 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) $446,768 made available for section 149(a)(92) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) $2,058,323 made available for section 149(a)(94) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) $52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) $427,340 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) $3,559,837 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) $797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) $55.43 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(16) $49,700,000 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) $29,300,000 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) $150,000,000 made available by section 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

(19) $1,500,000 made available by section 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991.

(20) $10,800,000 made available by section 21(a)(1) of the Federal Transit Act.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—Section 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(1) by striking "$100,000,000" the second place it appears and inserting "$50,000,000"; and

(2) by striking "$125,000,000" each place it appears and inserting "$62,500,000".

SEC. 112. ADDITIONAL PROJECTS.

(a) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the projects described in this subsection. There is authorized to be appropriated for fiscal years 1995, 1996, and 1997 to carry out each such project the amounts listed for each such project:

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
1. Alabama	Birmingham Northern Beltline		2.900
2. Alabama	Black Warrior River Bridge Study		0.100
3. Alabama	I–759 Extension		20.000
4. Alabama	AL182/I–10 Evacuation Connector Improvements		4.000
5. Alabama	Patton Island Bridge Construction	9.000	
6. Alabama	Montgomery Outer Loop Beltway		3.000
7. Arizona	Gila River Crossing	6.000	
8. Arizona	US93 Upgrade: Kingman to Lake Mead		3.000
9. Arizona	Veterans Memorial Overpass		5.000
10. Arkansas	US71 Upgrade: Alma to Louisiana Border		3.000
11. Arkansas	US71 Upgrade: I–40 to Fayetteville	3.500	7.000
13. Arkansas	Lake Bull Shoals Bridge	0.400	
14. Arkansas	Van Buren Regional Intermodal Facility	0.100	
15. Arkansas	US63 Bypass Upgrade, Jonesboro		5.000
16. Arkansas	Conway Bypass Study and Design		3.000
17. California	CA84/I–580 Interchange Construction	4.000	
18. California	CA4 Freeway Expansion, Pittsburg		2.000
19. California	Galena Street Improvements/I–15 Interchange Construction		2.000
20. California	CA56 Extension: I–5 to I–15		3.000
21. California	Stocker Street/La Cienega Interchange		7.100
22. California	South Lake Tahoe Loop Road Reconfiguration		2.000
23. California	Bristol Street Improvement Project		3.000
24. California	CA30 Extension/Gap Closure	2.000	5.000
25. California	CA87 Corridor Construction	7.000	
26. California	CA113 Railroad Grade Separation		5.240
27. California	Third Feather River Bridge	1.500	
28. California	I–5/Highway 99W Interchange	0.500	
29. California	CA113/I–5 Interchange and Improvements		0.500
30. California	CA905 Congestion Mitigation	4.000	5.000
31. California	CA119/US101/Rice Avenue Interchange Upgrade		1.000
32. California	Humboldt Bay Port Access Enhancement	10.000	
33. California	CA7 Improvements: CA98 to I–8		2.000
34. California	Ontario Airport Ground Access	4.000	
35. California	CA71 Planning and Design, Riverside County		2.000
36. California	CA57 Interchange, Brea		0.950
37. California	CA41 Expansion		3.000
38. California	I–15 Widening: Victorville to Barstow	2.000	14.000
39. California	I–15 Access, George Air Force Base		1.000
40. California	Arden-Garden Connector		6.000
41. California	CA126 Improvements: I–5 to McBean Parkway	4.000	
42. California	CA138–Avenue P–8 Improvements: CA14 to 50th St, E		2.000
43. California	CA4 Upgrade	19.000	
44. California	Mare Island Access Study		1.000
45. California	CA237—Maude Avenue/Middlefield Road Interchange	13.500	
46. California	I–205 Widening: I–580 to I–5		3.000
47. California	I–710/Firestone Boulevard Interchange		5.800
48. California	CA58 Upgrade, Bakersfield	2.000	2.500
49. California	CA178 Crosstown Corridor: CA 178 to CA99	2.000	2.500
50. California	I–5 Capacity Enhancement		9.400
51. California	Alameda Corridor	4.000	5.000
52. California	Arbor Vitae Street Expansion		4.000
53. California	Pacific Coast Highway Palisades Bluff Stabilization		5.000
54. California	US101—Sonoma County Congestion Relief		4.000
55. California	US101—Marin County HOV Lanes		1.000
56. Colorado	Powers Boulevard Corridor		1.000
57. Colorado	120th Avenue Improvements	5.500	
58. Connecticut	Regional Transportation Center Improvements, Norwich		6.000
59. Connecticut	Hartford Riverfront Access		3.000
60. Connecticut	Seaview Avenue Reconstruction		2.000
61. District of Columbia	Constitution Avenue Rehabilitation	3.000	
62. District of Columbia	Independence Avenue Rehabilitation	0.590	
63. District of Columbia	First Street Rehabilitation	0.260	
64. Florida	Fuller—Warren Bridge	2.000	19.000
65. Florida	Jacksonville Airport Access Road		2.000

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
66. Florida	Midpoint Bridge and Corridor	2.000	5.000
67. Florida	FL7/US441 Widening		5.000
68. Florida	I–4/Greeneway Interchange	4.000	2.000
69. Florida	US301/University Parkway Intersection Upgrade		2.000
70. Florida	Palm Beach Port Road Relocations	0.265	5.000
71. Florida	Eller Drive/I–595 Improvements	2.600	
72. Florida	Northeast Dade Bike Path	1.135	
73. Georgia	GA61 Connector with I–20		7.200
74. Georgia	Appalachian Scenic Parkway		4.000
75. Georgia	GA92 Corridor Upgrade, Cherokee County	1.700	20.000
76. Georgia	GA9 Widening, Roswell	8.300	
77. Georgia	Sidney-Lanier Bridge Reconstruction	4.000	6.000
78. Georgia	University Center Pedestrian Corridor, Atlanta		12.960
79. Hawaii	Kuakini Street Improvements		1.500
80. Illinois	Sauget Road Extension	3.100	0.818
81. Illinois	West Boulevard Extension	0.900	
82. Illinois	IL159 Relocation, Edwardsville		6.000
83. Illinois	US67/IL267 Improvements		4.000
84. Illinois	Centennial Bridge Improvements		1.000
85. Illinois	Business Loop 55 Widening: I–55 to Clearwater Ave	5.000	
86. Illinois	Central Avenue Bypass, Chicago	15.000	
87. Illinois	US20 Improvements: East Dubuque to Galena		2.000
88. Illinois	Peoria—Chicago Highway	3.000	2.000
89. Illinois	Springfield Veterans Parkway	2.000	2.000
90. Illinois	Grand View Drive Improvements		3.000
91. Illinois	Heartland Riverfront Project		2.000
92. Illinois	US67: Macomb to Jacksonville		1.000
93. Illinois	Brush Creek Connector	3.000	
94. Illinois	Richton Road Improvements, Crete	1.720	
95. Illinois	Steger Roadway Improvements, Steger	0.720	
96. Illinois	Polk Avenue Extension, Richton Park	0.336	
97. Illinois	Minooka Street Improvements, Minooka	0.334	
98. Illinois	Rathje Road Improvements, Peotone	0.320	
99. Illinois	Main Street Improvements, Ottawa	0.312	
100. Illinois	Otter Creek Road Improvements, Streator	0.270	
101. Indiana	96th Street Upgrade	2.000	5.000
102. Indiana	Hoosier Heartland Corridor: Ft. Wayne to Lafayette		3.000
103. Indiana	I–265 Extension		10.000
104. Indiana	US231 Reconstruction		10.000
105. Indiana	Evansville—Bloomington Corridor		5.000
106. Indiana	Lafayette Rail Relocation	5.000	18.500
107. Indiana	Six Points Road Interchange		1.500
108. Indiana	City of Columbus "Front Door"		8.000
109. Indiana	IN67 Improvements		1.000
110. Indiana	East Chicago Marine Access Road		4.834
111. Indiana	Lake Shore Drive Extension Study		0.600
112. Iowa	I–29 Corridor Improvements, Sioux City		2.000
113. Iowa	IA330: Marshalltown to Des Moines		6.000
114. Iowa	Burlington Iowa Southern Arterial Connector	0.880	
115. Iowa	US 63: Bremer County to Minnesota Border		3.000
116. Iowa	IA5 Relocation		10.000
117. Kentucky	US231 Relocation	5.000	
118. Kentucky	US27 Improvements	1.000	3.000
119. Kentucky	KY114 Widening: Salyersville to US23	1.000	5.000
120. Louisiana	I–10/I–12 Baton Rouge Bypass		1.000
121. Louisiana	I–210/Nelson Access Road	3.000	
122. Louisiana	I–10: St. Charles Parish Line to Tulane Avenue	2.000	3.000
123. Maryland	MD5/MD373 Interchange		10.000
124. Maryland	MD235 Improvements		5.000
125. Maryland	MD237 Improvements	3.882	
126. Maryland	Beltway Advanced Traffic Monitoring		3.000
127. Massachusetts	Lincoln Square, Southbridge Street Gateways	2.400	
128. Massachusetts	I–90/MA146 Reconstruction	1.600	
129. Massachusetts	Franklin County Bikeway		2.250
130. Michigan	US23 Expansion	3.000	
131. Michigan	Bay City Road Interchange		3.000
132. Michigan	M–59 Corridor		20.000
133. Michigan	Highway Safety Improvements		20.000
134. Michigan	Ambassador Bridge Facilities	10.000	
135. Michigan	Monroe Rail Consolidation		10.000
136. Michigan	Detroit Airport Access Road		5.000
137. Michigan	US31 Improvements: Holland to Grand Haven	1.200	
138. Michigan	M–6: Grand Rapids South Beltline Construction	6.800	4.000
139. Michigan	M–102/Grand River Interchange Redesign		4.000
140. Michigan	McClellan Avenue		2.300
141. Michigan	US31 Upgrade, Berrien County	2.000	5.000
142. Minnesota	TH610–Crosstown Expressway	1.000	3.000
143. Minnesota	Trunk Highway 33 Improvements	9.680	
144. Minnesota	34th Street Corridor		2.000
145. Minnesota	TH212 Construction		3.000
146. Minnesota	77th Street Improvements	5.000	10.000
147. Minnesota	Wabasha Street Bridge Replacement	9.000	11.000
148. Mississippi	Norrell Road Interchange	3.000	
149. Missouri	Lindbergh Boulevard Relocation		5.000
150. Missouri	St. Joseph Loop Expressway	8.300	
151. Missouri	Chouteau Bridge Replacement		9.000
152. Missouri	Cape Girardeau Bridge Replacement	6.250	5.000
153. Missouri	MO21 Upgrade		13.400

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
154. Missouri	MO Highway M Relocation	3.000	
155. Missouri	I–255/MO231 Intersection		1.600
156. Missouri	Hannibal Bridge Replacement	1.000	2.000
157. Montana	MT323 Upgrade		5.000
158. Montana	Belgrade/I–90 Interchange	2.110	
159. Nebraska	Niobrara, NE/Springfield, SD Bridge		3.000
160. Nebraska	27th Street and Highway 2 Pedestrian Bridge		0.413
161. Nebraska	South and East Beltway Study, Lincoln		0.400
162. Nevada	Spring Mountain I–15 Interchange		5.000
163. Nevada	I–80/Sparks Road Pyramid Interchange	1.000	4.000
164. New Hampshire	Second Nashua River Crossing	3.000	1.500
165. New Hampshire	Manchester Airport Access Road Construction	5.000	
166. New Jersey	I–287 Improvements: I–78 to US22	4.000	
167. New Jersey	NJ21/McCarter Highway Improvements	5.000	
168. New Jersey	NJ17/NJ4 Interchange, Paramus		3.000
169. New Mexico	Santa Fe Relief Route		5.000
170. New Mexico	Sunport Boulevard East Corrdior		1.400
171. New Mexico	US70/Las Cruces Frontage Road System		3.000
172. New York	Utica-Rome Expressway	6.250	5.000
173. New York	Westchester/Putnam Intelligent Vehicle Highway Systems		2.000
174. New York	NY60 Reconstruction, Ellicott		3.000
175. New York	Quay Street Extension, Niagara Falls		2.240
176. New York	Delaware Street Reconstruction, Tonawanda		2.100
177. New York	Williams Road Widening, Wheatfield		1.060
178. New York	Lockport Corridor Study, Erie and Niagara Counties		0.800
179. New York	Rochester-Brockport Access Study		0.800
180. New York	NY531 Extension Study: Ogden to Sweden		0.400
181. New York	Jericho Turnpike Improvements: New York City to Herricks Road	4.000	2.000
182. New York	New York Thruway Upgrade		5.000
183. New York	US9 Reconstruction, Plattsburgh		1.750
184. New York	International Bridge Feasibility Study		.250
185. New York	New York Intermodal Facilities Study	1.000	
186. New York	NY277 Reconstruction, Cheektowaga	4.000	
187. New York	Main Street Bascule Bridge		2.000
188. New York	Bronx/North Manhattan Intelligent Vehicle Highway System		6.480
189. New York	Latta Road Improvements, Monroe County	6.000	
190. New York	Baldwinsville Bypass		5.000
191. North Carolina	US220 Construction		3.000
192. North Carolina	US17 Bridge Replacement		5.000
193. North Carolina	Charlotte Beltway East Segment		2.000
194. North Carolina	US64 Improvements		6.185
194A. North Carolina	Peace St. Crossing in Thomasville		2.415
194B. North Carolina	Unity St. Crossing in Thomasville		1.400
195. North Carolina	US74 Improvements		10.000
196. North Carolina	US19/23 Upgrade		1.000
197. North Carolina	Southern Charlotte Outer Loop		5.000
198. Ohio	Lorain Central Corridor		5.000
199. Ohio	US23–Fostoria Bypass		3.000
200. Ohio	US22/US33–Lancaster Bypass	1.000	5.800
201. Ohio	Boston Road Interchange		1.000
202. Ohio	Cleveland Gateway Project		1.000
203. Ohio	New Intermodal Terminal, Fearing Boulevard		5.000
204. Ohio	US30: OH235 to US68		4.000
205. Ohio	Alum Creek Drive Improvements	2.000	4.000
206. Ohio	US30 Widening: Wooster to Riceland	3.400	10.000
207. Ohio	Mt. Vernon to I–71 Connector Study	1.600	
208. Ohio	OH43 Improvements		3.920
209. Ohio	Cuyahoga River Bridge, Cleveland		4.320
210. Ohio	Cleveland Pedestrian Walkway		1.440
211. Ohio	Pomeroy to Ravenswood Access Improvements		8.900
212. Ohio	Youngstown-Hubbard Expressway	10.000	
212A. Ohio	Trotwood Connector in Montgomery Co., Ohio	.750	
213. Oklahoma	I–44 Widening: Arkansas River to Yale Avenue	6.250	5.000
214. Oregon	Jordon Cove Road Safety Improvements	0.529	
215. Oregon	Salem Bypass Improvements		4.471
216. Oregon	Columbia Slough Intermodal Projects		5.000
217. Pennsylvania	Philadelphia Traffic Signal Controllers	1.800	
218. Pennsylvania	Philadelphia Bicycle Network	0.472	
219. Pennsylvania	Tioga Marine Terminal	8.000	
220. Pennsylvania	US15 Upgrade—Tioga County	5.952	
221. Pennsylvania	US 219 Truck Route—Osterhout Street	2.880	
222. Pennsylvania	PA948 Improvements, Forest County	1.168	
223. Pennsylvania	Pennsylvania Pier 98, Philadelphia		1.000
224. Pennsylvania	PA2001 Improvements, Pike County	4.800	0.300
225. Pennsylvania	PA14 Improvements, Bradford County		4.800
226. Pennsylvania	PA3011 Improvements, Scranton		3.500
227. Pennsylvania	PA1069 Widening, Athens	0.200	1.400
228. Pennsylvania	US219 Improvements, Cambria County	10.000	
229. Pennsylvania	PA56 Improvements: Johnstown to Cessna	8.000	
230. Pennsylvania	US 22—Section B07 Reconstruction		8.000
231. Pennsylvania	US219 Improvements: Carrolltown to I–80	1.000	2.000
232. Rhode Island	Davisville Bridges		5.000
233. South Carolina	US17 Bridges	2.485	1.515
234. South Carolina	US301 Improvements	1.515	
235. South Dakota	Vermillion Bridge		4.600
236. Tennessee	Harding Place Extension	5.000	
237. Tennessee	Gay Street Bridge Rehabilitation	5.760	
238. Tennessee	Foothills Parkway—Missing Link	.490	10.000

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
239. Tennessee	Old Nashville Highway Bridge		4.000
240. Tennessee	Murfreesboro Alternative Transportation System		1.000
241. Tennessee	I–81 Interchange Construction	1.200	
242. Tennessee	Memphis Outer Loop Beltway		2.000
243. Texas	TX121 Upgrade Study	2.500	
244. Texas	Border Highway Extension		10.000
245. Texas	NASA Road 1 Upgrade	4.500	15.000
246. Texas	US59 Upgrade, Ft. Bend County	0.500	
247. Texas	US67 Widening	5.416	
248. Texas	Loop 12 Widening		2.200
249. Texas	TX36 Improvements	5.000	
250. Texas	Brownsville Navigation District Access		1.680
251. Texas	Brownsville 6th & 7th Streets Improvements		1.600
252. Utah	US89 Upgrade	4.000	
253. Utah	I–15/University Avenue Interchange		3.000
254. Utah	20th East Highway Project	6.000	
255. Utah	I–15 Corridor Improvements, Salt Lake County		6.000
256. Virgin Islands	Christiansted Bypass	5.000	
257. Virginia	Coleman Bridge Expansion		2.000
258. Virginia	I–95/Outer Connector/VA627 Interchange		2.000
259. Virginia	Coalfields Expressway	5.000	
260. Virginia	VA123 Philadelphia, Northern Virginia	10.000	
261. Virginia	Fairfax County Parkway/Franconia-Springfield Parkway		5.000
262. Virginia	I–81 to I–40 "I–83" Connector		5.000
263. Virginia	Pinners Point Connector		4.400
264. Virginia	S. Battlefield Boulevard/VA168		5.000
265. Virginia	14th Street Bridge Lane Addition	5.000	7.000
266. Washington	I–5/196th Street Interchange	3.336	
267. Washington	WA305 Improvements		0.672
268. Washington	Port Angeles Multi-Model Center		6.400
269. Washington	WA18 Improvements: 312th Way to Maple Valley	4.000	1.000
270. Washington	I–405/Northeast 8th Street Interchange		1.000
271. Washington	US12 Improvements		9.000
272. Washington	US395 Improvements		9.000
273. Washington	Chelan/Douglas Transportation Center		2.000
274. Washington	Mill Plain Extension		5.000
275. West Virginia	Fairmont Riverside Expressway	10.000	
276. West Virginia	New River Parkway	14.400	
277. Wisconsin	Janesville River Street Realignment	3.454	
278. Wisconsin	Main Street Bridge Replacement, Racine		2.000
279. Wisconsin	CTH P Improvements	0.480	
280. Wisconsin	WI29 Upgrade	10.000	
281. Wisconsin	Oshkosh Rail Relocation	6.000	
282. Wisconsin	US10 Upgrade: Anderson Road to CTH U	4.000	
283. Wisconsin	US41 Upgrade: Kaukauna to CTH F		3.000

(b) ALLOCATION PERCENTAGES FOR HTF FUNDS.—65.86 percent of the amount allocated by subsection (a) from the Highway Trust Fund for each project authorized by subsection (a) shall be available for obligation in fiscal year 1995. 17.07 percent of such amount shall be available for obligation in each of fiscal years 1996 and 1997.

(c) APPROPRIATIONS CAP.—Of the amounts authorized to be appropriated from the general fund of the Treasury by subsection (a), not more than $300,000,000 may be appropriated in any single fiscal year.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section from the Highway Trust Fund shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 113. STUDY OF RADIO AND MICROWAVE TECHNOLOGY FOR COMMERCIAL AND OTHER MOTOR VEHICLES.

(a) IN GENERAL.—Section 6057 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) STUDY OF RADIO AND MICROWAVE TECHNOLOGY FOR COMMERCIAL AND OTHER MOTOR VEHICLES.—

"(1) IN GENERAL.—The Secretary shall conduct a research study to develop and evaluate radio and microwave technology for furtherance of safety in commercial and other motor vehicles.

"(2) EQUIPMENT.—Equipment developed under the study to be conducted under paragraph (1) shall be directed toward, but not limited to, warning drivers of obstructions in a highway or limited visibility conditions caused by snow, rain, fog, or dust.

"(3) SAFETY APPLICATIONS.—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in paragraph (1) has other safety applications consistent with the goals of this Act.".

(b) FUNDING.—Such section is further amended by adding at the end the following new subsection:

"(d) FUNDING.—Of the funds made available in fiscal year 1995 to carry out section 6058(b), $500,000 shall be used to conduct the study under subsection (b).".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the section heading by inserting "and other" after "commercial"; and

(2) in the heading to subsection (a) by inserting "OF SAFETY TECHNOLOGY FOR COMMERCIAL MOTOR VEHICLES" after "STUDY".

SEC. 114. FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY.

(a) FEDERAL LINE OF CREDIT.—For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, there is authorized to be appropriated $10,000,000 for the Secretary to enter into an agreement to

make a line of credit available, with a principal amount not to exceed $120,000,000 to the public entity or entities with the statutory authority to construct such facilities.

(b) EFFECTIVE PERIOD.—The line of credit under this section shall be available for draws during the period beginning on the date of completion of construction and ending on the last day of the tenth calendar year following the date construction of the facilities is completed.

(c) PURPOSES.—The line of credit under this section shall be available to pay the costs of extraordinary repair and replacement of the facilities, unexpected Federal or State environmental restrictions, operation and maintenance expenses of the facilities, and debt service on tax-exempt or taxable obligations financing the facilities.

(d) LIMITATIONS.—

(1) CAPITAL EXPENDITURES.—With respect to capital expenditures, draws on the line of credit under this section shall only be made if and to the extent proceeds from the sale of the obligations issued by the public entity or entities which otherwise would be available for such purposes are exhausted, or are otherwise unavailable for the payment of such capital expenditures.

(2) EXPENSES.—With respect to expenses, including operation and maintenance expenses and debt service, a draw on the line of credit under this section shall only be made if revenues from toll operations and capitalized interest are insufficient (or are otherwise unavailable) for such purposes.

(3) PER YEAR.—No more than 10 percent of the total principal amount of the line of credit under this section shall be available for draws in any one year.

(4) THIRD PARTY CREDITOR RIGHTS.—No third party creditor of the public entity or entities shall have any right against the Federal Government with respect to draws on the line of credit under this section.

(5) AVAILABILITY FOR PARTICULAR COSTS.—There is no guaranteed availability of proceeds of the line of credit under this section for the payment of any particular cost of the public entity or entities which might be financed under this section.

(e) INTEREST RATE AND REPAYMENT PERIOD.—Any draws (except for operation and maintenance expenses) on the line of credit under this section shall accrue interest at the 30-year United States Treasury bond rate beginning on the date such draws are made and shall be repaid in not more than 30 years; except that any draws under the line of credit for operation and maintenance expenses shall accrue interest at the 3-year United States Treasury note rate beginning on the date such draws are made and shall be repaid in not more than 3 years.

SEC. 115. RAILWAY-HIGHWAY CROSSINGS PROJECT.

Of the funds appropriated by Public Law 103-122 for railroad-highway crossings projects, $20,000,000 shall be made available for costs, not to exceed 80 percent, of a project to reduce rail-highway conflicts on M-59 near Pontiac, Michigan, and a project on Bristol Road near Flint, Michigan. From the $20,000,000 made available under the preceding sentence, $500,000 shall be made available to improve and upgrade Maple Road at Bishop Airport, Michigan.

SEC. 116. NEW RIVER PARKWAY, WEST VIRGINIA.

(a) PRIORITY CONSIDERATION.—

(1) COMPLETION OF STUDIES.—The Secretary shall require, as a matter of the highest priority, the completion of all remaining studies associated with the project authorized by section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191).

(2) SCHEDULE.—Notwithstanding any other provision of law, the Secretary is authorized and directed to establish a schedule—

(A) for the completion by other Federal agencies of any reviews required by law of such studies; and

(B) by which the reconciliation of any discrepancies among reviewing Federal agencies must be met.

(3) DEADLINE.—The schedule referred to in paragraph (2) shall provide for the project referred to in paragraph (1) to proceed to construction before December 31, 1995.

(b) VISITORS CENTER.—

(1) GRANTS.—The Secretary shall make grants to the Secretary of the Interior, acting through the Director of the National Park Service, for the planning, design, and construction of a visitors center, and such other related facilities as may be determined to be necessary, to facilitate visitor understanding and enjoyment of scenic, historic, cultural, and recreational resources accessible by the New River Parkway, West Virginia, and any related buildings as may be determined to be necessary for the administration of the parkway.

(2) SITE.—The visitors center, related facilities, and buildings referred to in paragraph (1) shall be located at a suitable location on a site for which title is held by the United States in the vicinity of the intersection of the New River Parkway and Interstate Route 64 or along the New River Parkway itself.

(3) CONSULTATION.—The Director of the National Park Service shall consult with the New River Parkway Authority and the State of West Virginia in the planning, design, and construction of the visitors center, related facilities, and buildings referred to in paragraph (1).

(4) FUNDING.—Of the amounts made available pursuant to section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) $1,300,000 for fiscal year 1995 and $1,200,000 for fiscal year 1996 shall be made available for the purposes of carrying out this subsection. Such funds shall remain available until expended.

SEC. 117. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Act of 1991 (33 U.S.C. 1261(c)) is amended—

(1) by striking "Act" each place it appears and inserting "part";

(2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

"(3) SIXTH YEAR PROVISION.—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.".

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

(1) in subparagraph (C) by striking "national surveys" and inserting "a 1-time national survey";

(2) by striking "and" at the end of subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) contracting for services with other land management agencies; and"; and

(4) by adding the end the following:

"The 3 percent limitation in the preceding sentence shall not apply to expenditures to pay the cost of conducting the 1-time national survey described in subparagraph (C).".

(c) ENVIRONMENTAL MITIGATION.—

(1) IN GENERAL.—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (4) the following:

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).".

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking "paragraphs (6) and (8)(B)" and inserting paragraphs "(7) and (9)(B)".

(d) EXCLUSIONS.—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

(1) by striking "(7) SMALL STATE EXCLUSION.—Any State" and inserting the following:

"(7) EXCLUSIONS.—

"(A) SMALL STATE.—Any State";

(2) by moving the text of subparagraph (A), as so designated, 2 ems to the right; and

(3) by adding at the end the following:

"(B) BEST INTEREST OF A STATE.—Any State which determines based on trail needs identified in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.".

(e) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

(1) by inserting "the State" before "may be exempted"; and

(2) by striking "and expended or committed" and all that follows before the period.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1302 of such Act (16 U.S.C. 1261) is amended by adding at the end the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section and section 1303 $6,000,000 for fiscal year 1995.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted with such funds shall be as provided in this section, such funds shall not be subject to any obligation limitation other than subsection (d)(3), and such funds shall remain available until expended.

"(3) TREATMENT.—Funds authorized by paragraph (1) shall be treated as if such funds were part of the National Recreational Trails Trust Fund for purposes of making allocations to the States under subsection (d).".

(g) ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended—

(1) in subsection (b) by striking "11 members" and inserting "12 members";

(2) in subsection (b) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following:

"(2) 1 member appointed by the Secretary representing individuals with disabilities;".

SEC. 118. COAL HERITAGE.

(a) GRANTS.—The Secretary shall make grants to the State of West Virginia for the purpose of erecting signs or other informational devices depicting Coal Heritage along public roads identified as "Heritage Tour Routes" and "Tour Route Connectors" on the map entitled "Alternative Concept C" in the the study entitled "A Coal Mining Heritage Study: Southern West Virginia" (1993, United States Department of the Interior, National Park Service) and along additional public roads which provide access to the interpretive sites and areas identified on such map. Such signs or devices shall be devised by the West Virginia Division of Culture and History with the concurrence of the West Virginia Division of Highways and shall be subject to public comment.

(b) TECHNICAL ASSISTANCE.—With respect to areas along the roads referred to in subsection (a) which are administered by Federal, State, local, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities and in consultation with the State of West Virginia, provide technical assistance in the development of interpretive devices and information in order to contribute to public appreciation of the historical, cultural, natural, scenic, and recreational sites along such roads.

(c) FUNDING.—Of amounts made available pursuant to section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1998), there shall be available $1,000,000 per fiscal year for each of fiscal years 1995 and 1996 for the purposes of carrying out this section. Such sums shall remain available until expended.

SEC. 119. LIMITATIONS ON FUNDING OF OPERATING ASSISTANCE.

Section 9(k)(2) of the Federal Transit Act (49 U.S.C. App. 1607a(k)(3)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (E) and (F), respectively;

(2) in subparagraph (E), as redesignated by paragraph (1), by inserting "INCREASE.—" before "Beginning";

(3) in subparagraph (F), as redesignated by paragraph (1)—

(A) by inserting "CONSUMER PRICE INDEX DEFINED.—" before "As"; and

(B) by striking "(B)" and inserting "(E)";

(4) by moving subparagraphs (E) and (F), as redesignated by paragraph (1), 4 ems to the right; and

(5) by striking "(2)" and subparagraph (A) and inserting the following:

"(2) LIMITATIONS ON FUNDING OF OPERATING ASSISTANCE.—

"(A) IN GENERAL.—The amount of funds apportioned under this section which may be used for operating assistance shall not exceed 80 percent of the amount of funds apportioned in fiscal year 1982 under paragraphs (1)(A), (2)(A), and (3)(A) of section 5(a) of this Act to an urbanized area with a population of 1,000,000 or more, 90 percent of funds so apportioned to an urbanized area with a population of 200,000 or more and less than 1,000,000 population; and 95 percent of funds so apportioned to an urbanized area of less than 200,000 population. Notwithstanding the preceding sentence, an urbanized area that first became an urbanized area under the 1980 census or thereafter may use each fiscal year for operating assistance not to exceed an amount equal to ⅔ of its apportionment during the first full year it received funds under this section.

"(B) SPECIAL RULE FOR CERTAIN URBANIZED AREAS WITH REDUCED POPULATIONS.—If an urbanized area had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, the maximum percentage of funds which may be used for operating assistance for purposes of subparagraph (A) shall be 90 percent of the amount of funds apportioned in fiscal year 1982 under such paragraphs (1)(A), (2)(A), and (3)(A) to such area.

"(C) SPECIAL RULE FOR URBANIZED AREAS OF LESS THAN 200,000.—If an urbanized area had a population under the 1990 decennial census of the United States of less than 200,000, 100 percent of the funds apportioned to such area under this section for each of fiscal years 1995, 1996, and 1997 may be used for operating assistance, notwithstanding any limitation otherwise imposed on operating assistance.

"(D) OFFSET.—The amount of funds apportioned under this section to each urbanized area with a population of 200,000 or more in each of fiscal years 1995, 1996, and 1997 which may be used for operating assistance but for this subparagraph shall be reduced by the amount determined by multiplying—

"(i) the aggregate amount of increases of operating assistance under subparagraph (C) in such fiscal year; by

"(ii) the quotient determined by dividing—

"(I) the amount of funds apportioned under this section to such area in such fiscal year which may be used for operating assistance but for this subparagraph; by

"(II) the aggregate amount of funds apportioned to all urbanized areas with a population of 200,000 or more under this section in such fiscal year but for this subparagraph which may be used for operating assistance.".

SEC. 120. INTERCITY BUS TRANSPORTATION.

(a) BASIC PROGRAM.—Section 18(i)(1) of the Federal Transit Act (49 U.S.C. App. 1614(i)(1)) is amended—

(1) by striking "and" before "15 percent";

(2) by inserting ", and 7.5 percent of such amounts in fiscal year 1995" after "1994"; and

(3) by inserting after "demonstration projects," the following: "the purchase of accessibility devices,".

(b) DISCRETIONARY PROGRAM.—Section 3 of such Act (49 U.S.C. App. 1602) is amended by adding at the end the following new subsection:

"(o) INTERCITY BUS TRANSPORTATION.—Of the amounts made available by subsection (k)(1)(C) in each fiscal year beginning after September 30, 1994, the Secretary shall make to operators of intercity bus transportation systems capital grants to support such systems, including the purchase of accessibility devices, an amount equal to 7.5 percent of the amounts made available under section 18 in such fiscal year. The Federal grant for any project under this subsection shall be 80 percent of the net project cost; except that the Federal grant for the purchase of accessibility devices under this subsection shall be 90 percent of the net project cost.".

SEC. 121. REPEALS OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(ww) of such Act (105 Stat. 2136) is repealed.

SEC. 122. MISCELLANEOUS TRANSIT PROJECTS.

(a) PORTLAND WESTSIDE LIGHT RAIL PROJECT.—Section 3035(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2129) is amended—

(1) by inserting "(1) IN GENERAL.—" after "WESTSIDE LIGHT RAIL PROJECT.—";

(2) by striking the last sentence;

(3) by indenting paragraph (1) and moving it 2 ems to the right; and

(4) by adding at the end the following:

"(2) AMENDMENT.—

"(A) NEGOTIATION.—Within 90 days after the date of the enactment of this paragraph, the Secretary shall negotiate and sign an amendment to the Westside Light Rail Project multiyear grant agreement authorized under paragraph (1) with the Tri-County Metropolitan Transportation District of Oregon to carry out the final design and construction of the locally preferred alternative for the Hillsboro extension, systems related costs as authorized in Public Law 102-240, and acquisition of low floor light rail vehicles, as set forth in Public Law 102-388.

"(B) ADVANCE CONSTRUCTION; CONTINGENT COMMITMENT.—The amendment negotiated under this paragraph shall provide for the use of advance construction authority under section 3(l) of the Federal Transit Act and for the use of contingent commitment authority under section 3(a)(4)(C) of the Federal Transit Act for the activities set forth in subparagraph (A) for an amount equivalent to the Federal share authorized under section 3 of the Federal Transit Act for each specific activity; except that the Federal share of the cost of the final design and construction of the Hillsboro extension shall not exceed ⅓.

"(C) SPECIAL RULE FOR ADVANCE CONSTRUCTION.—In the event that the Tri-County Metropolitan Transportation District of Oregon uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Tri-County Metropolitan Transportation District of Oregon from funds made available under section 3 of the Federal Transit Act in fiscal years 1998 and 1999 for the Federal share of the amounts expended (plus any eligible financing costs).

"(D) INTEGRATED PROJECT FINANCING PLAN.—The amendment negotiated under this paragraph shall also include an integrated project financing plan to permit the interchangeable use of Federal funds for activities set forth in paragraph (1) and subparagraph (A) to maintain the entire project construction schedule.

"(3) TREATMENT AS A SINGLE PROJECT.—The Hillsboro extension to the Westside Light Rail Project shall be considered by the Federal Transit Administration as a single project extending from downtown Portland, Oregon, to downtown Hillsboro, Oregon, for the purposes of project review, evaluation, and approval of construction under section 3(i) of the Federal Transit Act and for the purpose of preparing a report under section 3(j) of such Act.".

(b) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122-2123) is amended—

(1) by inserting after "Hudson River Waterfront Transportation System" the following:

"(including corridor connections to and within the city of Bayonne)"; and

(2) by inserting after "Concourse," the following: "the West Shore Line,".

(c) NORTH BAY FERRY SERVICE.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking "$8,000,000" and all that follows through "1993" and inserting "$17,000,000".

(d) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—Section 3035(d) of such Act is amended by striking "$1,000,000" and all that follows through "1993" and inserting "$12,000,000".

(e) CENTRAL AREA CIRCULATOR PROJECT.—Section 3035(e) of such Act is amended by striking the last sentence.

(f) SALT LAKE CITY LIGHT RAIL PROJECT.—Section 3035(f) of such Act is amended by inserting after "including" the following: "related high-occupancy vehicle lane, intermodal corridor design,".

(g) LOS ANGELES-SAN DIEGO RAIL CORRIDOR IMPROVEMENT PROJECT.—Section 3035(g) of such Act is amended by striking "not less than" and all that follows through "1994" and inserting "$20,000,000".

(h) ADDITIONAL TRACKAGE RIGHTS AND RIGHT-OF-WAY PURCHASE FOR GILROY SERVICE.—Section 3035(h) of such Act is amended—

(1) by striking "July 1, 1994" and inserting "September 30, 1996"; and

(2) by striking "August 1, 1994," and inserting "October 31, 1996,".

(i) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act is amended—

(A) by striking "6.4 miles" and inserting "9.6 miles";

(B) by striking "10 stations" and inserting "not to exceed 14 stations";

(C) by striking "such light rail line" and inserting "the program of interrelated projects identified in section 3(a)(8)(C)(vii) of the Federal Transit Act"; and

(D) by striking "of such elements" and inserting "element of such program of interrelated projects"

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 3(a)(8)(C)(vii) of the Federal Transit Act (49 U.S.C. App. 1602(a)(8)(C)(vii)) is amended by striking "Camp Wisdom" and inserting "Interstate Route 20, L.B.J. Freeway".

(j) SOUTH BOSTON.—Section 3035(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2130–2131) is amended—

(1) by striking "$278,000,000" each place it appears and inserting "$323,000,000";

(2) by inserting "the second place it appears" after "striking '—' "; and

(3) by adding at the end the following: "Funds made available for the South Boston Piers Transitway in fiscal year 1994 for alternatives analysis may also be used for construction.".

(k) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act is amended by striking "$1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993" and inserting "$5,900,000".

(l) DOWNTOWN ORLANDO CIRCULATOR PROJECT.—Section 3035(l) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The";

(2) by striking "$5,000,000" and inserting "$12,000,000"; and

(3) by striking "for" the second place it appears and all that follows through the period at the end and inserting "and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.".

(m) DETROIT LIGHT RAIL PROJECT.—Section 3035(m) of such Act is amended by striking "not less than" the first place it appears and all that follows through "1993," and inserting "$20,000,000".

(n) LAKEWOOD-FREEHOLD-MATTAWAN OR JAMESBURG RAIL PROJECT.—Section 3035(p) of such Act is amended by striking "$1,800,000" and all that follows through "1994" and inserting "$7,800,000".

(o) CHARLOTTE LIGHT RAIL STUDY.—Section 3035(r) of such Act is amended by striking "$125,000" and all that follows through "1993" and inserting "$500,000".

(p) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking "LIGHT RAIL" and inserting "FIXED GUIDEWAY";

(2) by striking "No later than April 30, 1992, the" and inserting "The";

(3) by striking ", $2,000,000" and all that follows through "right-of-way," and inserting "$42,000,000"; and

(4) by striking "Light Rail" and inserting "Fixed Guideway".

(q) RAILTRAN COMMUTER RAIL PROJECT.—Section 3035(x) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "$2,480,000" and all that follows through "1993" and inserting "$8,680,000".

(r) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act is amended by striking the first sentence and inserting the following: "From funds provided under section 3(k)(1)(c) of the Federal Transit Act, the Secretary shall make available $63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle, which is accessible to and usable by individuals with disabilities.".

(s) BALTIMORE-CENTRAL LIGHT RAIL EXTENSION.—Section 3035(nn) of such Act is amended—

(1) in paragraph (1) by striking "as follows:

"(A) Not less than $30,000,000 for fiscal year 1993.

"(B) Not less than $30,000,000 for fiscal year 1994."

and inserting "and shall be $60,000,000."; and

(2) in paragraph (2) by striking "as follows" and all that follows through the period at the end of subparagraph (C) and inserting "totaling $160,000,000.".

(t) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—Section 3035(vv) of such Act is amended to read as follows:

"(vv) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—Not later than December 31, 1994, the Secretary shall negotiate and sign an agreement which modifies the full funding agreement signed on September 27, 1991, with the Jacksonville Transportation Authority for phase 1–B of the north segment of the Automated Skyway Express project to make available $15,000,000 in already appropriated funds and $35,000,000 under section 3(k)(1)(B) of the Federal Transit Act to carry out construction of the locally preferred alternative for an operable segment of a not to exceed 1.8 mile extension to such project.".

(u) DULLES CORRIDOR RAIL PROJECT.—Section 3035(aaa) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The";

(2) by striking "$6,000,000" and inserting "$16,000,000"; and

(3) by striking "the completion" and all that follows through "engineering for".

(v) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—Section 3035(bbb) of such Act is amended to read as follows:

"(bbb) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $300,000,000 for the Central Puget Sound Regional Transit Project.".

(w) CANAL STREET CORRIDOR LIGHT RAIL.—Section 3035(fff) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "negotiate" and all that follows through "includes" and inserting "make available"; and

(3) by striking "$4,800,000" and all that follows through "statement for" and inserting "$44,800,000 to construct".

(x) ADDITIONAL PROJECTS.—

(1) SANTA CRUZ BUS FACILITY CONSOLIDATION.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $4,120,000 for the Santa Cruz Bus Facility Consolidation project.

(2) SANTA CRUZ FIXED GUIDEWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,750,000 for the Santa Cruz Fixed Guideway project.

(3) SAN FRANCISCO FERRY BUILDING RENOVATION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $1,250,000 for the San Francisco Ferry Building Renovation project.

(4) AC TRANSIT BUS IMPROVEMENTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $10,000,000 to the Alameda County Transit District for the purchase of buses.

(5) DENVER SOUTHWEST CORRIDOR LIGHT RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $13,000,000 for the Denver Southwest Corridor Light Rail project.

(6) GRIFFIN LINE TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,900,000 for the Griffin Line Transitway project.

(7) TAMPA TO LAKELAND COMMUTER RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $16,300,000 for the Tampa to Lakeland Commuter Rail project.

(8) RAVENSWOOD RAPID TRANSIT LINE.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $20,000,000 to the Chicago Transit Authority for the reconstruction of track on the Ravenswood Rapid Transit line between Kimball Terminal and Clark Junction and between Armitage Avenue and Tower 18.

(9) FITCHBURG INTERMODAL FACILITY.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,250,000 for the Fitchburg Intermodal Facility.

(10) EAST-WEST TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the East-West Transitway project in Montgomery County, Maryland.

(11) MINNEAPOLIS.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for the Minnesota Central Corridor Light Rail project.

(12) HOBOKEN TERMINAL FACILITY IMPROVEMENTS.—From funds provided under section

3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $8,000,000 to rehabilitate the Hoboken Terminal and Yard Complex in Hoboken, New Jersey.

(13) WEST 72D STREET TRANSIT STATION.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $9,500,000 to refurbish and expand the West 72d Street Transit Station in New York, New York.

(14) TREN URBANO LIGHT RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $40,000,000 for the Tren Urbano Light Rail project in Puerto Rico.

(15) MEMPHIS RIVERFRONT LOOP.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,900,000 for the Memphis Riverfront Loop Light Rail project.

(16) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $18,628,000 for the DART North Central Light Rail Extension project.

(17) AUSTIN LIGHT RAIL PROJECT.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the Austin Light Rail project.

(18) EDMONDS MULTI-MODAL CENTER.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $400,000 for fixed guideway improvements in the vicinity of the Edmonds, Washington ferry terminal.

(19) MILWAUKEE BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $10,000,000 to purchase transit buses in Milwaukee County, Wisconsin.

(20) TRI-STATE TRANSIT AUTHORITY PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,416,000 to the Tri-State Transit Authority in Huntington, West Virginia, for the purchase of transit vehicles, equipment, and related right-of-way facility costs.

(21) ALASKA MARINE TRANSPORTATION SYSTEM.—Notwithstanding section 3(a) of the Federal Transit Act, from funds provided under section 3(k)(1)(B), the Secretary shall make available $20,000,000 to the State of Alaska for the Alaska Marine Transportation System project.

(22) LONG BEACH BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,000,000 to the Long Beach Public Transportation Company for the purchase of buses and spare parts.

(23) PALM DESERT PEOPLE MOVER.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the Palm Desert People Mover Project.

(24) LOS ANGELES/BURBANK/GLENDALE/SAN FERNANDO VALLEY LIGHT RAIL/INTERMODAL CONNECTION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 for the Los Angeles/Burbank/Glendale/San Fernando Valley Light Rail/Intermodal Connection project.

(25) ORANGE COUNTY TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $15,000,000 for the Orange County Transitway Project, including the connector in Costa Mesa, California .

(26) GOLDEN EMPIRE TRANSIT LIGHT RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $2,000,000 for the Golden Empire Transit Light rail project.

(27) DELAWARE AREA RAPID TRANSIT BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the Delaware Area Rapid Transit District for the purchase of buses.

(28) TRI-COUNTY COMMUTER RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for capital improvements to Tri-Rail Commuter Rail Service.

(29) SAFETY AND SECURITY PILOT PROJECT.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,750,000 for a safety and security pilot project in Champaign-Urbana, Rock Island, and Springfield, Illinois.

(30) METRO WISCONSIN CENTRAL COMMUTER RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for capital improvements to provide commuter rail service between Antioch, Illinois, and Chicago Union Station.

(31) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $6,000,000 for the Cincinnati Northeast/Northern Kentucky Rail Line project.

(32) WORCESTER INTERMODAL CENTER.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $20,000,000 for the Union Station Intermodal Center project.

(33) BOSTON COLLEGE ALTERNATIVE FUELS/ENVIRONMENTAL EFFICIENCY BUS DEMONSTRATION PROJECT.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $1,600,000 to Boston College for the alternative fuels/environmental efficiency bus demonstration project.

(34) SHADY GROVE TO FREDERICK CORRIDOR.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the State of Maryland for a corridor study of transit options in the Shady Grove to Frederick Corridor.

(35) BALTIMORE REGIONAL TRANSIT CORRIDOR STUDY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 to the State of Maryland for a study of transit corridors in the Baltimore and southern Maryland regions.

(36) WEST TRENTON LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 to make capital improvements for the West Trenton Commuter Rail Line.

(37) WHITEHALL FERRY TERMINAL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for reconstruction of the Whitehall Ferry Terminal in New York, New York.

(38) BUFFALO CROSSROADS STATION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $9,000,000 to the Niagara Frontier Transportation Authority for the Crossroads Station project.

(39) COLUMBUS NORTH CORRIDOR/OSU LINK.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 for the Columbus North Corridor/OSU Link project.

(40) BAYFRONT CENTRE INTERMODAL COMPLEX.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $8,000,000 for the Bayfront Centre Intermodal Complex project.

(41) ST. LOUIS METRO LINK EXTENSIONS.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $16,000,000 for the St. Clair extension to the St. Louis Metro Link light rail transit system, $2,450,000 for the Cross-County extension to such system, and $3,450,000 for the St. Charles extension to such system.

(42) ALBANY MULTIMODAL TRANSPORTATION FACILITY.—From funds provided under section 3(k)(1)(C), the Secretary shall make available $590,000 for the multimodal transportation facility in Albany, Oregon.

(43) MIAMI METRORAIL NORTH CORRIDOR EXTENSION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $15,000,000 for the northern extension of the Metrorail rapid transit system in Miami, Florida.

(44) VALPARAISO-CHICAGO COMMUTER CORRIDOR STUDY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $56,000 to determine the feasibility of restoring commuter rail service between Valparaiso, Indiana, and Chicago, Illinois.

(45) AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,434,000 for construction of a bus maintenance facility in Elk County, satellite garage in Potter County, and CNG fueling equipment in DuBois for the Area Transportation Authority of North Central Pennsylvania.

(46) JOHNSTOWN, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,700,000 for the purchase of buses and repair of a storage and repair facility and associated fuel storage tanks for the Cambria County Transit Authority, Pennsylvania.

(47) INDIANA COUNTY, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $600,000 for the purchase of buses for the Indiana County Transit Authority, Pennsylvania.

(48) ALTOONA, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $1,200,000 for the purchase of buses and spare parts, an electronic public information system and capital improvements to the Altoona Transportation Center to Altoona Metro Transit, Pennsylvania.

(49) DUBOIS/FALLS CREEK/SANDY TOWNSHIP, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $480,000 for the purchase of buses and lift-equipped vans for the DuBois/Falls Creek/Sandy Township Area Transit Authority, Pennsylvania.

(50) TACOMA EASTERN RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,000,000 to the city of Tacoma, Washington, for the Tacoma Eastern Rail project from Tacoma to Ashford.

(51) PITTSBURGH BUSWAY.—From funds provided under section 3(k)(1)(B) of the Federal

Transit Act, the Secretary shall make available $5,036,000 for the Pittsburgh Busway project.

(52) ILLINOIS BUS PROJECTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the purchase of buses in Peoria, Champaign-Urbana, Rockford, PACE in the suburban area of Chicago, and other nonurbanized area systems in Illinois.

(53) SOUTHWEST BROOKLYN TRANSIT STATION AND TRACK IMPROVEMENT PROJECT.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before formula distribution of funds under such section, the Secretary shall make available $4,000,000 to make station and track improvements in Southwest Brooklyn, New York.

(54) WISCONSIN BUS PROJECTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,600,000 for the purchase of buses, vans, and bus-related facilities to the State of Wisconsin.

(y) 1996 OLYMPIC AND PARA-OLYMPIC BUS GRANTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act in fiscal year 1995, the Secretary shall transfer $16,000,000 to the program being carried out under section 9 of such Act to make available $10,400,000 in capital and operating grants for the 1996 Olympic and Para-Olympic games and $5,600,000 in capital and operating grants for the 1996 Para-Olympic games. The Federal share of such grants shall be 100 percent.

(z) CALSTART CONSORTIUM.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the CALSTART Consortium to perform the services described in section 6071(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 123. MULTIYEAR CONTRACT FOR METRO RAIL PROJECT.

(a) IN GENERAL.—Section 3034 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2126–2129) is amended—

(1) in subsection (b)(3)(A) by striking "$695,000,000" and inserting "$720,000,000";

(2) by adding at the end of subsection (e)(3) the following:

"(D) SCOPE.—The amended contract under subparagraph (A) shall provide Federal assistance for the design and construction of an interim operable segment of the East Side Extension, consisting of a line running generally east from Union Station of approximately 3.7 miles in length or in accordance with the East Side Extension locally preferred alternative, when approved by the Board of the Los Angeles County Metropolitan Transportation Authority.

"(E) FUNDING.—The $25,000,000 increase in authorization provided for Minimum Operable Segment-3 under the National Highway System Designation Act of 1994 shall be made available by the Secretary for funding the scope of the East Side Extension described in subparagraph (D). These funds shall be in addition to the amounts provided for the East Side Extension in the contract executed in May 1993 pursuant to subsection (b) of this section.".

(b) DEFINITIONS.—Section 3034(i)(3) of such Act is amended—

(1) by striking "7 stations" and inserting "12 stations";

(2) by striking "11.6" and inserting "15.4"; and

(3) by striking subparagraph (C) and inserting the following:

"(C) One line, known as the East Side Extension locally preferred alternative, running generally east from Union Station for approximately 6.8 miles to the Whittier/Atlantic Station, with 6 intermediate stations.".

SEC. 124. METRIC SYSTEM SIGNING.

(a) PLACEMENT OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) MODIFICATION OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or measurement using the metric system.

(c) DEFINITIONS.—For purposes of subsections (a) and (b), the following definitions apply:

(1) HIGHWAY.—The term "highway" has the meaning such term has under section 101 of title 23, United States Code.

(2) METRIC SYSTEM.—The term "metric system" has the meaning the term "metric system of measurement" has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

SEC. 125. METROPOLITAN PLANNING.

Section 134(g)(2)(A) of title 23, United States Code, is amended by inserting after "transit," the following: "airport, port, inland waterway,".

SEC. 126. STATEWIDE PLANNING.

(a) INTEGRATED STATE TRANSPORTATION SYSTEM FACILITIES.—Section 135(e) of title 23, United States Code, is amended by inserting after the first sentence the following: "The plan shall, at a minimum, identify transportation facilities (including major roadways, transit, airport, port, inland waterway, and multimodal and intermodal facilities) that should function as an integrated State transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.".

(b) MEETING FUNDING NEEDS OF INTERNATIONAL BORDER CROSSING COMMUNITIES.—Such section is further amended by inserting after the first sentence the following: "The State plan must consider the special transportation requirements created by international motor vehicle border crossings if applicable to such State.".

SEC. 127. HIGH PRIORITY CORRIDOR FEASIBILITY STUDY.

With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

SEC. 128. REEVALUATION.

(a) INITIATION.—After completion of current construction on Interstate Route 10 and Gessner Road, Texas, the Secretary shall initiate a reevaluation in consultation with State and local officials of—

(1) a proposed exit ramp from the Sam Houston Tollway eastbound direct connector to the eastbound Interstate Route 10 frontage road between Beltway 8 and Gessner Road; and

(2) a proposed entrance ramp from the westbound Interstate Route 10 frontage road between Gessner Road and Beltway 8 to the westbound direct connector to the Sam Houston Tollway in Houston, Harris County, Texas.

(b) DEADLINE FOR DECISION.—The Secretary shall issue a decision on the proposed ramps referred to in subsection (a) within 6 months after completion of the construction referred to in subsection (a).

SEC. 129. FUNDING.

(a) STUDY.—The Secretary shall conduct a study of how the existing Federal-aid highway and transit funding is utilized by States and metropolitan planning organizations to address transportation needs.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under this section.

SEC. 130. NONDIVISIBLE LOADS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall institute a rulemaking proceeding to define the term "vehicles and loads which cannot be easily dismantled or divided" as used in section 127 of title 23, United States Code, including consideration of a commodity-specific definition of such term. The Secretary shall complete the proceeding required by this subsection not later than 270 days after the date of the enactment of this Act. The Secretary may apply such regulations to all vehicle loads operating on the National Highway System if the Secretary determines that it is in the public interest.

SEC. 131. COMMERCIAL MOTOR VEHICLE ACCIDENTS.

(a) STUDY.—The Secretary shall conduct a study of methods to reduce accidents on Federal-aid highways caused by drivers falling asleep while operating a commercial motor vehicle used to transport freight.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

TITLE II—TECHNICAL CORRECTIONS TO ISTEA AND RELATED LAWS

SEC. 201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended by striking the 1st undesignated paragraph of such section that relates to public lands highways.

SEC. 202. REFERENCES TO DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) DECLARATION OF POLICY.—Section 2 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914–1915) is amended—

(1) in the 3d undesignated paragraph by striking "National System of" and inserting "Dwight D. Eisenhower System of"; and

(2) in the 7th undesignated paragraph by striking "Interstate and Defense Highway System" and inserting "Dwight D. Eisenhower System of Interstate and Defense Highways".

(b) COMPLETION OF INTERSTATE SYSTEM.—Section 1001 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1915–1916) is amended in each of subsections (a) and (b) by striking "National".

(c) DEFINITION OF INTERSTATE SYSTEM IN TITLE 23.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to the Interstate System, is amended by striking "National".

(d) CONFORMING AMENDMENT TO VEHICLE WEIGHT LIMITATIONS.—Section 127(a) of title 23, United States Code, is amended by striking "National" each place it appears and inserting "Dwight D. Eisenhower".

(e) VEHICLE LENGTH RESTRICTION.—Section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)) is amended in each of paragraphs (1), (5)(D), and (6)(A) by striking "National" and inserting "Dwight D. Eisenhower".

(f) LONGER COMBINATION VEHICLE DEFINED.—Section 4007(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2153) is amended by striking "National" and inserting "Dwight D. Eisenhower".

(g) COMMEMORATION.—Section 6012 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2180–2181) is amended—

(1) in the section heading by striking "national"; and

(2) in subsection (a) by striking "National".

SEC. 203. FEDERAL-AID SYSTEMS.

(a) INTERSTATE SYSTEM.—Section 103(e)(1) of title 23, United States Code, is amended by striking the next to the last sentence.

(b) SUBSTITUTE PROJECTS.—Section 103(e)(4) of such title is amended—

(1) in the last sentence of subparagraph (B) by striking "projects on the Federal-aid secondary system" and inserting "surface transportation program projects";

(2) in subparagraph (G) by inserting "and" before "$240,000,000"; and

(3) in subparagraph (J)(i) by inserting a comma after "October 1, 1991".

SEC. 204. APPORTIONMENT.

(a) SET-ASIDE.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking "for the Federal-aid systems" and inserting "for this chapter"; and

(2) by striking "upon the Federal-aid systems" and inserting "under this chapter".

(b) CROSS REFERENCE TO INTERSTATE CONSTRUCTION PERIOD OF AVAILABILITY.—Section 104(b)(5)(A) of such title is amended by striking "118(b)(2)" and inserting "118(b)(1)".

(c) TECHNICAL AMENDMENT.—Section 104(b)(5)(B) of such title is amended by striking the comma following "1984" each place it appears.

(d) REPEAL OF URBAN SYSTEM APPORTIONMENT.—Section 104(b)(6) of such title is repealed.

(e) PLANNING SET-ASIDE.—Section 104(f)(3) of such title is amended by striking "(j)".

(f) TRANSFERABILITY AMONG SAFETY AND BRIDGE PROGRAMS.—Section 104(g) of such title is amended by striking "Not more than" and all that follows through "any other of such sections" the second place it appears and inserting the following: "Not more than 40 percent of the amount which is apportioned in any fiscal year to each State under section 144 or which is reserved for such fiscal year under section 133(d)(1) only for carrying out section 130 or 152 may be transferred from the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 percent of the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section".

SEC. 205. PROGRAMS OF PROJECTS.

(a) REPEAL OF REQUIREMENT.—Section 105 of title 23, United States Code, and the item relating to such section in the analysis for chapter 1 of such title are each repealed.

(b) CONFORMING AMENDMENTS.—Section 106(a) of such title is amended—

(1) by striking ", as soon as practicable after program approval,"; and

(2) by striking "included in an approved program".

(c) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—Section 1105(g)(7) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2036) is amended to read as follows:

"(7) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a plan or program under chapter 1 of title 23, United States Code, a State may give priority to high priority segments of corridors identified under subsection (c) of this section.".

SEC. 206. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.

(a) INTERSTATE SYSTEM.—Section 107(a)(2) of title 23, United States Code, is amended by striking "subsection (c)" and inserting "subsection (a)".

(b) APPORTIONED FUNDS.—Section 108(a) of such title is amended—

(1) by striking "on any Federal-aid highway" and inserting "for any project eligible for assistance under this chapter";

(2) by striking "on such highway" and inserting "on such project"; and

(3) by striking "a road" and inserting "the project".

(c) RIGHT-OF-WAY REVOLVING FUND FUNDS.—Section 108(c) of such title is amended—

(1) in paragraph (2) by striking "highways and passenger transit facilities on any Federal-aid system" and inserting "any project eligible for assistance under this chapter"; and

(2) in paragraph (3) by striking "such project for the actual construction" and all that follows through "Secretary" the last place it appears and inserting "actual construction of such project on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any funds apportioned under this chapter to the State in which such project is located and available for obligation for such projects and the State shall reimburse the Secretary".

(d) EARLY ACQUISITION.—Section 108(d)(2)(F) of such title is amended by striking "this Act" and inserting "this title".

SEC. 207. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (h) by striking "Federal-aid system" and inserting "Federal-aid highway"; and

(2) in subsection (q) by striking "under sections" and inserting "under section".

SEC. 208. LETTING OF CONTRACTS.

Section 112(g) of title 23, United States Code, relating to applicability to contracts for projects on the secondary system, as redesignated by section 103(c) of this Act, is repealed.

SEC. 209. PREVAILING RATE OF WAGE.

Section 113 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highway projects on" and all that follows through "authorized under" and inserting "highway projects on Federal-aid highways authorized under";

(2) in subsection (a) by striking "upon the Federal-aid systems," and inserting "on Federal-aid highways,"; and

(3) in subsection (b) by striking "of the Federal-aid systems" and inserting "Federal-aid highway".

SEC. 210. CONSTRUCTION.

Section 114 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highways or portions of highways located on a Federal-aid system" and inserting "Federal-aid highway or portion thereof";

(2) in subsection (b)(1) by striking "highways or portions of highways located on a Federal-aid system" and inserting "a Federal-aid highway or portion thereof"; and

(3) in subsection (b)(3) by striking "highways or portions of highways located on a Federal-aid system" and inserting "any Federal-aid highway or portion thereof".

SEC. 211. ADVANCE CONSTRUCTION.

Section 115 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "PLANS, SPECIFICATIONS," and inserting "PROJECT APPROVAL"; and

(2) in subsection (c) by striking "134," and the second comma after "144".

SEC. 212. MAINTENANCE.

Section 116 of title 23, United States Code, is amended—

(1) by inserting "highway" before "project" the first place it appears in each of subsections (a) and (c);

(2) in subsection (a) by striking "no longer constitutes a part of a Federal-aid system" and inserting "is no longer a Federal-aid highway"; and

(3) in subsection (b) by striking "the Federal-aid secondary system" and inserting "a Federal-aid highway".

SEC. 213. CERTIFICATION ACCEPTANCE.

Section 117 of title 23, United States Code, is amended—

(1) in subsection (e) by striking "2000(d)" and inserting "2000d"; and

(2) by striking subsection (f), relating to discharge of the Secretary's responsibilities with respect to the secondary system.

SEC. 214. AVAILABILITY OF FUNDS.

(a) PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by striking "Interstate construction in a State" and inserting "completion of the Interstate System in a State"; and

(2) in the second sentence by inserting "for completion of the Interstate System" after "shall be allocated".

(b) SET-ASIDE FOR INTERSTATE CONSTRUCTION PROJECTS.—Section 118(c)(1) of such title is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the second sentence and inserting "for obligation at the discretion of the Secretary for projects to complete the Interstate System.".

(c) SET-ASIDE FOR 4R PROJECTS.—Section 118(c)(2) of such title is amended by inserting "of" after "$64,000,000 for each".

SEC. 215. FEDERAL SHARE.

(a) INTERSTATE SYSTEM PROJECTS.—Section 120(a) of title 23, United States Code, is amended by inserting before "including a project" the following: "including a project the cost for which is included in the 1991 interstate cost estimate and".

(b) SAFETY PROJECTS.—Section 120(c) of such title is amended by striking "for all the Federal-aid systems".

(c) EMERGENCY RELIEF.—The first sentence of section 120(e) of such title is amended—

(1) by striking "system, including" and inserting ", including a highway on";

(2) by striking "on a project on such system";

(3) by striking "and (c)" and inserting "and (b)"; and

(4) by striking "90 days" and inserting "180 days".

(d) PLANNING PROJECTS.—Section 120 of such title is amended by adding at the end the following new subsection:

"(j) PLANNING PROJECTS.—The Federal share payable on account of any project to be carried out with funds set aside under section 104(f) of this title shall be 80 percent of the costs thereof unless the Secretary determines that the interest of the Federal-aid highway program would best be served by decreasing or eliminating the non-Federal share of such costs.".

(e) CONFORMING AMENDMENT.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "section 120(a) of title 23, United States Code;".

SEC. 216. PAYMENT TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "After" and inserting "Except as otherwise provided in this title, after"; and

(2) in subsection (c) by striking "Federal-aid system" and inserting "Federal-aid highway".

SEC. 217. RELOCATION OF UTILITY FACILITIES.

Section 123(a) of title 23, United States Code, is amended—

(1) by striking "on any Federal-aid system" and inserting "eligible for assistance under this chapter"; and

(2) by striking the last sentence.

SEC. 218. ADVANCES TO STATES.

Section 124(a) of title 23, United States Code, is amended by striking "projects on any of the Federal-aid systems, including the Interstate System, he" and inserting "a project eligible for assistance under this title, the Secretary".

SEC. 219. EMERGENCY RELIEF.

(a) TECHNICAL AMENDMENT.—The first sentence of section 125(b) of title 23, United States Code, is amended by striking all preceding "*Provided*" and inserting the following: "The Secretary may expend funds from the emergency fund herein authorized for projects for repair or reconstruction on Federal-aid highways in accordance with the provisions of this chapter:".

(b) CONFORMING AMENDMENTS.—Section 125(b) of such title is further amended—

(1) by striking "authorized" in the second sentence and all that follows through the period at the end of such sentence and inserting "authorized on Federal-aid highways."; and

(2) by striking "the Disaster Relief and Emergency Assistance Act (Public Law 93-288)" and inserting "The Robert T. Stafford Disaster Relief and Emergency Assistance Act".

SEC. 220. APPLICABILITY OF AXLE WEIGHT LIMITATIONS.

(a) WISCONSIN STATE ROUTE 78 AND UNITED STATES ROUTE 51.—Section 127 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a) of title 23, United States Code, the single axle, tandem axle, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the operation on such 104-mile portion of any vehicle which could legally operate on such 104-mile portion before the date of the enactment of this subsection.".

(b) VEHICLE WEIGHT LIMITATIONS IN THE STATE OF OHIO.—

(1) REVIEW.—The Secretary of Transportation shall review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio.

(2) WAIVER AUTHORITY.—If the Secretary of Transportation determines, on the basis of the review conducted under paragraph (1), that it is in the public interest, the Secretary may waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code, and of the State certification requirements of sections 141(b) and 141(c) of such title, in whole or in part, to highways on the Dwight D. Eisenhower System of Interstate and Defense Highways in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991.

(3) MORATORIUM ON WITHHOLDING OF FUNDS.—Until the Secretary of Transportation makes a determination relating to the public interest under paragraph (2), the Secretary shall not withhold funds under section 127(a) or 141(c) of title 23, United States Code, from apportionment to the State of Ohio for failure to comply with such section with respect to short wheel-base vehicles.

(c) TECHNICAL AMENDMENTS.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "118(b)(1)" and inserting "118(b)(2)"; and

(2) in subsection (d)(1)(E) by striking "July 5, 1991" and inserting "July 6, 1991".

SEC. 221. TOLL ROADS.

(a) USE OF REVENUES.—Section 129(a)(3) of title 23, United States Code, is amended by striking "all toll revenues received" and all that follows through the period at the end of the first sentence and inserting the following: "toll revenues received from operation of the toll facility will be used for financing and any other obligations in respect of the facility, for reserves, for reasonable return to investors financing the project (as determined by the State), and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation.".

(b) REFERENCE TO FEDERAL-AID HIGHWAYS.—The last sentence of section 129(a)(4) of such title is amended by striking "the Federal-aid system" and inserting "Federal-aid highways".

(c) LOANS.—Section 129(a)(7) of such title is amended—

(1) by inserting "or commit to loan" after "loan" the first place it appears;

(2) by striking "agency" each place it appears and inserting "entity";

(3) by inserting after "constructing" the first place it appears "or proposing to construct";

(4) by striking "all Federal environmental requirements have been complied with and permits obtained" and inserting "the National Environmental Policy Act of 1969 has been complied with";

(5) by inserting "to a private entity" after "Any such loan";

(6) by inserting after the fifth sentence the following new sentence: "Any such loan to a public entity shall bear interest at such rate as the State determines appropriate."; and

(7) by striking "the time the loan was obligated" and inserting "the date of the initial funding of the loan".

(d) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of such title is amended—

(1) in the first sentence of subsection (b) by striking "the route of which" and all that follows through the period at the end of such sentence and inserting "the route of which has been classified as a public road and has not been designated as a route on the Interstate System."; and

(2) in subsection (c)(4) by striking "and" preceding "repair".

(e) PILOT PROGRAM.—Section 129(d) of such title is amended—

(1) in each of paragraphs (1) and (3) by striking "7" and inserting "9";

(2) in paragraph (3) by striking "State of Pennsylvania" each place it appears and inserting "States of Pennsylvania and West Virginia"; and

(3) in paragraph (3) by inserting "the" before "State of Georgia".

(f) TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.—For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), shall be treated as if such agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified accordingly.

(g) TREATMENT OF I-95 AND PENNSYLVANIA TURNPIKE.—For purposes of section 129 of title 23, United States Code, the project for construction of an interchange between Interstate Route 95 and the Pennsylvania Turnpike shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title.

SEC. 222. RAIL-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "Except as provided in subsection (d) of" and inserting "Subject to";

(2) in subsection (a) by striking "entire" each place it appears;

(3) in subsection (a) by striking "except as provided in subsection (d) of" and inserting "subject to";

(4) in subsection (e) by striking "authorized for and";

(5) in subsection (e) by striking the last sentence;

(6) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(7) in subsection (f) as so redesignated by striking "railroad highway" and inserting "railroad-highway".

SEC. 223. SURFACE TRANSPORTATION PROGRAM.

(a) STATE CERTIFICATION.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "subsections (b) (3) and (4)" and inserting "subsections (b)(3) and (b)(4)";

(2) in subsection (d)(3)(B) by striking "tobe" and inserting "to be"; and

(3) in subsection (e)(2) by inserting after "each State" the following: "or the designated transportation authority of the State".

(b) TECHNICAL AMENDMENT.—Section 1007(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1930) is amended—

(1) by striking "104(b)(3)" and inserting "104(b)"; and

(2) by striking "to read as follows" and inserting "by inserting after paragraph (2) the following new paragraph".

SEC. 224. METROPOLITAN PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 134 of title 23, United States Code, is amended—

(1) in each of subsections (b)(2), (b)(3), and (h)(4) by striking "the date of the enactment of this section" and inserting "December 18, 1991";

(2) in each of subsections (b)(3)(B) and (g)(2)(B) by striking "long-range" and inserting "long range";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B); and

(5) in subsection (k) by striking "the Federal-Aid Highway Act of 1991" and inserting "this title".

(b) FACTORS TO BE CONSIDERED.—Section 134(f) of such title is amended by adding at the end the following new paragraphs:

"(16) Recreational travel and tourism.

"(17) Revitalization of the central urban core.".

(c) TRANSFER OF FUNDS.—Section 134(k) of such title is amended by striking the last sentence.

(d) CONFORMING CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 1 of such title is amended by striking

"134. Transportation planning in certain urban areas."

and inserting

"134. Metropolitan planning.".

SEC. 225. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (c) by striking paragraph (1) and inserting the following new paragraph:

"(1) The transportation needs identified through use of the management systems required by section 303 of this title.";

(2) in subsection (c)(5) by inserting after "nonmetropolitan areas" the following: ", including the identification of a rural priority local road and bridge system.";

(3) in subsection (c) by striking paragraph (15) and redesignating paragraphs (16) through (20) as paragraphs (15) through (19), respectively;

(4) in subsection (c)(18), as so redesignated, by striking "commercial motor vehicles" and inserting "passengers and freight";

(5) in subsection (d)(3) by striking "concerns" and inserting "transportation needs";

(6) in each of subsections (e) and (f)(1) by inserting "Indian tribal governments," after "private providers of transportation,"; and

(7) in subsection (h)—

(A) by striking "United States Code," and inserting "other Federal laws, and";

(B) by striking "this Act" and inserting "this title"; and

(C) by striking "or section 8 of such Act," and inserting "of this title, or section 8 of the Federal Transit Act,".

SEC. 226. CONTROL OF JUNKYARDS.

(a) STRICTER STATE STANDARDS.—Section 136(l) of title 23, United States Code, is amended by striking "the Federal-aid highway systems" and inserting "Federal-aid highways".

(b) PRIMARY SYSTEM DEFINED.—Section 136 of such title is amended by adding at the end the following new subsection:

"(n) PRIMARY SYSTEM DEFINED.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

SEC. 227. NONDISCRIMINATION.

(a) STATE ASSURANCES.—Section 140(a) of title 23, United States Code, is amended by striking "any of the Federal-aid systems" and inserting "Federal-aid highways".

(b) TRAINING.—Section 140(b) of such title is amended—

(1) by striking "for the surface transportation program"; and

(2) by striking "the bridge program".

SEC. 228. ENFORCEMENT OF REQUIREMENTS.

Section 141(b) of title 23, United States Code, is amended by striking "the Federal-aid primary system" and all that follows through "including" and inserting "Federal-aid highways, including highways on".

SEC. 229. AVAILABILITY OF RIGHTS-OF-WAY.

Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "the surface" and inserting "surface"; and

(2) in subsection (f) by striking "exits" and inserting "exists".

SEC. 230. HIGHWAY BRIDGE PROGRAM.

(a) SET-ASIDES.—Section 144(g) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "103" and inserting "1003";

(2) in paragraph (3) by striking "OFF-SYSTEM BRIDGES" and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(3) in paragraph (3) by striking ", other than those on a Federal-aid system" and inserting "that are functionally classified as local or rural minor collectors"; and

(4) in paragraph (3) by striking "bridges not on a Federal-aid system" and inserting "such bridges".

(b) CROSS REFERENCE.—Section 144(i) of such title is amended by striking "307(e)" and inserting "307(h)".

(c) CONTINUATION OF EXISTING BRIDGE APPORTIONMENT CRITERIA.—The criteria for apportionment of funds used by the Department of Transportation under section 144 of title 23, United States Code, as in effect on September 30, 1991, shall remain in effect until September 30, 1997, or until changed by law, whichever occurs first.

SEC. 231. GREAT RIVER ROAD.

Section 148(a)(1) of title 23, United States Code, is amended by striking "centers of the State" and inserting "centers of the States".

SEC. 232. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "authorized" and inserting "available"; and

(2) by striking subsections (d) and (e) and redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively.

SEC. 233. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) REFERENCE TO DATE OF ENACTMENT.—Section 153 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "the date of the enactment of this section" and inserting "December 31, 1991"; and

(2) in subsection (i)(3) by striking "the date of the enactment of this section" and inserting "December 31, 1991,".

(b) ELIGIBILITY FOR GRANTS.—Section 153(f)(2) of such title is amended by striking "at all times" each place it appears.

(c) PENALTIES.—Section 153(h) of such title is amended—

(1) in paragraph (1) by striking "at any time in" and inserting "by the last day of";

(2) in paragraph (2) by inserting "by the last day of fiscal year 1995 or" after "If,";

(3) in paragraph (2) by striking "1994," and inserting "1995,"; and

(4) in paragraph (4)(A) by striking "under section 402" and inserting "by this subsection".

(d) DEFINITIONS.—Section 153(i) of such title is amended by adding at the end the following new paragraph:

"(5) STATE.—The term 'State' has the meaning such term has under chapter 4 of this title.".

SEC. 234. NATIONAL MAXIMUM SPEED LIMIT.

(a) EXISTING PROGRAM.—Section 154(a)(1) of title 23, United States Code, is amended by striking "on the Interstate System" and all that follows through "or more" and inserting "described in clause (2) or (3) of this subsection".

(b) NEW PROGRAM.—Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1968–1970) is amended—

(1) in subsection (c)(1)(A) by inserting "of a State" after "apportionments";

(2) in subsection (c)(1)(A) by striking "if a State" and inserting "to the apportionment of the State under section 402 of such title if the State";

(3) in subsection (c) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (c) the following new paragraph:

"(2) LIMITATION ON USE OF FUNDS.—

"(A) GENERAL RULE.—A State must obligate at least 50 percent of its funds transferred pursuant to this subsection for a fiscal year for speed limit enforcement and public information and education.

"(B) WAIVER.—Upon request of a State, the Secretary may waive the requirement of subparagraph (A) for any fiscal year if in the preceding fiscal year the State was in compliance with the speed limit requirements established pursuant to paragraph (1).".

SEC. 235. MINIMUM ALLOCATION.

Section 157 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "118(b)(2)" and inserting "118(b)(1)";

(2) in subsection (a)(3)(A) by striking "year 1989" and inserting "years 1989"; and

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

SEC. 236. NATIONAL MINIMUM DRINKING AGE.

Section 158 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "104(b)(5), and 104(b)(6)" each place it appears and inserting "104(b)(3), and 104(b)(5)";

(2) in subsection (b)(1)(A)(iii) by striking "104(b)(6)" and inserting "104(b)(3)";

(3) in subsection (b)(3)(B) by striking "104(b)(5)(B), or 104(b)(6)" and inserting "104(b)(3), or 104(b)(5)(B)"; and

(4) in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 237. REVOCATION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

Section 159 of title 23, United States Code, is amended in each of subsections (b)(3) and

(b)(4) by striking "118(b)" and inserting "118".

SEC. 238. REIMBURSEMENT FOR SEGMENTS OF INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

Section 160 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "The amount" and inserting "Subject to subsection (g), the amount"; and

(2) by adding at the end the following new subsection:

"(g) PUERTO RICO.—Notwithstanding any other provision of this section, Puerto Rico shall receive in a fiscal year ½ of 1 percent of the amounts appropriated pursuant to subsection (f) for such fiscal year. No State (including the District of Columbia) which has a reimbursement percentage in the table contained in subsection (c) of 0.50 shall have its reimbursement amount in fiscal years 1996 and 1997 reduced as a result of the enactment of the preceding sentence.".

SEC. 239. FEDERAL LANDS HIGHWAY PROGRAM.

(a) PUBLIC LANDS HIGHWAYS ALLOCATION.—Section 202(b) of title 23, United States Code, is amended by striking "66 percent of the remainder" and inserting "the remaining 66 percent".

(b) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by striking the comma preceding "forest development" each place it appears.

(c) PURPOSES FOR WHICH FUNDS MAY BE USED.—Section 204(b) of such title is amended—

(1) by striking "construction and improvement" each place it appears and inserting "planning, research, engineering, and construction"; and

(2) by striking "construction or improvement" and inserting "planning, research, engineering, or construction".

(d) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS.—Section 204(c) of such title is amended by inserting "of" after "15 percent".

(e) INDIAN RESERVATION ROADS PLANNING.—The first sentence of section 204(j) of such title is amended to read as follows: "An Indian tribal government receiving funds under the Indian reservation roads program may use up to 10 percent of its annual allocation under such program for transportation planning activities pursuant to the provisions of the Indian Self-Determination and Education Assistance Act.".

(f) OBLIGATION OF FUNDS.—Section 204 of such title is amended by adding at the end the following new subsection:

"(k) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, funds available for Federal lands highway programs shall be treated as obligated if—

"(1) the Secretary authorizes engineering and related work for a particular project; or

"(2) the Secretary approves plans, specifications, and estimates for procurement of construction under section 106 or 117 of this title.".

(g) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—Section 204 of such title is further amended by adding at the end the following:

"(1) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—

"(1) IN GENERAL.—Up to 1 percent of the funds made available for Indian reservation roads for each fiscal year shall be set aside by the Secretary of the Interior for transportation-related administrative expenses of Indian tribal governments.

"(2) DISTRIBUTION.—The Secretary of the Interior shall make available to each Indian tribal government with an approved application under paragraph (3) an equal percentage of any sum set aside pursuant to paragraph (1).

"(3) APPLICATIONS.—To receive funds under this paragraph, an Indian tribal government must submit to the Secretary of the Interior for approval an application in accordance with the requirements of the Indian Self-Determination and Education Assistance Act. The Secretary of the Interior shall approve any such application that demonstrates that the applicant has the capability to carry out transportation planning activities or is in the process of establishing such a capability.".

(h) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 204 of such title is further amended by adding at the end the following:

"(m) TRANSPORTATION ENHANCEMENT ACTIVITIES.—In making expenditures for transportation enhancement activities as required under section 133, a State shall consider any application submitted to the State by an Indian tribal government seeking assistance to conduct such activities.".

(i) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—Section 204 of such title is further amended by adding at the end the following:

"(n) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—

"(1) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish a pilot program (hereinafter in this subsection referred to as the 'program') for the purposes described in paragraph (2) and shall carry out such program in each of fiscal years 1995, 1996, and 1997.

"(2) PURPOSE.—The purpose of the program shall be to permit an Indian tribal government to apply directly to the Secretary for authorization to conduct projects on Indian reservation roads using amounts allocated to the Indian tribal government under the Indian reservation roads program.

"(3) TREATMENT AS STATES.—Except as otherwise provided by the Secretary, an Indian tribal government submitting an application to the Secretary under the program shall be subject to the same requirements as a State applying for approval of a Federal-aid highway project.

"(4) SELECTION OF PARTICIPANTS.—

"(A) APPLICATIONS.—An Indian tribal government seeking to participate in the program shall submit to the Secretary an application which is in such form and contains such information as the Secretary may require.

"(B) MAXIMUM NUMBER OF PARTICIPANTS.—The Secretary shall select not more than 10 Indian tribal governments to participate in the program.

"(5) TECHNICAL ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, shall provide technical assistance to Indian tribal governments participating in the program.

"(6) TRANSITIONAL ASSISTANCE.—Upon request of the Secretary, the Secretary of the Interior shall provide to the Secretary such assistance as may be necessary for implementation of the program.

"(7) REPORT.—Not later than September 30, 1997, the Secretary shall transmit to Congress a report on the results of the program. In developing such report, the Secretary shall solicit the comments of Indian tribal governments participating in the program.".

(j) REFERENCE TO PARK ROADS.—Section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) by striking "HIGHWAYS" in the subparagraph heading and inserting "ROADS"; and

(2) by striking "highways" the place it appears preceding "$69,000,000" and inserting "roads".

(k) TECHNICAL AMENDMENT.—Section 1032(b)(2) (A) of such Act (105 Stat. 1974) is amended by striking "improvements" and inserting "improvement".

SEC. 240. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAY.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting "pedestrian walkways and" before "bicycle transportation facilities";

(2) in subsection (f) by striking "and the Federal share" and all that follows through "80 percent";

(3) by redesignating subsection (j) as subsection (k); and

(4) by inserting after subsection (i) the following new subsection:

"(j) INCLUSION OF PEDESTRIAN WALKWAYS AND BICYCLE TRANSPORTATION FACILITIES IN PLANNING.—

"(1) GENERAL RULE.—The Secretary may not approve under this chapter a highway project for new construction or reconstruction within the boundaries of a State along which a pedestrian walkway or bicycle transportation facility is required to be included under the State's transportation improvement plan developed under section 135 unless such pedestrian walkway or bicycle transportation facility is part of such highway project.

"(2) EXCEPTION.—The Secretary does not have to approve a project for construction of a pedestrian walkway or bicycle transportation facility under paragraph (1)—

"(A) if the Secretary determines that such construction is not feasible or that use of the walkway or facility would pose a safety risk to pedestrians or bicyclists, as the case may be; or

"(B) the Secretary determines that there will be no substantial transportation or recreation benefit resulting from the project.".

SEC. 241. STATE HIGHWAY DEPARTMENT.

Section 302(b) of title 23, United States Code, is amended by striking "on the Federal-aid secondary system, financed with secondary funds," and inserting "not on the National Highway System".

SEC. 242. MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended in each of subsections (a) and (b) by striking "1 year after the date of the enactment of this section" and inserting "December 18, 1992".

SEC. 243. STATE PLANNING AND RESEARCH.

Section 307 of title 23, United States Code, is amended—

(1) in subsection (c)(1) by striking "104" and inserting "104(b)";

(2) in subsection (e)(3)(C) by striking "climactic" and inserting "climatic";

(3) in subsection (e)(13) by striking the quotation marks preceding "$35,000,000";

(4) in subsection (f)(2) by striking "section" the first place it appears and inserting "paragraph";

(5) in the heading to subsection (f)(3) by inserting "EARTHQUAKE" after "NATIONAL"; and

(6) in subsection (f)(3) by inserting "Earthquake" after "National".

SEC. 244. APPROPRIATION FOR HIGHWAY PURPOSES OF FEDERAL LANDS.

Section 317(d) of title 23, United States Code, is amended by striking "system" and inserting "highway".

SEC. 245. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Section 325(a)(5) of title 23, United States Code, is amended by striking "the date of the enactment of this section" and inserting "December 18, 1991".

SEC. 246. HIGHWAY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 402 of title 23, United States Code, is amended to read as follows:

"§ 402. Highway safety programs

"(a) IN GENERAL.—Each State shall have a highway safety program approved by the Secretary which is designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom.

"(b) UNIFORM GUIDELINES.—

"(1) REQUIREMENT.—The State highway safety programs approved under this section shall be in accordance with uniform guidelines promulgated by the Secretary.

"(2) PERFORMANCE CRITERIA.—The uniform guidelines shall be expressed in terms of performance criteria.

"(3) PURPOSES.—The uniform guidelines shall include, at a minimum, criteria relating to—

"(A) reducing injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

"(B) encouraging the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and increasing public awareness of the benefit of motor vehicles equipped with airbags;

"(C) reducing deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

"(D) reducing deaths and injuries resulting from accidents involving motorcycles;

"(E) reducing injuries and deaths resulting from accidents involving school buses; and

"(F) improving law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

"(4) EFFECTIVENESS DETERMINATION.—A State highway safety program relating to a guideline established pursuant to paragraph (3) shall be considered a most effective program for purposes of subsection (i) unless the Secretary determines, after a rulemaking process under subsection (i), that it should not be so considered and submits a report to Congress describing the reasons for the determination.

"(5) ADDITIONAL PURPOSES.—The uniform guidelines may include provisions to improve driver performance (including driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition the uniform guidelines may include provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services.

"(6) APPLICABILITY TO FEDERALLY ADMINISTERED AREAS.—The uniform guidelines which are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

"(7) LIMITATION ON STATUTORY CONSTRUCTION.—Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State.

"(8) COOPERATION IN PROMULGATION.—Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

"(9) ASSISTANCE OF OTHER FEDERAL DEPARTMENTS.—The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by this subsection and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

"(c) REQUIREMENTS FOR APPROVAL.—

"(1) IN GENERAL.—The Secretary may not approve a State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

"(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary under this section;

"(C) except as provided in paragraph (2), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

"(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

"(3) USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photo-radar) by law enforcement officers.

"(d) DATA COLLECTION AND REPORTING PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report to the Secretary such data as the Secretary may require.

"(2) PURPOSES.—The purposes of the program under this subsection are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs.

"(3) PROGRAM REQUIREMENTS.—The program under this subsection shall include information obtained by the Secretary under section 4004 of the Intermodal Surface Transportation Efficiency Act of 1991 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts.

"(4) REPORTING CRITERIA.—The Secretary shall establish minimum reporting criteria for the program under this subsection. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.

"(e) USE OF FUNDS.—

"(1) FOR HIGHWAY SAFETY PROGRAMS.—Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of traffic accidents and deaths and injuries resulting therefrom.

"(2) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States under subsection (f).

"(3) LIMITATION.—Nothing in this section authorizes the appropriation or expenditure of funds—

"(A) for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

"(B) for any purpose for which funds are authorized by section 403 of this title.

"(f) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—After the deduction under subsection (e)(2), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) MINIMUM PERCENTAGE.—The annual apportionment to each State shall not be less than ½ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than ¼ of 1 percent of the total apportionment.

"(3) APPROVED HIGHWAY SAFETY PROGRAM.—The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section.

"(4) REDUCTION OF APPORTIONMENT.—Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

"(5) APPORTIONMENT OF WITHHELD FUNDS.—The Secretary shall promptly apportion to the State the funds withheld from its apportionment if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

"(6) DETERMINATION OF PUBLIC ROAD MILEAGE.—For the purposes of this subsection, the term a 'public road' means any road under the jurisdiction of, and maintained by, a public authority and open to public travel. As used in this subsection, public road mileage shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying the provisions of chapter 1 of this title in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State for the purposes of this section.

"(h) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of the application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (c)(1)(C), 95 percent of the funds transferred to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subsection (c)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purpose of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

"(i) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to determine those highway safety programs that are most effective in reducing traffic accidents, injuries, and deaths. Any rule under this subsection shall be promulgated taking into account consideration of the views of the States having a major role in establishing such programs. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing traffic accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.".

(b) SECTION 2005.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking "and" the first place it appears and inserting a comma; and

(2) by striking ", 1994," and inserting "and 1994, and $146,000,000 for each of fiscal years".

SEC. 247. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

Section 404(d) of title 23, United States Code, is amended by striking "Commerce" and inserting "Transportation".

SEC. 248. ALCOHOL-IMPAIRED DRIVING COUNTER- MEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking "the date of enactment of this section" and inserting "December 18, 1991".

(b) BASIC GRANT ELIGIBILITY.—Section 410(d)(3) of such title is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B) A State shall be treated as having met the requirement of this paragraph if—

"(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

"(ii) the State demonstrates to the satisfaction of the Secretary—

"(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

"(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.".

SEC. 249. PUBLIC TRANSIT FACILITIES.

Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking "this Act" each place it appears and inserting "the Department of Transportation and Related Agencies Appropriations Act, 1993".

SEC. 250. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "Innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

SEC. 251. PENSACOLA, FLORIDA.

Section 1086(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2022) is amended by striking "Not later than 2 years after the date of the enactment of this Act," and inserting "On or before June 18, 1995,".

SEC. 252. HIGH COST BRIDGE PROJECTS.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the bypass of" after "replacement".

SEC. 253. CONGESTION RELIEF PROJECTS.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 10, relating to San Diego, California, by striking "1 block of Cut and Cover Tunnel on Rt. 15" and inserting "bridge decking on Route 15"; and

(2) in item number 43, relating to West Virginia, by striking "Coal Fields" and inserting "Coalfields".

SEC. 254. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) EAST-WEST TRANSAMERICA CORRIDOR.—Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: ", including (A) a Kentucky corridor centered on the cities of Paducah, Benton, Hopkinsville,

Bowling Green, Columbia, Somerset, London, Hazard, Jenkins, and Pikeville, Kentucky, to Williamson, West Virginia, and (B) a West Virginia corridor from Williamson to the vicinity of Welch, West Virginia, sharing a common corridor with the I-73/74 corridor (referred to in item 12 of the table contained in subsection (f)), and from the vicinity of Welch to Beckley, West Virginia, as part of the Coalfields Expressway described in section 1069(v)".

(b) INDIANAPOLIS TO HOUSTON CORRIDOR.—Section 1105(c)(18) of such Act (105 Stat. 2032) is amended by inserting before the period at the end the following: ", including a Kentucky corridor centered on the cities of Henderson, Sturgis, Smithland, Paducah, Bardwell, and Hickman, Kentucky".

SEC. 255. HIGH PRIORITY CORRIDOR PROJECTS.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033-2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after "For" the following: "the segment described in item 6 of this table and, after completion of such segment, for"; and

(2) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking "Newberry" and inserting "Evansville".

SEC. 256. RURAL ACCESS PROJECTS.

(a) PROJECT DESCRIPTIONS.—The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037-2042) is amended—

(1) in item number 34, relating to Illinois, by striking "Resurfacing" and all that follows through "Omaha" and inserting "Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County";

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking "and Huntington" and inserting "Franklin, and Huntingdon";

(3) in item number 61, relating to Lubbock, Texas, by striking "with" and inserting "with Interstate 10 through";

(4) in item number 75, relating to Pennsylvania, by striking "Widen" and all that follows through "lanes" and inserting "Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania";

(5) in item number 92, relating to Ohio, by striking "Minerva, Ohio" and insert "Lisbon, Ohio";

(6) in item number 93, relating to New Mexico, by striking "Raton-Clayton Rd., Clayton, New Mexico" and inserting "U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line"; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(B) by striking "to four-" and inserting "in Tarrant County, to freeway standards and in Parker County to a 4-".

(b) ADDITIONAL FUNDING.—Section 1106(a) of such Act is amended by adding at the end the following:

"(8) ADDITIONAL FUNDING.—In addition to funds otherwise made available by this subsection for the project described in item number 52 of the table contained in paragraph (2), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for carrying out such project $5,000,000 for fiscal year 1995 and $1,300,000 per fiscal year for each of fiscal years 1996 and 1997.".

SEC. 257. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043-2047) is amended—

(1) in item number 13, relating to Joliet, Illinois, by striking "and construction and interchange at Houbolt Road and I-80"; and

(2) in item number 36, relating to Compton, California, by striking "For a grade" and all that follows through "Corridor" and inserting "For grade separations and other improvements in the city of Compton, California".

SEC. 258. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048-2059) is amended—

(1) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking "Holidaysburg," the first place it appears; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(2) in item number 29, relating to Blacksburg, Virginia, by inserting "methods of facilitating public and private participation in" after "demonstrate";

(3) in item number 35, relating to Alabama, by striking "to bypass" and all that follows through "I-85" and inserting "beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I-65 south of Montgomery and I-85 east of Montgomery";

(4) in item number 52, relating to Pennsylvania, by striking "off Interstate" and all that follows through "Pennsylvania" and inserting "and other highway projects within a 30-mile vicinity of Interstate Route 81 or Interstate Route 80 in northeastern Pennsylvania";

(5) in item number 61, relating to Mojave, California, by striking "Mojave" and inserting "Victorville" and by inserting "Mojave" after "reconstruct";

(6) in item number 76, relating to Tennessee—

(A) by inserting after "I-81" the following: "interchange at"; and

(B) by striking "Interchange" and inserting "or Kendrick Creek Road";

(7) in item number 100, relating to Arkansas, by striking "Thornton" and inserting "Little Rock";

(8) in item number 113, relating to Durham County, North Carolina, by inserting after "Route 147" the following: ", including the interchange at I-85"; and

(9) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking "Construct new multi-lane freeway" and inserting "Construct a 4-lane divided highway".

SEC. 259. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060-2063) is amended—

(1) in item number 5, relating to Pennsylvania, by striking "Upgrading" and inserting "To study the need to upgrade" and by inserting "to a 4-lane limited access highway" after "Airport";

(2) in item number 9, relating to E. Haven/Wallingford, Connecticut—

(A) by striking "$8.8" and inserting "$7.5";

(B) by striking "$2.4" and inserting "$2.0"; and

(C) by striking "$0.7" and inserting "$0.6";

(3) in item 38, relating to Provo, Utah, strike "South" and all that follows through "Airport" and insert "East-West Connector from United States Highway 89-189, Provo, Utah"; and

(4) in item 51, relating to Long Beach, California, by inserting "(including a grade separation project for the Los Alamitos traffic circle at Lakewood Boulevard and Pacific Coast Highway)" after "Access".

SEC. 260. MISCELLANEOUS INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT AMENDMENTS.

(a) CROSS REFERENCE IN HIGHWAY USE TAX EVASION PROGRAM.—Section 1040(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "(e)" and inserting "(f)".

(b) REPORT TO CONGRESS ON QUALITY IMPROVEMENT.—Section 1043(b) of such Act (105 Stat. 1993) is amended by inserting "General" after "Comptroller".

(c) COALFIELDS EXPRESSWAY.—Section 1069(v) of such Act (105 Stat. 2010) is amended by striking "97, 10, 16, and 93" and inserting "16, and 83".

(d) PERIOD OF AVAILABILITY OF FUNDS FOR MISCELLANEOUS PROJECTS.—Section 1069 of such Act is amended—

(1) by striking the last sentence of subsection (y); and

(2) by adding at the end the following new subsection:

"(ii) PERIOD OF AVAILABILITY.—Funds provided to carry out this section shall remain available until expended.".

(e) FINAL RULE FOR ROADSIDE BARRIERS AND SAFETY APPURTENANCES.—Section 1073(b) of such Act (105 Stat. 2012) is amended by striking "1 year" and inserting "2 years".

(f) INTERSTATE STUDY COMMISSION.—Section 1099 of such Act (105 Stat. 2026) is amended—

(1) by striking "bill" and inserting "Act";

(2) by striking "passage of this legislation" and inserting "the enactment of this Act";

(3) by inserting after "Columbia" the second place it appears the following: "appointed by the Governors of the States of Maryland and Virginia and the Mayor of the District of Columbia, respectively"; and

(4) by striking "appointed by the Governors and the Mayor" and inserting ", 1 each for Maryland, Virginia, and the District of Columbia appointed by the Governors and the Mayor, respectively".

(g) DRUG RECOGNITION EXPERT TRAINING PROGRAM.—Section 2006(b) of such Act (23 U.S.C. 403 note; 105 Stat. 2080) is amended by inserting "Federal" before "Advisory".

(h) APPLICABILITY OF OBLIGATION CEILING TO CERTAIN HIGHWAY SAFETY PROGRAMS.—Section 2009 of such Act (105 Stat. 2080) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking "211(b)" the first place it appears and inserting "211";

(3) by striking "102" and inserting "1002"; and

(4) by striking subsection (b).

SEC. 261. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

In administering section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991, the limitation on annual gross receipts of a small business concern set forth in paragraph (2)(A) of such section shall be the only limitation on annual gross receipts which applies to small business concerns.

SEC. 262. AMENDMENTS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) SECTION 149.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

(b) SECTION 317.—Section 317(b) of such Act (49 U.S.C. App. 1608 note; 101 Stat. 233) is amended—

(1) in paragraphs (2) and (3) by inserting "or cooperative agreement" after "contract" each place it appears; and

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

"(7) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this subsection into cooperative agreements.".

SEC. 263. FREEWAY SERVICE PATROLS.

(a) GENERAL RULE.—Except to the extent that the Secretary shall find that it is not feasible, any funds expended in a fiscal year directly or indirectly for freeway service patrols from amounts made available to a State under titles I and III of the Intermodal Surface Transportation Efficiency Act of 1991 shall be expended with privately owned or privately operated business concerns. The preceding sentence shall not apply to any publicly owned or operated freeway service patrol that was in operation before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term "freeway service patrol" means automotive road service vehicles and automotive towing vehicles operated in a continuous, dedicated service as part of an incident management program.

SEC. 264. PAN AMERICAN HIGHWAY.

(a) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(b) ELEMENTS.—The study to be conducted under subsection (a) shall at a minimum include the following elements:

(1) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(2) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(3) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(4) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(5) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(6) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 265. SECTION 3 PROGRAM AMENDMENTS.

(a) LETTERS OF INTENT.—Section 3(a)(4)(E) of the Federal Transit Act (49 U.S.C. App. 1602(a)(4)(E)) is amended—

(1) in the first sentence by striking "letters of intent" and all that follows through "shall not exceed the" and inserting "letters of intent, early systems work agreements, and full funding grant agreements shall not exceed the"; and

(2) in the second sentence by striking "new letters issued" and all that follows through "shall not exceed any" and inserting "new letters issued and contingent commitments included in early systems work agreements and full funding agreements shall not exceed any".

(b) ASSURED TIMETABLE FOR FINAL DESIGN STAGE.—Section 3(a)(6)(C) of the Federal Transit Act (49 U.S.C. App. 1602(a)(6)(C)) is amended by inserting before the period at the end the following: "or, if an environmental impact statement is not required for such project, the date of completion of an environmental assessment for such project or of a finding of no significant impact".

(c) OREGON LIGHT RAIL PROGRAM.—Section 3(a)(8)(C)(v) of such Act is amended—

(1) by striking "Westside" the first place it appears;

(2) by striking "and" following "101-584;"; and

(3) by inserting before the period at the end the following "; and the locally preferred alternative for the South/North Corridor Project between Clackamas County, Oregon, Portland, Oregon, and Clark County, Washington".

(d) RAIL MODERNIZATION.—Section 3(h) of such Act is amended in paragraph (6) by striking "paragraph" and inserting "subsection".

(e) NONAPPLICABILITY.—Section 3(i)(5)(C) of such Act is amended by striking "the Federal-Aid Highway Act of 1991" and inserting the following: "title 23, United States Code,".

(f) TRANSITIONAL PROVISION FOR PROGRAMS OF INTERRELATED PROJECTS.—Section 3011(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. App. 1602 note; 105 Stat. 2098) is amended by inserting after "interrelated projects" the following: "but excluding any project for which a timetable for project review or for Federal funding is provided for by a provision of law other than section 3(a)(6) of the Federal Transit Act and for which such timetable is different than the timetable established by such section".

(g) CONFORMING AMENDMENTS.—Section 3007 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2091) is amended—

(1) in paragraph (5)(B) by striking the comma which precedes the closing quotation marks and the semicolon; and

(2) in paragraph (6) by striking the comma which precedes the closing quotation marks and the final period.

SEC. 266. METROPOLITAN PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 8 of the Federal Transit Act (49 U.S.C. App. 1607) is amended—

(1) in subsection (f)(5) by inserting "of title 23, United States Code" after "133";

(2) in subsection (f)(9) by striking "of this title" and inserting "of such title";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B), respectively;

(5) in subsection (i)(3) by striking "this title and the Federal Transit Act" and inserting "title 23, United States Code, and this Act";

(6) in subsection (i)(4) by striking "or pursuant to the Federal Transit" and inserting ", or pursuant to this";

(7) in subsection (i)(5) by inserting "of title 23, United States Code," after "section 134";

(8) in subsection (i)(5) by inserting "of such title" after "104(b)(3)";

(9) in subsection (i)(5) by inserting "of such title" after "133(d)(3)" each place it appears;

(10) in subsection (i)(5) by striking "the Federal Transit" the first 2 places it appears and inserting "this";

(11) in subsection (i)(5) by striking "section 8(o) of the Federal Transit Act" and inserting "subsection (o) of this section";

(12) in subsection (m)(1) by striking "or the Federal Transit" and inserting ", or this";

(13) in each of subsections (p)(2) and (p)(4) by striking "section 8" the first place it appears and inserting "this section";

(14) in subsection (p)(2) by striking "section 8 of this Act" and inserting "this section";

(15) in subsection (p)(3) by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(16) in subsection (p)(5) by striking "paragraph" and inserting "section".

(b) FACTORS TO BE CONSIDERED.—Section 8(f) of such Act is amended by adding at the end the following new paragraph:

"(16) Recreational travel and tourism.".

(c) LONG RANGE PLAN.—Section 8(g)(2)(B) of such Act is amended by striking "long-range" and inserting "long range".

(d) TRANSFER OF FUNDS.—Section 8(k) of such Act is amended by striking the last sentence.

(e) NONATTAINMENT AREA REQUIREMENTS.—Section 8(l) of such Act is amended by striking "transit" and inserting "highway".

SEC. 267. FORMULA GRANT PROGRAM.

(a) TRANSIT SECURITY SYSTEMS.—Section 9(e)(3) of the Federal Transit Act (49 U.S.C. App. 1607a(e)(3)) is amended by inserting before "and any other" in the last sentence the following: "employing law enforcement or security personnel in areas within or adjacent to such systems;".

(b) GRANDFATHER OF CERTAIN URBANIZED AREAS.—Section 9(s)(2) of such Act is amended by striking "fiscal year 1993," and inserting "each of fiscal years 1993 and 1994,".

(c) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 9 of the Federal Transit Act for fiscal years beginning after September 30, 1994, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of "fixed guideway vehicle revenue miles" and "fixed guideway route miles" attributable to the Los Angeles urbanized area under sections 9(b)(2) and 15 of such Act.

SEC. 268. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 9B(a) of the Federal Transit Act (49 U.S.C. App. 1607a-2(a)) is amended by striking "subsections (b) and (c) of".

SEC. 269. GRANTS FOR RESEARCH AND TRAINING.

(a) NATIONAL CENTER.—Section 11(b)(10)(A) of the Federal Transit Act (49 U.S.C. 1607c(b)(10)(A)) is amended by striking "technology" and inserting "Technology".

(b) APPLICABILITY OF OBLIGATION CEILING TO FUNDING FOR UNIVERSITY TRANSPORTATION

CENTERS.—Section 11(b)(12) of such Act is amended by striking "102" and inserting "1002".

(c) UNIVERSITY RESEARCH INSTITUTES.—Section 11(c) of such Act is amended—

(1) in the heading to paragraph (1) by striking "INSTITUTE FOR NATIONAL" and inserting "INTERNATIONAL INSTITUTE FOR";

(2) in paragraph (1) by striking "an institute for national" and inserting "an international institute for";

(3) in paragraph (3) by striking "through the Institute for Transportation Research and Education and" and inserting a comma;

(4) in paragraph (3) by inserting a comma after "South Florida";

(5) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

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

"(6) INSTITUTE FOR TRANSPORTATION POLICY AND MANAGEMENT.—

"(A) GRANTS.—The Massachusetts State highway department shall make grants under this section jointly to the University of Massachusetts, Harvard University, and the Massachusetts Institute of Technology to establish and operate an interdisciplinary institute to carry out research and training on issues and operations in urban transportation policy and on strategies for the improvement of urban transportation management and to disseminate the findings thereof.

"(B) FUNDING.—The Massachusetts State highway department shall expend, from amounts made available to it for each of the fiscal years 1995 through 1997 under section 307(c) of title 23, United States Code, $1,000,000 per fiscal year to carry out the purposes of this paragraph"; and

(7) in paragraph (7) by striking "through the Institute for Transportation Research and Education".

SEC. 270. GENERAL PROVISIONS.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 12(b) of the Federal Transit Act (49 U.S.C. App. 1608(b)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.—

"(A) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with paragraph (4), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(B) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with paragraph (4) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(C) STATE OPTION.—Subparagraphs (A) and (B) shall take effect 2 years after the date of the enactment of this paragraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.".

(b) RAIL TRACKAGE RIGHTS AGREEMENTS.—Section 12(c)(1) of such Act is amended by inserting "payments for the capital portions of rail trackage rights agreements," after "rights-of-way,".

(c) TECHNICAL AMENDMENT.—The first sentence of section 12(f)(1) of such Act is amended by striking "such State of local" and inserting "such State or local".

(d) TURNKEY SYSTEM PROJECT.—Section 12(l) of such Act is amended—

(1) in paragraph (1)(C) by striking "is" and inserting "may be"; and

(2) in paragraph (3) by striking "the date of the enactment of this Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

(e) SALE OF CAPITAL ASSETS.—Section 12 of such Act is further amended by adding at the end the following new subsection:

"(n) SALE OF CAPITAL ASSETS.—

"(1) IN GENERAL.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or in part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary shall authorize the sale of the assets with no further obligation to the Federal Government if the Secretary determines that—

"(A) there are no purposes eligible for assistance under this Act for which the asset should be used; and

"(B) the proceeds from the sale of the asset will be used by the recipient to procure items eligible for capital assistance under this Act.

"(2) RELATIONSHIP TO OTHER LAWS.—The provisions of this subsection shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 271. PERIOD OF AVAILABILITY AND REAPPORTIONMENT OF SECTION 16 FUNDS.

Section 16 of the Federal Transit Act (49 U.S.C. App. 1612) is amended—

(1) in subsection (b) by inserting "and" after the semicolon at the end of paragraph (1);

(2) in subsection (b) by striking "; and" at the end of paragraph (2) and inserting a period;

(3) in subsection (b) by striking paragraph (3) and inserting the following:

"Eligible capital expenses under this subsection may include, at the option of the recipient, the acquisition of transportation services under a contract, lease, or other arrangement.";

(4) in subsection (c)(4) by striking "the enactment of the Federal Transit Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991";

(5) by adding at the end of subsection (c) the following new paragraph:

"(5) PERIOD OF AVAILABILITY.—Sums apportioned under this subsection shall be available for obligation by the State for a period of 2 years following the close of the fiscal year for which the sums are apportioned and any amounts remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.";

(6) in subsection (e) by striking "handicapped and elderly individuals" and inserting "elderly persons and persons with disabilities"; and

(7) in subsection (e) by striking "such individuals" and inserting "such persons".

SEC. 272. RURAL TRANSIT PROGRAM.

The second sentence of section 18(a) of the Federal Transit Act (49 U.S.C. App. 1614(a)) is amended by striking the final period.

SEC. 273. NONDISCRIMINATION.

Section 19 of the Federal Transit Act (49 U.S.C. App. 1615) is amended—

(1) by striking "(1)" each place it appears;

(2) by redesignating paragraphs (2), (3), (4) and (5) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) as so redesignated—

(A) by striking "(A)" and inserting "(1)";

(B) by striking "(B)" and inserting "(2)";

(C) by striking "paragraph (a)" and inserting "paragraph (1)";

(D) by striking "(i)" and inserting "(A)";

(E) by striking "(ii)" and inserting "(B)";

(F) by striking "(iii)" and inserting "(C)"; and

(G) by striking "(iv)" and inserting "(D)"; and

(4) in subsection (d) as so redesignated by striking "(a)(3)(B)(ii)" and inserting "(c)(2)(B)".

SEC. 274. AUTHORIZATIONS.

(a) FORMULA GRANT PROGRAM FROM TRUST FUND.—Section 21(a)(1) of the Federal Transit Act (49 U.S.C. App. 1617(a)(1)) is amended—

(1) by striking "8 9B," and inserting "6, 8, 9B, 10,"; and

(2) by inserting "20," after "18,".

(b) FORMULA GRANT PROGRAM FROM GENERAL FUND.—Section 21(a)(2) of such Act is amended—

(1) by striking "8 9," and inserting "6, 8, 9, 10,"; and

(2) by inserting "20," after "18,".

(c) SETASIDE FOR PLANNING, PROGRAMMING, AND RESEARCH.—Section 21(c) of such Act is amended—

(1) by inserting "beginning after September 30, 1992," after "each fiscal year";

(2) by striking "or appropriated" each place it appears;

(3) in paragraph (3) by striking "the State program under"; and

(4) in paragraph (4) by striking "the national program under".

(d) OTHER SETASIDES.—Section 21(d) of such Act is amended by striking "or appropriated" each place it appears.

(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Section 21(e) of such Act is amended by striking "$160,000,000" and all that follows through the period at the end and inserting "for fiscal years beginning after September 30, 1991, not to exceed $324,843,000. Such sums shall remain available until expended.".

SEC. 275. PROJECT MANAGEMENT OVERSIGHT.

Section 23 of the Federal Transit Act (49 U.S.C. App. 1619) is amended—

(1) in subsection (a) by striking "or 18" and inserting "and 18"; and

(2) in subsection (h) by striking "subsections (a) (1) through (5)" and inserting "subsection (a)".

SEC. 276. PLANNING AND RESEARCH PROGRAM.

(a) STATE PROGRAM.—Section 26(a) of the Federal Transit Act (49 U.S.C. App. 1622(a)) is amended to read as follows:

"(a) ALLOCATION OF PLANNING FUNDS.—

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Fifty percent of the funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be available for the transit cooperative research program to be administered as follows:

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend such transit research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all the States, as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this subsection. In any case in which a statewide transit agency is responsible under State law for the financing, construction, and operation, directly, by lease, contract, or otherwise, of statewide public transportation services, such agency shall be the recipient for receiving and dispensing funds under this paragraph.

"(3) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under paragraph (2) to be used to supplement funds available under paragraph (1), as the State deems appropriate.".

(b) NATIONAL PROGRAM.—Section 26(b) of such Act is amended—

(1) in paragraph (1) by striking "section 21(c)(4)" and inserting "sections 21(b)(3)(E) and 21(c)(4)"; and

(2) in paragraph (2) by inserting "annually" after "$2,000,000".

(c) PILOT PROJECT.—Section 26(c)(4) of such Act is amended by striking "the date of the enactment of this Act" each place it appears and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

SEC. 277. NEEDS SURVEY AND TRANSFERABILITY STUDY.

Section 27(b) of the Federal Transit Act (49 U.S.C. App. 1623(b)) is amended—

(1) in paragraph (1) by striking "(3)";

(2) in paragraph (2) by striking "such sections" and inserting "section 9(j) of this Act"; and

(3) in paragraph (2) by striking "With" and inserting "with".

SEC. 278. STATE RESPONSIBILITY FOR RAIL FIXED GUIDEWAY SYSTEM.

Section 28 of the Federal Transit Act (49 U.S.C. App. 1624(b)) is amended—

(1) in the section heading by inserting "rail" before "fixed guideway"; and

(2) in subsection (b)(1) by inserting "rail" before "fixed guideway".

SEC. 279. NATIONAL TRANSIT INSTITUTE.

Section 29 of the Federal Transit Act (49 U.S.C. App. 1625) is amended in the heading to subsection (b) by striking "FUNDING" and inserting "TRAINING OF STATE AND LOCAL GOVERNMENT TRANSPORTATION PERSONNEL".

SEC. 280. INCREASED FEDERAL SHARE.

The Federal Transit Act (49 U.S.C. App. 1601–1625) is amended by adding at the end the following new section:

"SEC. 30. INCREASED FEDERAL SHARE.

"(a) STATES WITH LARGE AREAS OF INDIAN AND CERTAIN PUBLIC DOMAIN LANDS.—In the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in the State, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in the State is of its total area.

"(b) STATES WITH LARGE AREAS OF INDIAN AND PUBLIC DOMAIN LANDS AND NATIONAL FORESTS, PARKS, AND MONUMENTS.—In the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

"(c) MAXIMUM SHARE.—Notwithstanding subsections (a) and (b) of this section, the Federal share for any construction project under this Act shall not exceed 95 percent of the total cost of such project.

"(d) GRANT RECIPIENT AGREEMENT.—In any case where a grant recipient elects to have the Federal share provided in subsection (b) of this section, the grant recipient must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring grant recipient to use solely for purposes eligible for assistance (other than operating assistance) under this Act (other than paying its share of projects approved under this Act) during the period covered by such agreement the difference between the grant recipient's share as provided in subsection (b) and what its share would be if it elected to pay the share provided in subsection (a) for all projects subject to such agreement.".

SEC. 281. PERFORMANCE REPORTS ON MASS TRANSIT SYSTEMS.

Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "January 1994, January 1995, and January of each odd-numbered year thereafter".

SEC. 282. CROSS REFERENCE TO FEDERAL TRANSIT ACT.

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended in each of subsections (c)(2) and (d) by striking "Urban Mass Transportation" each place it appears and inserting "Federal Transit".

SEC. 283. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Section 4008(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2155) is amended by striking "102" in the second sentence and inserting "1002".

SEC. 284. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) OPERATIONAL TESTING PROJECTS.—Section 6055(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2192–2193) is amended by inserting "and enter into cooperative agreements and contracts with" after "The Secretary may make grants to".

(b) FUNDING.—Section 6058 of such Act (105 Stat. 2194–2195) is amended—

(1) in the second sentence of subsection (d) by striking "projects undertaken pursuant to subsection (c) of this section" and inserting "activities undertaken with funds made available under subsection (b) and activities undertaken with funds subject to subsection (c)";

(2) in subsection (e) by striking "102" and inserting "1002"; and

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

"(f) NONAPPLICABILITY OF OTHER REQUIREMENTS OF LAW.—A person (including a public agency) that does not receive assistance under title 23, United States Code, the Federal Transit Act, or any provision of this Act (other than the Intelligent Vehicle-Highway Systems Act of 1991) shall not be subject to any Federal design standard, law, or regulation applicable to persons receiving such assistance solely by reason of such person receiving assistance under this section.".

SEC. 285. TITLE 49, UNITED STATES CODE, AMENDMENTS.

The analysis for chapter 1 of title 49, United States Code, is amended—

(1) by striking "Sec. 110. Saint Lawrence Seaway Development Corporation."; and

(2) by striking "Sec. 111." and inserting "111.".

SEC. 286. SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AMENDMENTS.

(a) MOTOR CARRIER SAFETY GRANT PROGRAM.—Section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302) is amended—

(1) by moving each of subparagraphs (H) through (N) (including any clauses therein) 2 ems to the left;

(2) in subsection (b)(1)(N) by striking "give" and inserting "gives"; and

(3) in subsection (d) by striking "3" and inserting "5".

(b) CARGO CARRYING UNIT LIMITATION.—Section 411(j)(5)(D) of such Act (49 U.S.C. App. 2311(j)(5)(D)) is amended by striking "prohibited under" and inserting "subject to".

SEC. 287. COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 AMENDMENTS.

(a) SECTION 12011.—Section 12011 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710) is amended—

(1) in each of subsections (a) and (b) by striking "104(b)(5), and 104(b)(6)" and inserting "104(b)(3), and 104(b)(5)"; and

(2) in subsection (c)(1)(A)(ii) by striking "104(b)(6)" and inserting "104(b)(3)".

(b) SECTION NUMBER REDESIGNATION.—Such Act is further amended by redesignating the second section 12020, relating to violation of out-of-service orders, as 12021.

SEC. 288. CLEVELAND HARBOR, OHIO.

Section 1079 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2018–2019) is amended—

(1) by striking the semicolon at the end of subsection (b) and inserting a period; and

(2) in subsection (d)—

(A) by striking "279.31 feet" and inserting "269.31 feet";

(B) by striking "127.28 feet" and inserting "137.28 feet";

(C) by striking the comma following "Grid System";

(D) by striking "33°–53′–08″ east" the first place it appears and inserting "33°–53′–08″ west";

(E) by striking "north-westerly" and inserting "northwesterly"; and

(F) by striking "174,764 square feet (4.012 acres)" and inserting "175,143 (4.020 acres)".

SEC. 289. OTHER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT TECHNICAL AMENDMENTS.

(a) SOUTHERN FLORIDA COMMUTER RAIL.—Section 3014 of Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2108) is amended by striking "(49 U.S.C. 1607a)".

(b) ROAD TESTING OF LCV'S.—Section 4007(d)(1) of such Act (49 U.S.C. App. 2302 note) is amended by striking "on board" and inserting "onboard".

(c) NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.—Section 5005 of such Act (49 U.S.C. 301 note; 105 Stat. 2160-2162) is amended—

(1) in subsection (d)(1) by striking "11 members" and inserting "15 members";

(2) in subsection (d)(1)(A) by striking "3 members" and inserting "7 members"; and

(3) in subsection (i) by striking "1993" and inserting "1994".

(d) SECTION 6017.—Section 6017 of such Act (105 Stat. 2183) is amended by striking "502(a)" and inserting "5002(a)".

The motion was agreed to.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4385) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 1887 and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MINETA, OBERSTAR, RAHALL, SHUSTER, and PETRI.

There was no objection.

MAKING A TECHNICAL CORRECTION TO AN ACT PREEMPTING STATE ECONOMIC REGULATION OF MOTOR CARRIERS

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 5123) to make a technical correction to an act preempting State economic regulation of motor carriers, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. SHUSTER. Reserving the right to object, Mr. Speaker, I do not intend to object, but I yield to my distinguished colleague, the gentleman from West Virginia [Mr. RAHALL] for an explanation.

Mr. RAHALL. Mr. Speaker, I appreciate the distinguished ranking member yielding to me.

Mr. Speaker, last month Congress passed the Federal Aviation Administration Authorization Act of 1994, which included a provision in section 601 to preempt State economic regulation of intrastate trucking.

The pending measure would make one technical correction to that act to address an item which Congress did not intend to be within the scope of section 601.

The purpose of section 601 was to address issues relating to the intrastate transportation by motor carrier of general freight and express small packages.

We now find that the act would also affect the ability of a State to regulate tow trucks in those States which engage in such regulation.

This clearly was not our intention. And, in fact, many States regard the regulation of tow trucks as a matter of consumer protection.

For this reason, the pending measure would provide for continued State economic regulation of intrastate tow and wrecker services where such regulation exists.

That completes my explanation.

Mr. SHUSTER. Mr. Speaker, continuing my reservation of objection, I would appreciate it if the gentleman would confirm, first, that this exemption would be only for 2 years, and at the end of 2 years, tow trucks will fall within the deregulation which will not apply to the other modes, is that correct?

Mr. RAHALL. If the gentleman will continue to yield, the gentleman is accurate, pending the adoption of the amendment I will shortly offer.

Mr. SHUSTER. Mr. Speaker, further continuing my reservation of objection, it is my understanding from the gentleman that we have his commitment that should the Senate attempt to change our language here and add to it, the gentleman would then oppose any such action to expand this and we would not permit the legislation to become law?

Mr. RAHALL. If the gentleman will yield further, the gentleman is accurate, and certainly we would continue to work with him.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5123

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 "Intrastate Tow and Wrecker Truck Transportation Technical Correction Act of 1994".

SEC. 2. TECHNICAL CORRECTION.

Section 11501(h)(2) of title 49, United States Code, is amended as follows:

(1) Strike "and" after subparagraph (A).

(2) Strike the period at the end of subparagraph (B) and insert in lieu thereof "; and".

(3) Insert the following new subparagraph at the end thereof:

"(C) does not restrict the regulatory authority of an agency with statewide jurisdiction with respect to tow trucks or wreckers providing for-hire services.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. RAHALL: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intrastate Tow and Wrecker Truck Transportation Technical Correction Act of 1994".

SEC. 2. TECHNICAL CORRECTION.

Section 11501(h)(2) of title 49, United States Code, is amended as follows:

(1) Strike "and" after subparagraph (A).

(2) Strike the period at the end of subparagraph (B) and insert in lieu thereof "; and".

(3) Insert the following new subparagraph at the end thereof:

"(C) does not restrict the regulatory authority of an agency with statewide jurisdiction, insofar as such authority relates to tow trucks or wreckers providing for-hire services.".

SEC. 3. EXPIRATION.

The amendment made by section 2 shall cease to be in effect on January 1, 1997.

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, this amendment is being offered to address the concerns of our distinguished ranking minority member of the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation, the gentleman from Wisconsin [Mr. PETRI]. It would provide for the amendment made by the bill to expire on January 1, 1997.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from West Virginia [Mr. RAHALL].

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

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

SPECIAL ORDERS

The SPEAKER pro tempore. 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 COMING DEBATE IN CONGRESS ON AMERICA'S OCCUPATION OF HAITI

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, on this eleventh day of the occupation of Haiti by the American armed services, I think it is appropriate that people in this country know that we in Congress have not given up our determination to have a debate on this subject here, and to deliberate what is going on, what is at risk, what are the costs involved, what are the likely standards of measure of what we have achieved anything, and the question of the way we get out of the quagmire we have gotten ourselves into.

Mr. Speaker, this debate will be coming forward, I think in a more formalized fashion next week. We have been promised that by the Majority Leader in response to a colloquy from the gentleman from California [Mr. COX]. I understand that there is now a bill coming forward from the Committee on Foreign Affairs, which is also going to come up to the Committee on Rules, so we are finally beginning to get the mechanisms of Congress focused on this situation where, in a friendly neighboring country of the United States of America, we have about 16,000 or so men and women in our armed services in a hazardous situation. It is not outright combat, of course, as we all know, but it is deadly serious situation, and in fact, there are casualties.

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I have just come from a meeting with a person who has been in contact with family and friends and relatives in Haiti this afternoon, and the situation is becoming much more unstable in terms of the extremes that exist in Haiti. The pro-Aristide forces are sort of manifesting themselves more regularly and more intensely because there is an understanding that the military, the Haitian military, is not there to resist and this is like sort of a great venting exercise, and old scores are being threatened to be settled. We have found that in places like Cap-Haitien up on the north coast, there is a real feeling of anxiety and we are told yesterday that in the northern departments, things have become even more chaotic, particularly in the Department of the Northwest. That is the northern rim of Haiti. We are told there that the military has virtually disappeared, gone into the woods. Five anti-Aristide supporters were killed by pro-Aristide supporters either yesterday or today. Stores are being looted, particularly the food stores because people see this as not only the opportunity to get even but the opportunity to get some food which they need as the result of the embargo we have had on that country for so long which has made things so difficult in that country.

Also, I have not read any news accounts or heard on the media yet, but we are informed also that the pro-Aristide people suffered casualties at the installation of the mayor who came out of hiding and was reinstalled, the mayor of Port-Au-Prince, somebody apparently threw a grenade into a crowd there and five pro-Aristide supporters were killed.

Every day as we go back and we look at the violence and the escalation of violence, we discover first we are talking about 1 or 2, then we are talking about 5 or 10, and presumably it is going to keep escalating that way, a little bit at a time, a little bit at a time, as people get even.

The problem here is that it is our Armed Forces that are in the middle of all this and we do not have a firm understanding of when they are coming back or exactly what it is they are going to accomplish. We all are fervently behind them, in protecting them in every possible way with the best equipment, the best training, all of the things we want our men and women in harm's way to have so that they can take care of themselves and carry out their mission. But this mission is a little different. These folks are standing around in the middle of what are about to be riots all over the country with no clear orders of how they cope with all of that. Perhaps in some cases not even manpower. But up on the north coast of Haiti, we are now told that our forces have been asked to provide police protection for the stores and to, in fact, replace the Haitian army which has disappeared, gone off into the woods across the cities of the north. That mission, of taking on that role in addition to other chores of protecting themselves, is an extremely important concern.

The anarchy that is beginning to grow in Haiti I think is something that we cannot fail to address. It would be bad enough if there were not American forces there. It is something we should attend to, because we have an interest in a friendly neighboring country having this kind of difficulty. But the fact that our troops are there and the fact that the U.S. Congress has not yet had a vote on that or deliberated on the issue of the safety of our troops and when they are coming back is to me unpardonable and unconscionable.

Sooner or later there will be accountability to the American people for the policy that the Clinton administration has used and the lack of justification for why this House has not debated and not executed our responsibilities to the people we represent on behalf of our armed service personnel there.

CALL FOR WITHDRAWAL OF AMERICAN TROOPS FROM HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, as our military forces remain bogged down in Haiti, and as the morale of our troops stretches to the breaking point—and past it, in the case of one unfortunate soldier who apparently took his own life—and as we use more and more of our resources in support of the mission in Haiti, I become increasingly concerned that we will be bogged down there, and may not be able to respond to a real emergency.

I am particularly concerned with American interests in regions which are always unstable, such as Korea or in the Persian Gulf, where radicals still rule Iran and Iraq.

For example, if a crisis erupts in the Persian Gulf, once again threatening the world's oil supplies, will America be as ready to act as we were when George Bush told Saddam Hussien that his aggression would not stand? Or will our military be too busy policing the streets of Port-au-Prince in order to make Haiti safe for a radical leftist anti-American named Aristide?

Will soldiers who already have seen duty and witnessed death in both Somalia and Haiti be at their best if rapidly redeployed back to the desert? Would there be any other choice than to redeploy the same brave soldiers, sailors, airmen, and Marines? Or has our President cut our forces so far, so fast, that we don't have enough other troops to rotate into duty?

I fear that this Haitian experiment could be very costly, because the evidence indicates that our forces have indeed been spread too thin. That's a dangerous position at any time, but being distracted by this voodoo to-do makes the danger to our real national interests far greater still.

More than a year ago, in a September 1, 1993 speech at the Heritage Foundation, I warned about just such circumstances. I said then, and I repeat today, that the morale of our sailors, soldiers, Marines, and airmen is essential to an effective fighting force. Yet, by not diminishing the calls on our service people, while at the same time reducing the size of our forces, we directly threaten that morale by ensuring longer and more frequent deployment of a smaller number of ships, planes, and armament.

In that same speech, more than a year before we deployed not one but two aircraft carriers to subdue the great Haitian superpower, I warned against just such an invasion. I quoted Mr. Aristide, accurately, as encouraging the necklacing of opponents with burning, gasoline-soaked tires, calling it chic, classy, elegant and snappy. "It smells good," he said, "and wherever

you go you want to smell it." Then I asked the key questions, which still reverberate around this mission:

Is Aristide worth the risk of a single American life? Will President Clinton wish to explain the death of an American serviceman or woman killed on this mission to his or her mother?

The answer, then and now, is a resounding no.

Two weeks ago, on the day before the planned invasion, I repeated my arguments on a national radio response to President Clinton. I said that even if Mr. Aristide were more to our liking, Haiti still would be a quagmire not worth hundreds of millions of dollars of our tax money, much less American lives.

Mr. Speaker, now, though, our troops are there watching as Haitians kill Haitians, themselves being forced to kill Haitians when provoked, aware of the comparison to Somalia, and risking their own lives in the process.

For the RECORD, I submit three columns, including one by former Secretary of State Henry Kissinger and another by Donald Lambro of the Washington Times, both of which argue that we should exit from Haiti as soon as is humanly possible. I endorse their reasoning and add my own strong belief that Haiti is a dangerous distraction and a waste of military resources already spread too thin.

The third article suggests, unfortunately, the likelihood of civil war in Haiti once Aristide returns.

Mr. Speaker, Mr. Aristide has $39 million left in his bank account. Instead of wasting it on his own comfort and his slew of high-priced lobbyists, he should use it to hire his own soldiers. Meanwhile, we in America should withdraw our fighting men from Aristide's island, before the civil war begins, and save them for causes more worthy of the world's only remaining superpower.

If we don't, America can become a paper tiger, incapable of confronting other more meaningful challenges on the geopolitical stage.

We must not let that happen. Let's remedy this foolish mistake and get our troops out fast.

Mr. Speaker, the documents referred to in my remarks are as follows:

OUT OF HAITI—FAST

(By Henry Kissinger)

The ink was barely dry on the agreement negotiated by President Carter's team in Haiti when second-guessing developed. It came as a shock to many that the administration postponed its proclaimed goal of overthrowing the junta and that the landing in Haiti was brought about with the cooperation of leaders described by President Clinton as mass murderers only 72 hours earlier.

But the criticism should focus not so much on the culmination of the crisis as on the policy that left no other option except military invasion by a high-tech superpower of a practically unarmed country and the poorest nation of the Western Hemisphere. The agreement negotiated by the Carter team saves American and Haitian lives, removes the Haitian junta, albeit with a slight delay, and returns the deposed elected leader, Jean-Bertrand Aristide, to power, sacrificing only grandiloquent statements that should never have been made. Most important, the brief interval in which these changes take place provides an opportunity for sober reflection about just how deeply America should launch itself into the Haitian morass.

In my view, any prolonged military occupation must be avoided; another attempt at nation-building will trap us in an endless enterprise before it ends in a fiasco. Too much has already been staked; some relationship between means and ends must be reestablished.

The basic dilemmas of postwar American foreign policy have been the result of enterprises undertaken lightly, with little if any opposition and from which extrication proved hellishly difficult. The Carter mission has eased the entry of American troops—a success that is also an admission ticket to the far more complex danger of American forces finding themselves engulfed in the passions and conflicts of Haitian factions much more practiced in violence than in pluralism and which may yet undermine the agreement. A prolonged U.S. military occupation of Haiti would almost guarantee that the hatreds accumulated over decades would overwhelm the purposes for which we entered.

I have always had grave doubts about military intervention to restore Aristide. That America should favor an elected president over the murderous junta was inherent in our values, and justified diplomatic pressure and embargoes of the kind that had, after all, contributed to the overthrow of the Duvalier dictatorship. But American lives should be risked only when there is a demonstrable threat to the national security, on behalf of clearly defined objectives and with forces proportionate to the objective.

The administration policy failed all three tests. Haiti posed no conceivable direct threat. Contrary to administration statements, the junta represented no model any Western Hemisphere nation might be tempted to follow. The stated objectives were vague, and the force deployed was disproportionate to any sensible goal. When CNN shows daily briefings by the press officer of the American Embassy in Port-au-Prince describing locations from which to view the planned invasion of the country to which he was accredited and promising the arrival of additional personnel to handle the overflow demand for invasion coverage, the argument that the threat represented by Haiti cannot wait for the operation of less drastic measures becomes hardly plausible. (Moreover, it raises the question of how to curb public relations efforts whose proconsular character undermines America's relations with the other nations of this hemisphere.)

Ambassador Madeleine Albright's invocation of moral absolutes that transcend all practical considerations is belied by the actual record. The administration did not intervene in Bosnia or Rwanda, where the atrocities were far greater; in Rwanda, President Clinton stood apart from genocide with the argument that America could not serve as the world's policeman and that it had no national interest in that part of Africa. The current administration, like any other, cannot escape the need for selectivity.

Thus the principal achievement of the Carter mission is that it provides a graceful exit from becoming engulfed in the vortex of Haitian domestic politics. It is senseless to talk of the "restoration" of democracy in a country that has never known democracy, or to equate the fact that Aristide was elected with a certificate of democratic practices—as Sen. Nunn has wisely pointed out. To turn Haiti into a pluralistic society may take a decade or more and cannot be achieved by military occupation.

Even the limited task of disarming Haiti's armed forces implies difficult decisions: How, when and by whom is the army to be disarmed or restrained? To whom do we provide protection once Aristide is back in power? What precisely are the terms of the amnesty and which parliament approves it—the existing one or that emerging from future elections? Will Aristide abide by the amnesty despite his opposition, and what is America's obligation to enforce the Carter agreement?

Nor can the dilemmas of a prolonged military operation be avoided by turning nation-building over to the United Nations. I hope that President Clinton was speaking euphemistically when he presented America's policy on Haiti as relfecting some kind of international political consensus. For the international support we elicited was a tribute to America's power, not to its purposes. With the exception of Argentina, it included not a single major country of Latin America. Most of the nations participating from outside the hemisphere do so because of the economic strength of the United States, as a quid pro quo for past or future American security assistance, or to gain some influence over actions they far from approve. Neither Bangladesh nor Israel has heretofore exhibited any major political and security interests in the Caribbean. Thus there is no other group to which this assignment can be turned over. International support of a military occupation may provide a few auxiliaries and a modicum of financial help. But in the real world, the military occupation of Haiti will remain America's problem.

The artificial nature of this international support has already levied an exorbitant toll. One of the most hallowed principles of American foreign policy has been to keep the military power of other continents out of the Western Hemisphere. From the Monroe Doctrine to the 1947 Rio Treaty setting up a collective security system for the Western Hemisphere and in the decades since, every U.S. administration has insisted that hemispheric problems be settled by the nations of this hemisphere. Yet the administration recoiled from involving the institution specifically designed for that purpose—the Organization of American States—because it realized that our partners in this hemisphere would never approve military intervention, though they would and did support diplomatic and economic measures short of it. Appealing for the military assistance of nations outside the hemisphere on an inter-American issue sets a precedent that future American administrations may well come to regret.

Another such booby trap is inherent in the Security Council resolution authorizing the use of force for the purpose of replacing the Haitian junta, a resolution that passed with Russian support. The precedent for Moscow's ambitions in what Russia calls the "near abroad" is hard to miss—the worrisome policy of forcing the republics of the former Soviet Union to return to the imperial fold. That this tacit quid pro quo is understood in Washington is reflected in pronouncements by Ambassador Albright and President Clinton stating that each major power has a special responsibility for peace-keeping and stability in "its own back yard."

It is a dangerous doctrine. America's actions in Haiti, however ill-advised, do not affect overall security. America's interventions in this hemisphere have been short-lived; Russia's military advances have tended to be permanent. They are certain to rekindle ancient fears and tensions. Three conclusions follow.

America's military presence in Haiti ought to be brought to a rapid conclusion, preferably by the end of this year. We will have restored an elected president. By then, we will have disarmed or neutralized those Haitian armed forces threatening his rule. Aristide should be able to maintain himself after that by his own efforts, helped by generous American economic aid.

If our armed forces stay beyond this mandate, they will either become spectators in a bloody spectacle or participants in struggles where it may not be easy to tell which side to back—rebellious crowds or forces appearing in the guise of law and order. In the end, even Aristide will turn on the United States, if only to demonstrate that he is a genuine nationalist and not America's instrument—a tendency already implicit in his conduct.

Once American forces—except for a small training mission—are withdrawn, the remaining tasks can be assigned to inter-American institutions, which, when freed of the Latin American fear of U.S. military intervention, could prove quite effective. Governmental reform could be assigned to the OAS, economic assistance to the inter-American financial institutions—backed up, of course, by a continuing U.S. interest.

The Haitian crisis provides an occasion for the administration to review the practices that have produced such stark alternatives and such an obsession with public relations. Symbolic of these tendencies is the decision to launch the 82nd Airborne Division while American emissaries were still on the ground in Haiti. Given the possibility of glitches in any military operation, what was the hurry? What if the Haitian junta had not yielded, the attack had proceeded, and Carter's plane had blown a tire on takeoff? What if the junta, learning of the launch—as it is said to have done—had taken the American delegation as hostages? Surely there was no need for surprise when the projected landing sites could be seen on television. If the purpose was to land before Congress could pass a resolution of disapproval the next day, the enterprise marked an astonishing disintegration of the executive-congressional relationship.

It is painful to come to such conclusions while a military operation is underway. But the greatest risk we now face is an open-ended commitment of military forces to tasks for which they are not designed. The greatest need is a bipartisan reassessment of our foreign policy and above all a prudent definition of the circumstances in which American power is to be engaged.

IF PAST COMMENTS ARE PROLOGUE

(By Donald Lambro)

As debate over Bill Clinton's long-term military occupation of Haiti intensifies, little attention is being paid to what will happen when exiled Haitian President Jean-Bertrand Aristide is restored to power.

Now, as the countdown nears the Oct. 15 deadline when Haiti's military rulers must relinquish power, some long overdue attention may begin to focus on this leftist revolutionary whose heroes include Fidel Castro's henchman Che Guevara, Chile's Marxist President Salvador Allende and the French Revolution's Maximilien Robespierre.

Most Americans are justifiably opposed to occupying a nation that has been a hotbed of political turmoil and bloodshed over its nearly 200 years of independence. We have no national security interests in Haiti and do not belong there.

But beyond the obvious risks to young U.S. servicemen in Haiti, we might also consider the disastrous economic consequences that are certain to flow from the anticapitalist, class-struggle policies that Mr. Aristide intends to impose on his country.

Haiti is one of the most impoverished countries in our hemisphere, made even poorer by Mr. Clinton's misguided economic sanctions.

What will likely follow will be years of continued poverty, desperation and further unrest, only this time the United States will be the one imposing the sentence upon the poor people of Haiti.

Only someone like Mr. Clinton, who has played the politics of class envy and believes there is a government solution to every problem, could put the United States in the position of supporting such a bizarre and radical figure who loves socialism and hates capitalism.

Most Americans know little about the man we are putting back into power because the Clinton administration has chosen to keep the focus away from his past, and the national news media has gently treated him as a benign political figure.

But an examination of Mr. Aristide's past statements "raises serious questions about whether the United States should be betting the lives of Americans and its international credibility on him," says foreign policy specialist Lawrence Di Rita in an eye-opening analysis for the Heritage Foundation.

He is bitterly anti-American and has spoken lovingly of incinerating his political enemies with gasoline-filled tires placed around their necks, a tactic known as "necklacing."

Consider these coldblooded remarks from an address that Mr. Aristide gave at the National Palace that was broadcast over Radio Nationale in Port-au-Prince on Sept. 27, 1991:

"What a nice tool! [Necklacing] What a nice instrument! [Loud cheers from crowd.] What a nice device! It is a pretty one. It is elegant, attractive, splendorous, graceful and dazzling. It smells good. Wherever you go, you feel like smelling it. [The crowd cheers.]"

Little wonder that this former Roman Catholic priest was dismissed from his order in 1988 for "incitement to hatred and violence." His passion for hate did not change when he went into politics.

"Although elected democratically, Aristide governed quite undemocratically," says Mr. Di Rita. "He established a reputation, in the words of New York Times correspondent Howard French, as 'an insular and menacing leader who saw his own raw popularity as a substitute for the give and take of politics.'"

His far-left brand of economics also tells us much about his hatred for the United States and the direction in which he wants to take Haiti. Consider these statements from his autobiography:

"Socialism in Haiti is not a new thing: Its practice is rooted in the period of our first independence."

"The colonial powers, including the United States, must make amends for the wrong inflicted on the colony or protectorate in those days. The debt experts, when they speak of our liabilities, need to add up the second column of their own accountability."

"Economic efficiency is not compatible with justice, except at the price of a permanent struggle against all the seeds of corruption."

"Economic liberalism, which democrats and technocrats have made a panacea, I find intolerable."

"The wealthy have often become what they are by virtue of exploiting others."

Here is Mr. Aristide on the men he most admires:

"I did not invent class struggle, no more than Karl Marx did. . . . But who can avoid encountering class struggle in the heart of Port-au-Prince.

"I . . . welcome those ideas that rest on the values of beauty, dignity, respect and love. Che Guevara . . . certainly incorporated some of those values, as did Allende. . . . I feel more affection and sympathy for them than I do for many others."

"There is no question that there are common denominators between us and the makers of the French Revolution. . . . How much I owe to the makers of the French Revolution!"

Is this the man and are these the ideas that are worth risking one American life? Apparently Bill Clinton thinks so. What do you think?

ARISTIDE OPPOSES BLANKET AMNESTY; CEDRAS SAYS HE SEES CIVIL WAR POSSIBILITY

Haitian President Jean-Bertrand Aristide said today he opposes blanket amnesty for the military rulers who overthrew him. Aristide said on CNN that he holds Haiti's military responsible for thousands of deaths and he urged the Haitian parliament not to grant blanket amnesty for those crimes. Aristide said he favors amnesty only for political crimes committed against him at the time of the coup in September 1991.

Meanwhile, Lt. Gen. Raoul Cedras said on CNN: "I see the specter of civil war in this country now. . . . People in this country are very scared. Many people do not want peace, do not want reconcilation."

□ 1950

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to vacate my special order for 60 minutes tonight and request a 5-minute special order following the gentleman from Indiana [Mr. BURTON].

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

There was no objection.

LOBBYING DISCLOSURE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House this evening to talk for a few minutes about the lobbying disclosure bill that was passed by the House today. I had just 2 minutes to speak very rapidly when the measure was before the House and I made some points there that I wanted to elaborate on this evening.

First of all, the title of the bill, as I said, is the Lobbying Disclosure Act of

1994. The American people really deserve under our system to know that a piece of legislation that passes this body does indeed do what the title says. As I pointed out in those remarks, and I want to point out again tonight, that bill that passed this House really does not do what the title states. It does not provide more disclosure.

For example, let us just take a few minutes here and look at what the bill does. Is it more or less disclosure if you decrease the reporting periods from four times a year, that is quarterly under the current law, to two times per year? What is the intent of this disclosure law?

The intent is to know more about how money is spent to influence or pass legislation in this Congress. Does this bill in fact provide more information and more disclosure or less, reporting twice a year instead of four times a year? I submit very simply it gives less information, gives the public, the media and others who are interested in how legislation is influenced and passed in this body less information, less disclosure.

Let us take the second point that I raised today, a criminal versus civil penalty. Under current law there are criminal penalties. Unfortunately, there are also weak enforcement provisions in the current law. But which is stronger, criminal or civil penalties? In the bill that passed this House today, there are civil penalties that are replacing criminal penalties, so we have actually less enforcement potential and less penalties under this bill that was passed by the House today.

Now let us look at the final issue here of disclosure. Are we going to have more people report or less people report? There is a 10 percent of your time expended in lobbying provision in this bill. That provides in my estimation a great loophole, and I said it some months ago when this was before us, that it is big enough to drive a lobbyist's limousine through. There are 23,000 attorneys in this town, and they are looking for relief from this bill. So what did they do? They put in here a little provision that said 10 percent of your time. The larger the law firm the better advantage this type of legislation.

I said then and I say now if you get 10 cents, a simple dime for lobbying or influencing legislation and you are paid for it, why not report it? But this bill does not do that.

Then let me talk also about the trips that have been on television and before the public. This only defines the amount of time. This does not eliminate those trips. If you can do a golf exercise or whatever you do, and fortunately I am not a golfer, but those that golf can still go. Do not be fooled into thinking that that is banned by this bill. It is just confined in the amount of time.

So there is less disclosure, there is less information, there is less reporting, and there is less penalty.

The gift ban I agree with, and I said I agree with it. If we want to ban all gifts, I think that that sets a fine standard for this body and is acceptable. But this is the Lobby Disclosure Act of 1994. It does not disclose, it again, and I heard this repeated here today that we have to do something about perception, it only deals with perception. It does not deal with real reform, and it will create even more cynicism toward this body and toward this institution that I have grown to love and respect during my 2 short years as a Member here.

So Mr. Speaker, I submit this additional evidence that we made a mistake in judgment here, and it is a sad mistake because this institution is a great institution and we should be doing a better job to reinforce its standing with the American people.

LOBBYING DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I rise to speak about this Lobbying Disclosure Act today, and I want to share with the House and with the public a couple of ideas I really think ought to be pointed out.

It is a fact that somewhere between 25, 30, and 35 Members at the most in this House do not accept any contributions from political action committees, special interests for their campaigns. So it is a very small number of us. I am one of them that refused to accept these campaign contributions.

But all of this talk that we have heard today about lobbying reform and gift reform, while some of it is good, some of the legislation is good, some of the legislation is bad, the fact is that it really is a side show to the real problem with respect to who owns influence buying and influence peddling in the United States Congress, and that is the mechanism that has been set up through political action committees which actually do in fact purchase over a period of time first of all access, second of all influence, and finally, ultimately votes on very narrow, specific pieces of legislation that they want to see passed. And when we spend all of this time and energy and effort talking about lobbying reform and gift reforms for $20 gifts, it may very easily have the tendency to confuse the American public about what the real problem is.

The fact is that $200 million was spent in the 1992 cycle on special interest contributions to political campaigns in the U.S. Congress. That is $200 million, an average of a quarter of a million dollars per candidate per campaign, a quarter of a million dollars. That is where the real problem is. That is where the influence gets purchased. That is why special interests have such a death grip stranglehold on this House of Representatives, and that is why, in part, this House is able to continue to bring across legislation that is so unreflective and unrepresentative of the wishes, the hopes, the desires and the aspirations of the American public.

□ 2000

So let us call it what it is. Let us be truthful about the situation. The situation is that, yes, it is probably just as well we eliminate gifts completely. Yes, we should not be in the business of taking trips, and that is good legislation, as well; and, yes, there should be some tightening down of lobbyists' ability to entertain, perhaps.

But that is not the real problem; $20–$30 meals are not where the influence is purchased. Because every single Member of this House wants one thing more than anything else, and it is very bipartisan, and that is to get reelected, to come back here. When you have that motivation combined with the kind of money that is paid to campaigns in order to get people reelected, and as we have become more and more dependent upon the political action committee function of special interests for the financing of these campaigns, that has a very insidious influence and a very insidious impact on the way that legislation gets fashioned, crafted, and finally voted on in this House.

I think that it is very important for all of us in this house to be reminded of that fact, and it is even more important for the American people to know that while, yes, there is probably on balance more good than bad in the bill that was passed today, and, yes, there are some technical things that need to be done to fix it, the fact is we have not begun to go after the real problem, and that is political action committee influence that is purchased for special interests every single election cycle.

IN HARM'S WAY IN HAITI

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, today a hand grenade was exploded outside the mayor's residence in Port-au-Prince, Haiti; five people were killed, and a large number were injured, and very close by was an American unit. I understand, fortunately, none of those people were maimed or killed.

But the fact of the matter is they are in harm's way down there, and it is just a matter of time until American young men and women are killed or maimed. The number is something we

just cannot predict right now. But there are going to be some young Americans killed or maimed down there, and it is unnecessary.

The thing that is most disturbing to me today is an item brought to my attention by my colleague, the gentleman from California [Mr. DORNAN], in an article that was in the Washington Times, and it is very disturbing, because it infers very clearly, in fact, it states very clearly that the President put our troops in harm's way for political purposes.

Let me read what was said. Dante Caputo, the former Special U.N. Envoy on Haiti, said that he had talked to Strobe Talbott, the Deputy Secretary of Defense, and Strobe Talbott had indicated they were going to put troops in Haiti because they had to get the President's political ratings up, and it would show he had some expertise in foreign affairs, which the press and others had said he did not have because of Somalia and other things.

Let me just read a couple of things that were in the article. The story said:

> Mr. Caputo had reported back to his boss, U.N. Secretary General Boutros Boutros-Ghali, that the administration had made up its mind in the spring,

in the spring,

> to invade Haiti and believed it would help Mr. Clinton to stem the criticism of his foreign policy. Mr. Caputo, in memos to Mr. Boutros Boutros-Ghali and later in a meeting with Canadian Foreign Minister Andre Ouellet, reported on meetings he had with Mr. Talbott. He said United States positions such as laid out by Mr. Strobe Talbott, "Haiti represents a test case for which the United States has to have found a solution before November." He went on to say in another memo administration considers that an invasion is its best option. He went on to say the lesser evil and a chance to show after the strong media criticism of the administration the President's decisionmaking capability and the firmness of leadership in international political matters.

Now, this gentleman, I understand, has impeccable credentials, and he is a man of integrity. That being the case, he is not lying; he is telling the truth.

Now the gentleman from Pennsylvania [Mr. WELDON], our colleague who I was hoping would be back here by now, has put into the CONGRESSIONAL RECORD several copies of these memos, I just alluded to.

Mr. DORNAN. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN. I went over to my office and got them, and they are going to be placed in the RECORD at the conclusion of this special order by the gentleman from Indiana [Mr. BURTON], and although they have "Confidential" at the top, they are not confidential anymore. They have been published in the New York Times and other papers. We will put in all of them at this point.

[Confidential]

Attention: The Secretary General.

From: Dante Caputo, RSSC

Over the past fifteen days, I had the pleasure of meeting several times with Strobe Talbott and other officials of the American State Department. I also had some meetings in Paris with M. Alain Juppé, Minister of Foreign Affairs and in Ottawa with Mr. André Cueller, Minister of Foreign Affairs. Moreover, I was able to have some informal conversations with other areas of American political life.

The conclusions that I am drawing today are as follows:

1. The U.S. administration considers that an invasion of Haiti is its best option.

2. The principal objection to this type of action comes from the act that "if it is easy to initiate this type of action, it is more difficult to exit from it."

3. In order to resolve this dilemma, the U.S. administration will seek to act in the following manner:

(a) set up a unilateral action, a surgical action, with the eventual participation of several countries in the region so as to give it a certain legitimacy;

(b) put President Aristide back in power;

(c) It will seek a quick replacement of the armed intervention forces by the [illegible] whose mandate and structure will have been redefined beforehand.

4. This strategy would allow it to capitalize on the experience with such an operation, transferring the political cost on the UN.

5. In the same fashion, the President of the United States' main advisers are of the opinion that not only does this option constitute the lesser evil, but that is politically desirable. Thus we think that the current opposition of public opinion to an armed intervention will change radically, once it will have taken place. The Americans see in this type of action a chance to show, after the strong media criticism of the administration, the President's decision making capability and the firmness of leadership in international political matters.

6. The position of the friendly countries vis a vis this strategy is the following:

FRANCE

France is opposed to the use of force be it multilateral or unilateral. It is ready to participate in a MINUAH under the terms foreseen in July, 1993, that is to say, technical assistance and participation in forming a police force. In an explicit manner, France is opposed to participating in whatever activity that would imply direct police action.

France considers that it is urgent that a meeting of the Four Friends take place at the department head or under secretary level, preferably in New York.

France insists as well on Argentina's participation as a fifth friendly country given that it is a member of the Security Council.

CANADA

Canada does not wish to participate in a multilateral armed intervention force. Canada thinks that in the present situation, there is probably no other alternative to that which the U.S. administration will adopt. In this perspective, according to Minister Quellet, our problem will consist of knowing how to "manage" this new reality. Canada seems equally disposed to participate in a MINUAH whose mandate will have been redefined. Canada also considers it urgent to call a meeting of the Four Friends.

7. The permanent U.S. Mission has undertaken the necessary steps so that the Security Council comes to a decision very soon on the MINUAH's mandate and structure.—May 23, 1994.

REPORT OF A DISCUSSION OF THE SECRETARY GENERAL WITH HIS SPECIAL REPRESENTATIVE FOR HAITI AT THE UNITED NATIONS HEADQUARTERS, TUESDAY, MAY 24, 1994 AT 6:30 PM

Present: The Secretary General, Mr. Gharekhan, Mr. de Soto, Mrs. Green, Mrs. Seguin-Horton.

Subject: The situation in Haiti. Possibilities for a military intervention by the United States.

The Secretary General says to Mr. Caputo that he's well aware of his last summary report.

Mr. Caputo explains that he did not dare present any options and policies to the Secretary General in this report. The fact is that he had lately a large number of informal consultations that are all going in the same direction: The Americans will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something; they are going to try to intervene militarily.

The Secretary General wonders if President Aristide could invoke Article 51 of the Charter in order to call for a military intervention.

Mr. de Soto says that the constitution prevents him from doing so.

Mr. Caputo thinks that after having asked for the intervention, Mr. Aristide will condemn it. Moreover, the United States, that wants to obtain the Security Council's blessing, is now actively studying the means to accord a legal protection to this affair.

Mr. de Soto recalls that this idea recently provoked a general protest among the OAS.

What can the United Nations Secretariat do, either to avoid or to encourage this intervention?, asks the Secretary General.

Mr. Caputo predicts a disaster. The United States will make the UN bear the responsibility to manage the occupation of Haiti. "With Aristide as President during two or three years, it will be Hell!" It is not so much the armed intervention itself that we have to avoid. What we do not want, is to inherit a "baby". For the Americans' are fixing to leave quickly. They would not intervene if they had to remain.

Mr. Gharekhan asks Mr. Caputo what he understands by leaving "quickly". One month, replies Mr. Caputo. Who is going to replace the Americans?, asks the Secretary General.

"Us", replies Mr. de Soto. The Americans will be applauded and the dirty work will come back to the U.N. The only thing that could discourage the United States would be to not obtain any contributing countries for mounting a multinational operation.

France, according to Mr. Juppé, is opposed to it, confirms Mr. Caputo. As for Canada, it is committed to strictly limiting its contribution to the formation of a new Haitian police.

The Secretary General believes that in making an effort, the United States will be able to manage to obtain 2,000 French-African troops and a few troops from the Caribbean.

Mr. Caputo says that the United Nations would have to work with a complex force and that it would be difficult for it to mount an operation in a one-month period. The Latin American countries are not ready to contribute. Mr. Caputo knows that Argentina, for example, is not very favorable to this idea. He also doubts that Mexico, Brazil or Venezuela would be tempted.

This scenario would be fraught with consequences for the United Nations as well as for this region of the world. Dante Caputo emphasizes that it is harmful that at the conclusion of the cold war, no other answer can be found for such a crisis.

In answer to the Minister's question about the consequences of the American intervention in Panama, Dante Caputo replies that it concerned a different time where the cold war was still taking place. Today, we are right in expecting that other types of means be activated. The United Nations will be perceived as being impotent before the region's problems. They will have to face up to a particularly difficult post-intervention situation.

To the Minister's question about the existence of another alternative, Dante Caputo replies that the United States acted as a brake to a diplomatic solution, creating a situation where the intervention became nearly inevitable.

The Minister remarks that actually, despite the goodwill of the United Nations, its credibility is jeopardized and the [Haitian] military leaders are "laughing at us." The Minister stresses the difficulties of a strict and effective implementation of planned sanctions and expresses its doubt over the possibility of a complete closing of the border.

The Minister shares Dante Caputo's appreciation of the need to make some arrangements in the event of a unilateral intervention. However, the Minister continues to affirm that Canada will not commit itself to hostile activities in Haiti. Canada is ready to favorably consider a United Nations request favoring a peace keeping operation with the view of consolidating a democratic regime, aid programs, and participation in a better equipped MUNUHA. Basically, the Minister concedes that only the United States can wrestle with the [Haitian] military leaders.

To improve our image relative to President Aristide, the Minister believes that the President should participate in the next meeting of the Four Friends. Regarding this meeting, Dante Caputo maintains that it would be preferable if it be held first of all without the President, and that he not participate except after the meeting. In the perspective of managing the post intervention situation, Dante Caputo thinks that it is important that President Aristide can consider himself to be an integral part of the Four Friends' action.

According to the Minister, President Aristide's credibility risks to be stained, if he restored after the U.S. intervention.

The Minister questions himself over the composition, nature and on the willingness of the countries that would be ready to participate in the MINUHA.

Dante Caputo emphasizes that France expressed the wish to participate in the formation of a police force in Haiti and is reticent to do "monitoring". Ambassador Préchette then recalls the difficulties encountered at the moment of recruiting the components of the operation's police force in 1993. Dante Caputo remarks that the question of this police force's role and mandate should be determined as a function of the whole and notes that the countries interested in taking part remain few, in addition to Canada, the United States, Argentina, and France.

The fundamental question remains the post-intervention role, multilateral action being put aside, indicates Dante Caputo. Ambassador Préchette replies that in effect, the United Nations will not vote for this type of action, but could be in favor of a "green light" for a coalition of States that would invite countries interested in toppling the [Haitian] military leaders if a very serious incident unfolded. Dante Caputo adds that this American initiative could be blocked by an internal decision process.

The Minister concludes the meeting by recalling that this is an emergency, that Canada wants to play a role, and that he will be guided by the advice and suggestions of Dante Caputo. In the probable case where sanctions would have no immediate effect and would act in the military leaders' favor, the Minister remarks that it would then be necessary to explain why sanctions are being maintained against Haiti.—Juliette Rémy, May 23, 1994.

The Secretary General recalls that in the past, the United States was able to show that it could mount a multinational force, if only in appearance. "Must we say that we think that a military intervention in Haiti would be negative?"

Mr. de Soto thinks that insinuating the possibility of an armed intervention is working to produce a certain effect in Haiti. The [Haitian] military leaders are nervous. * * * It would thus be politically dangerous to publicly discourage this menace.

According to Mr. Caputo, it must first be proposed that the President of the Security Council ask for a closing of the border between Haiti and the Dominican Republic. This measure will have a certain economic and psychological impact.

The Secretary General wonders how it is possible to really close this border. A very clear commitment on the part of the Dominican authorities must be required, replies Mr. Caputo. The Secretary General thinks that the Dominican government does not have the means to prevent infiltration.

Mr. Caputo considers that the land or sea routes can be controlled if the authorities accept to play the game. In this regard, Mr. Caputo informs the Secretary General that the Americans have proposed to him to accompany them tomorrow to meet President Balaguer in Santo Domingo. Mr. Caputo has not yet replied, but he thinks that he must accept this offer in order to show that he is being active on the diplomatic front.

Replying to a question from the Secretary General, Mr. Gharckhan makes the point that the Security Council specifically mentioned the border in his presidential declaration.

Mr. de Soto thinks that the other friends of Haiti must be made to participate at this meeting, if only through their ambassadors in Santo Domingo.

Moreover, Mr. Caputo pointed out that the Republicans have the tendency to keep their distance vis a vis the idea of intervening thinking that President Clinton would be committing a monumental error there.

Nobody can tell if such an operation will succeed or fail, notes the Secretary General. In addition to closing the border, continues Mr. Caputo, we will have to keep the same political framework set up two months ago if the United States requests.

The Secretary General asks Mr. Caputo if he still believes that after 17 month spent in his position, if the United States can conduct diplomacy. The Americans are still deeply divided on the Haitian question; there are supporters and detractors of President Aristide.

Mr. Caputo thinks that it is now or never to show the Americans that there is a political alternative to American intervention.

Mr. de Soto wonders if in fact Mr. Caputo should not go to Port au Prince to challenge the military leaders and try to convince Mr. Cedras, who pretends to be a "negotiator".

Mr. Caputo affirms that he is ready to go to Haiti. The problem is that if his visit fails, and that if it is accompanied by demonstrations by the BRAPH and by a definite "no" from Mr. Cedras, we risk provoking an armed intervention.

Mr. Gbarekahan thinks that, in effect, the Americans could feel justified to intervene.

According to Mr. de Soto, this would be the case if it were already August, but if we try now, we still have time, he says.

Mr. Caputo declares that he likes this idea because the United Nations seems to be making every possible effort on the diplomatic front on the condition, of course, of obtaining a meeting with Mr. Cedras. In reply to a question from the Secretary General, he has the means to contact him.

Moreover, Mr. Caputo points out that the French insist a lot on including Argentina in the Group of the Secretary General's Friends. Argentina, who was rather tepid two or three months ago, now seems interested in the question.

The French find in effect that the Argentina's presence would allow a better balance * * * Security Council, among the Group of Friends. Venezuela would not be excluded for as much.

Aware of the risk of displeasing Brazil who is also a member of the Security Council, the Secretary General proposes to use the criteria of Argentina's active participation in the search of a solution to the Haitian problem. Isn't Argentina a frigate that sails in the region to check on the embargo's enforcement?

Mr. Gharekton believes that he remembers that Mr. Goulding was totally opposed to this idea.

In answer to the Secretary General's question, Mr. de Soto says that Mr. Goulding thinks that including Argentina would bother Brazil.

Mr. Caputo suggests consulting Brazil.

Mr. de Soto points out that Mr. Lula da Silva, Brazil's presidential candidate, has come out in favor of intervention . . .

Summarizing the situation, the Secretary General proposes to act in the following manner: 1) Mr. Caputo reports tomorrow at Santo Domingo to discuss the border; 2) He makes contact with Mr. Cedras to set up an appointment with him; 3) He goes to Haiti to strengthen his credibility; 4) The Secretariat contacts Brazil to announce the decision to invite Argentina to be part of the Group of Friends, 5) The Secretariat invites Argentina.

Evoking the role of the United Nation's mission in Haiti (MINUAH), Mr. Caputo recalls that the American plan is to intervene, leave quickly and pass the torch to the U.N. But, if they saw how difficult it is to mount a UN operation on the spot, they would perhaps reflect some more before intervening.

Mr. de Soto emphasizes that the MINUAH mandates exists. The United States has met with officers from the [illegible] Department for Peace Keeping to study means of renewing, redefining, and strengthening the Mission. Replying to the Secretary General, Mr. de Soto indicates that the initial mandate foresees 700 to 800 men. The United States is in the process of broadening the scope of MINUAH to a mission, not only of technical assistance, but also one peace keeping. This would thus be a way to discourage the United States to intervene in showing them how difficult it is to set up the Mission that it would like to see following its intervention.

Mr. Gharakhan thinks that the Secretariat cannot highlight this difficulty since the

United States has the means to obtain the necessary troops.

The Secretary General fears that the United States will take a unilateral decision and that it will repeat the Somalian experience. The main question remains knowing what to do to avoid this unpleasant role for the United Nations.

According to Mr. de Soto, the Security Council's backing can be politically costly to the United States in so far as it will cause the United States to make concessions.

The Secretary General points out that the United States can even choose to leave forces behind.

Mr. de Soto says that the closest analogy is the one of Panama. The United States knows that the Latin American countries will protest out of principle while at the same time they will be relieved to get rid of Mr. Cédras.

Suggesting to proceed by stages, the Secretary General concludes that they agree on the five points mentioned above. These points already will allow for movement. Mrs. Green, having asked if Mr. Aristide was going to be contacted, the Secretary General replies in the affirmative. He agrees to telephone Mr. Aristide. He suggests to put off until later the more substantial reflections on the question, but keeps in mind the fact that there is a risk of escalation. It should not be forgotten that the Haitian people suffer because of those sanctions.—Fabienne Seguin-Horton, May 25, 1994.

[Confidential]

Note for the File—MEETING BETWEEN MR. DANTE CAPUTO, SREG FOR HAITI WITH MR. ANDRE QUELLET, FOREIGN AFFAIRS MINISTER OF CANADA, OTTAWA, MAY 19, 1994

Present: Mr. Stanley E. Gooch, Assistant Vice Minister, Latin American and Caribbean Desk, Mrs.; Louise Préchatte, Permanent Canadian Representative at the United Nations.

After being warmly welcomed by the Minister. Dante Caputo stresses, first of all, the different options for a solution and relates, for the Minister's benefit, the reactions observed in Paris and Washington. The first option consists of waiting for sanctions put in place to produce the desired effect: the military leaders' departure. In this regard, France and the United States have the same worry of seeing that the border between the Dominican Republic and Haiti be hermetically sealed.

However, stresses Dante Caputo, the United States would not be ready to wait several months for this to produce the desired effect. The second option, consists of using the sanctions as an instrument to support a political strategy. France is in favor of such a scenario and, in this regard, supports the idea of a high level meeting of the Secretary General's Four Friends Countries. The third option consists of using unilateral force, multilateral force, or a combination of the two. France is opposed to this. Concerning the United States position, such as laid out by Strobe Talbot, Dante Caputo thinks that time is short, and that the situation today cannot last beyond July. Dante Caputo emphasizes that Haiti represents a test case for which the United States has to have found a solution before November. The United States supports the return of a reinforced MINUAH (self defense, protecting sites) without specifying the probable means for the [Haitian] military leaders' departure.

Dante Caputo gives his personal impression of the strategy that the United States would get ready to implement. According to him, the United States cannot wait any longer to obtain the benefits of an action in favor of Haiti for a just cause; it would intervene punctually in order to then cede its place to the MINUAH.

This scenario would be fraught with consequences for the United Nations as well as for this region of the world. Dante Caputo emphasized that it is a shame that at the end of the Cold War, another response cannot be given to a crisis of this type.

To the minister's question on the consequences of the American intervention in Panama, Dante Caputo responded that it was a different time, when the Cold War was still a reality. Today, one has the right to expect other types of means to be implemented. The United Nations will be perceived as being powerless regarding the problems of the region. It would have to deal with a particularly difficult post-intervention situation.

To the minister's question on the existence of another alternative, Dante Caputo answered that the U.S. has served as a restraint for a diplomatic solution, creating a situation where intervention has become almost inevitable.

The minister remarked that in fact, despite the good will of the United Nations, its credibility is being questioned and the military is laughing at us." The minister underlined the difficulties of a strict and effective implementation of the sanctions planned and shared his doubt regarding the possibility of a total closure of the border.

The minister shared Dante Caputo's view regarding the need to take steps in the case of a unilateral intervention. Nevertheless the minister stated that Canada will not engage in activities hostile to Haiti. Canada is ready to favorably study a U.N. request for a peace-keeping operation, with a view to consolidating a democratic regime, assistance programs, and participation of a better equipped U.N Mission for Haiti. Basically, the minister conceded that just the U.S. can engage in arm wrestling with the military.

In order to improve our image regarding President Aristide, the minister felt that the president should participate in the upcoming meeting of the four friendly nations. Regarding this meeting, Dante Caputo stated that it would be preferable for it to take place initially without the president and that he not participate except subsequent to the meeting. In the perspective of the question of the post-intervention situation, Dante Caputo felt that it is important that President Aristide be able to consider himself an integral part of the action of the four friendly nations.

According to the minister, if he is reestablished after the U.S. intervention, President Aristide's credibility risks being blemished.

The minister asked about the composition, nature and will of the countries that would be willing to participate in the U.N. Mission for Haiti.

Dante Caputo emphasized that France has expressed the desire to participate in the formation of the police in Haiti and shows a reluctance to doing monitoring. Ambassador Frechette then recalled the difficulties encountered at the time of recruitment of the elements of the police for the 1993 operation. Dante Caputo remarked that the question of the role and mandate of these policemen should be determined according to the panorama and noted that the countries interested in participating are few, namely Canada, the U.S., Argentina and France.

The basic question is the post-intervention rule, multilateral action being rejected, Dante Caputo indicated. Ambassador Frechette responded that in fact, the U.N. will not vote for this type of action but it could be in favor of a "green light" for a coalition of states that would invite the countries interested in removing the military from government, if a very serious incident took place. Dante Caputo added that this American initiative could be blocked by an internal decision-making process failing.

The minister concluded the meeting by recalling that there is urgency, that Canada is anxious to play a role and that it will be guided by the advice and suggestions of Dante Caputo. In the probable case where the sanctions did not have an immediate effect and worked in favor of the military, the minister remarked that it would then be necessary to explain why the sanctions are being maintained against Haiti.—Juliette Rémy, May 23, 1994.

Mr. BURTON of Indiana. I appreciate my colleague bringing those to the floor. As I said before, the gentleman from Pennsylvania [Mr. WELDON] put them in the RECORD, I believe, previously.

Let me just say this, if this is true, if this is true, Strobe Talbott, the Deputy Secretary of State, should be summarily fired, removed from his position, because they have intentionally put our young people in harm's way for political purposes and for no other reason.

Almost 80 percent of the American people did not want our young people sent to Haiti, because there was no national interest. Over 75 percent of the Congress did not want our young people in Haiti, and yet the President went to the United Nations and got the approval of Boutros Boutros-Ghali without coming to the Congress and decided by himself to send our troops down there.

Now we find out that he did it for political purposes, and it was planned back in the spring of this year.

I want to tell you, Strobe Talbott should be fired. I am going to send a letter to the President tomorrow signed by many of my colleagues, I am sure, asking for his resignation.

Mr. DORNAN. I will sign it.

Mr. BURTON of Indiana. In addition to that, the President should be taken to task if that was his purpose in putting our troops down there. They are in harm's way. Some of them undoubtedly are going to be killed or maimed, and this guy is doing it for political purposes. That is unthinkable, unthinkable.

Mr. DORNAN. Here, I say to the gentleman from Indiana [Mr. BURTON], is a line from these memos. Some of these memos are meetings with Mr. Caputo and the French Ambassadors up at the United Nations their staff. By the way, everybody up there is paid their massive salaries tax-free from every country in the world including the United States of America; actually, to get around theirs being tax-free, we pay their taxes, the U.S. taxpayer.

UNITED STATES TROOPS IN HARM'S WAY IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, we will just continue the colloquy started by the gentleman from Indiana [Mr. BURTON].

One of the memos that I put in before, and the gentleman from Pennsylvania [Mr. WELDON] has put in, here is a meeting between Daniel Caputo, who by the way answers to Boutros-Ghali as one of our American professional U.N. people up there, and he has a job, or, no, with Mr. Andre Ouellet, Foreign Affairs Minister of Canada, so he is meeting with big people up there.

Mr. BURTON of Indiana. If the gentleman will yield, as I understand it, Mr. Caputo has resigned his position at the United Nations because of this affair.

Mr. DORNAN. Yes; yes. I do not know he got around the confidentiality of these memos unless he was the one who declared them confidential, but the one with the French representatives up there is very definitive. The French say they do not want an invasion or occupation of their former French colony, two centuries ago, 1804, but it is the only French-speaking nation in all of this hemisphere except two little Canadian islands in the mouth of the St. Lawrence, and then the two colonies, Guadalupe and Martinique that answer directly with independent departments, the French call them, to Paris.

But listen to this again:

> The Americans will not be able to stand for much longer press criticism until August at the latest the criticism of their foreign policy on the domestic front. They want to do something. They are going to try and intervene militarily. Mr. Caputo predicts a disaster. The United States will make the U.N. bear the responsibility to manage the occupation. With Aristide as President, doing 2 or 3 years, there will be a hell. It will not be so much the armed intervention itself that we have to avoid. What we do not want to do is inherit a "baby" for the Americans are fixing to leave quickly. They would not intervene if they had to remain.

Clinton himself said on the news the other night we are going to be out fast. I am not going to give out names or even hint with States or titles, but a senior, senior high-ranking Democrat chairman, and I am not going to say subcommittee or committee, in the corner of the House in my presence, with two other Democrats that I respect were all there together, that he thinks we are in an absolute disaster, that Americans will be killed, and he says, "My party," the Democrat Party, "will take a bath in the elections on November 8 like we cannot believe." He looks right at me, and he does not care. I am not giving out any names. That is a fact. What a horrible thought to contemplate.

I am praying for a miracle that Plato is wrong that only the dead have seen the end of war. I am praying that with Aristide saying no amnesty on today's ticker tape, and I have got it right here, Raoul Cedras predicting a civil war in and around our young men and women, a civil war. I am praying for a miracle that God will not harm, allow to be harmed, or killed, one American soldier. It is going to have to be a miracle.

Fifteen thousand-sixteen thousand people from Cap-Haitien out on those two long peninsulas, on Gonave Island, and not have some American hit by a grenade or some loose fire from some wild firefight? This is a ghastly situation. I called it yesterday the La Brea tar pits. This mammoth superpower is like a woolly mammoth caught in the tar in a firefight. It is unbelievable.

Mr. WELDON. If the gentleman will yield, there are two points I wanted to make. I apologize for being late.

The first is we have been getting nothing but misinformation on the situation in Haiti, which really offends me.

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This mammoth superpower is like a wooly mammoth caught in the tar pit within a fire fight. It is unbelievable.

I yield to my colleague.

Mr. WELDON. There are two points I want to make. And I apologize for being late.

The first is that we have had nothing but misinformation on the situation in Haiti, which really offends me. As a member of the Committee on Armed Services, we have been asking for a closed briefing. Yesterday we finally got it. Strobe Talbott never showed up despite the fact he was listed as a witness. Many of us think it was because he thought we were going to caution him on the Caputo memos.

Mr. DORNAN. We sat there for 2 hours with an empty seat in front of the sign marked Strobe Talbott.

Mr. WELDON. Representing the Secretary of State.

The most damaging statement by Dante Caputo—and you have heard some of them. I have put these in the RECORD twice, once in July and once in September. Now, is when he is talking, and this is on May 23rd of this year, talking about another alternative to armed intervention. Dante Caputo replies, and I quote:

> The U.S. acted as a brake to a diplomatic solution, creating a situation where military intervention became nearly inevitable.

So here we are telling the American people we really want to have a diplomatic solution, when the United Nations special envoy to Haiti is telling Boutros-Ghali that the United States is putting a brake on diplomatic solutions. They wanted to go to military solutions. Then he predicts the actual timeframe when it will take place.

Now, as a member of the Armed Services Committee, what offends me is we would lose American lives in a military situation.

CONTINUATION OF UPDATE ON HAITIAN SITUATION

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

Mr. WELDON. I thank the Speaker.

Mr. Speaker, the situation here is very grave because we have young people in harm's way.

We know there is conflict right now. We know there is going to be loss of life.

The other major thing that we have been misled on, that the American people have been misled on, is the actual number of coalition forces in there with U.S. troops. In yesterday's closed briefing I asked Secretary Deutch, Deputy Secretary of Defense, at this point in time, 10 days after we entered Haiti, how many American troops are in Haiti? He said 19,000. I said, "How many coalition forces are there?" President Clinton told the American people it is a 24-nation coalition. He hemmed and he hawed. I said, "How many Mr. Secretary?" He said about two dozen. Where are they? I said, "Do you mean as in 24?" He said, "Yes. There are 24 coalition forces in Haiti," 11 days after we sent our troops in. And I said, I asked him where they were, and he said the coalition troops are inside the command headquarters. They are not out there with our troops on the streets.

I yield to the gentleman from California.

Mr. DORNAN. Listen to this statement we both have put into the CONGRESSIONAL RECORD of these Dante Caputo memos: "In the same fashion, the President of the United States' main advisers, led by Strobe Talbott," and this is important. Clinton's roommate in Oxford, he was actually sleeping on Strobe Talbott's floor. Going through the third dodging-the-draft process which is described, and I submit the article for the RECORD.

CLINTON AND THE DRAFT: A PERSONAL TESTIMONY

(By Strobe Talbott)

> This is a glimpse into the past—the fall of 1969—and into the lives of two Americans abroad, Frank Aller and Bill Clinton. I shared with them a sparsely furnished row house in Oxford. Frank was there to learn about Chinese history and culture; Bill's field, not surprisingly, was political science. But in addition to our formal studies, we were enrolled in a permanent, floating, teacherless seminar on Vietnam. Like many of our contemporaries, we felt that the war was profoundly wrong. Many of us had to decide what to do if we were ordered by our government to fight, kill, perhaps die for a cause we did not believe in. We talked about

that more than anything else among ourselves.

We were also engaged, although from a distance, in an angry, ugly debate that was going on back home. In the polarized climate of those days, each side impugned the motives of the other. Those of us who opposed the war didn't just disagree with those who conducted it—we often denounced them as fools, knaves, even criminals. I'm not proud of having marched to the cadence of "Hey, hey, L.B.J.! How many kids did you kill today?" For their part, supporters of U.S. policy were quick to charge dissenters with selfishness, cowardice, even treason.

I recall all this now, 23 years later, because that whole messy, divisive issue is back, along with the tendency toward cynicism and name-calling. This is happening because Clinton may become the first member of the Vietnam generation to be a candidate in a general election for the post of Commander in Chief.

Clinton and I have remained close since Oxford. I've always suspected that eventually his prominence as a political figure would require me to write about him. Readers are entitled to know if a journalist has personal ties to a subject of public attention. Therefore I've been prepared to acknowledge the bias of friendship the first time Clinton's name appeared under my byline.

But now that the day has come, I find that what also requires full disclosure is my knowledge of Clinton's attitude and conduct during the Vietnam War. What I know is quite different from what the electorate has been led to believe.

"Draft questions still plague Clinton," reported the Wall Street Journal on its front page last Friday. The item added that to fend off Republican attacks on this score, Clinton may feel compelled to pick as his running mate his erstwhile rival Bob Kerrey, who lost a leg and won the Congressional Medal of Honor in Vietnam.

Since shortly before the New Hampshire primary, Clinton has been accused of having dodged the draft. His opponents are hoping that impression will resonate with attacks on his character. That's politics, I suppose. But I've been disappointed to see how many of my colleagues in the press, in their coverage of Clinton, have referred to the matter as though draft dodging were proved. Well, it's not, and it can't be, because it's not true.

In the summer of 1969, after the first year of his Rhodes scholarship, Clinton was indeed casting about for some way to avoid going to Vietnam—not by evading the draft, but by taking advantage of one of a number of special deals that the system offered to young men who were well connected. One way was to enlist in the National Guard. That's how Dan Quayle was able to do military duty in his home state of Indiana.

An alternative was to join a Reserve Officers Training Corps program in graduate school. Clinton signed up for ROTC at the University of Arkansas Law School, which he intended to enter the following year: That would have exempted him from being sent to Vietnam for several years, by which time the war would probably be over.

As the summer went on, Clinton was increasingly unsure about the course he had chosen. He and I talked about his situation on a number of occasions by phone that August, when I was home in Cleveland and he in Hot Springs, Ark. He was troubled that while he would be earning an officer's commission and a law degree, some other, less privileged kid would have to go in his place to trade bullets with the Viet Cong.

In September 1969 he decided to withdraw from ROTC—specifically in order to put himself into the pool of young men liable to call-up. Back at Oxford, he asked his stepfather in Arkansas to notify his draft board of this decision. He was reclassified as 1-A or draftable, in late October.

In early December, Clinton explained his decision in a letter to Colonel Eugene Holmes, the ROTC director at the University of Arkansas: "I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been."

The letter to Colonel Homes, which was released two months ago, has only fueled the controversy. Ironically, it turns out that Clinton opened himself to the charge of draft dodging by doing just the opposite—by making himself subject to the draft.

A number of articles have argued, in essence, that giving up the ROTC option was a disingenuous, self-serving gesture, since Clinton was already safe from the draft. The heart of the case was summed up in the headline on a front-page article by David E. Rosenbaum in the New York Times on Feb. 14: Clinton could have known draft was unlikely for him.

Why? Supposedly because during that period, the Nixon Administration lowered draft quotas, decreasing the risk to those in the pool, and announced that graduate students would be able to finish their current academic year before being called. Furthermore, on Dec. 1, two days before Clinton wrote colonel Holmes, the government has held a lottery based on birth dates—the higher the number the lower the chance of being called. Clinton had drawn a lucky 311.

Against that backdrop, his letter to Colonel Holmes has been disparaged as an after-the-fact gimmick intended to establish a noble-sounding alibi for his maneuvering during the preceding months. The incident is being treated as evidence of how slick "Slick Willie" was even in his salad days.

At issue here is what lawyers call state of mind; How real was Clinton's concern that he might be drafted? The surmise that Clinton had nothing to worry about is based on more than 20 years' hindsight. It's a perfect example of how a partial recitation of the fact can lie, especially if it fails to take into account the tenor of the time when the facts occurred.

In the autumn of '69, no one who was at the mercy of the draft knew for sure who would be called up when and according to what procedures. The Administration's policy was constantly shifting, and its pronouncements were, from the standpoint of an antiwar 23-year-old, far from trustworthy.

Clinton showed up in Oxford that fall so uncertain about his future that he didn't even arrange in advance for a place to live. He camped out with various friends, including Richard Stearns, a Rhodes scholar from California who is now a superior court judge in Massachusetts. After living the life of an off-campus nomad, Clinton moved in with Aller and me.

Aller had already decided to resist the draft and remain in England as a fugitive from American justice. Clinton later referred to him, although not by name, in his letter to Colonel Holmes. "One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity."

I sat in on many long, intense discussions between Frank and Bill that fall. One particularly sticks in my mind. That November, we had a houseful of visitors, including a young woman from the U.S., whom I subsequently married. She found a turkey in a local market and prepared it for Thanksgiving. She used a recipe that required basting the bird every 15 minutes for four hours. She organized the crowded household for the task. Frank and Bill shared what was supposed to be the first shift and ended up so deep in conversation that they did the whole job. Perhaps because it was such an American holiday and they felt so far from home in so many ways, they talked on and on about whether real patriotism required submitting to the draft or resisting it.

The hell of it was, there was no right answer. If you obeyed your country, as Bill had concluded he should do, you'd be contributing to its greatest folly. If you followed your conscience and defied the law—Frank's choice—you would be causing pain, even disgrace, to your family and outrage in your community back home.

Those, like myself, with medical deferments had our own, less muscular demons to wrestle with. My gimpy knee was enough to keep me out of the Mekong Delta but not off the squash courts and playing fields of Oxford. As a beneficiary of the capriciousness of the system. I felt relief, of course, but also a moral discomfort that bordered on guilt, specially when I listened to Frank and Bill discuss the ethical implications of their 1-A classifications.

While very clear in my mind, these are recollections from more than 20 years ago. But there's at least one document that has not come to light before. It is a letter Clinton wrote to Stearns on Sept. 9, 1969. It's full of articulate ambivalence, expressing confusion, self-doubt, even self-recrimination. The principal reason for the anguish is the one he stressed to me in our phone conversations during the preceding weeks: after arranging to go to the University of Arkansas (which he mocks in the letter as "The thing for aspiring politicos to do"), he spent the summer in his hometown, "where everyone else's children seem to be in the military, most of them in Vietnam." He felt he was "running away from something maybe for the first time in my life." As a result, he describes himself as being in "mental torment," adding that "if I cannot rid myself of it, I will just have to go into the service and begin to root out the cause."

He writes that he is on the brink of a decision to abandon the ROTC shield from the draft: "I am about resolved to go to England come hell or high water and take my chances." He is not referring to the risk of being run over by a double-deck bus on the Oxford High Street.

In tone and content, this letter is totally consistent with the now famous one that Clinton wrote to Colonel Holmes three months later. Together, the two letters bracket the period when Rosenbaum and others suggest Clinton as confident that he had successfully dodged the draft.

After withdrawing his name from the University of Arkansas, Clinton applied to Yale Law School. In the spring of 1970, the Rhodes administrators circulated a questionnaire to determine which scholars were planning to return for a third year at Oxford. Clinton's answer: "Perhaps. If not, will be entering Yale Law School, or getting drafted."

Such was his state of mind. Frank's was even more tormented. Like Bill, he had initially decided on one way of coping with the dilemma posed by the war and the draft, then had second thoughts. After a miserable

year, he concluded that it was a mistake to cut himself off from his family and his country, so he went home to Spokane to sort out his life. He was unable to do so. On Sept. 12, 1971, he killed himself. I called Bill with the news. There was nothing slick in his grief.

It completely weaves a false tale involving this whole period. Here is what Caputo continues to say:

The President of the United States's main advisers, led by Strobe Talbott, are of the opinion that not only does this option constitute the lesser evil but is politically desirable, and we think the current opposition of public opinion to nonintervention will change radically once it has taken place.

Now, there was a short bounce, and now the American people are going, "Oh, oh," they are seeing the bloody carnage which looks like a mortar shell in Bosnia—this is the biggest grenade I ever heard of—to kill 5 and maim 9 or 10 others. We are doing this for a politically desirable option, and then we are going to get out, dump it in the United Nations. It goes on to say this will end the talk that Clinton is indecisive.

Mr. BURTON of Indiana. Another big problem is that Strobe Talbott lied to a congressional committee. Now, he is the Deputy Secretary of State, and he came up here and lied to a congressional committee. He ought to be summarily fired. If he is really doing what the President wanted and he did mislead the American public, the President should be taken to task.

I would ask my two colleagues tomorrow to join me in a letter to President Clinton asking about these issues, and if they are true, that Strobe Talbott either resign or be removed summarily.

Mr. WELDON. I do not disagree with the gentleman. I think we owe Strobe Talbott the ability to respond. But I can tell you in a closed briefing with eight Members who are in JACK FIELDS's office in late August about the Coast Guard situation, the representative of the National Security Council in the White House, in direct response to my question about these memos, said, "We have no comment." He did not say we deny them, he did not say they were false. He said, "We have no comment." This was in August of this year.

Now all of a sudden we look at these memos and I sent about 300 copies of these across the country to people who have asked for them. Two different memos and two notes of meetings that were held. These memos lay out exactly what is happening. So the United Nations knew back in May we were going to go in there with our troops. The United Nations knew we were going to not allow sanctions to work. Here we are and now we find out we are also paying all of the costs. When these other troops come in, the American taxpayers are going to pay the full bill, 100 percent of all the costs. We are paying for the guns they are buying back.

Mr. DORNAN. At $50 a pop.

Mr. WELDON. The United States is sustaining the bill up to $1.5 billion.

Under questioning yesterday, Secretary Deutch said, "Well, the estimate is $800 million, but that is high. Internal Pentagon documents have shown that this could cost us $1.5 billion, American money only, not U.N. money, American money." This is an outrage.

Mr. DORNAN. The gentleman and I as of the midafternoon were supposed to be going with one of the leaders on the other side that we think very highly of, going to Haiti on Saturday. Now I understand it is iffy, that they may only take one Republican, a freshman. And I think he should go. He has the 10th Mountain Division.

I want to go down there to understand where all these foreign nations are down there that are supposed to politically take up the heat once we are out of there. And nobody in this country can give us a price tag, as the gentleman just said. They are paying $300 for rockets; not one has been turned in, not a single one; $100 for automatic weapons; none have been turned in. Just old rusty rifles so far.

If Cedras is right, and there are those who would take vengeance, he has $39 million in the bank. What Catholic priest, excommunicated or self-excommunicated, has $39 million to spend?

FEE SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, today in the House of Representatives we passed a bill dealing with lobbying. There has been a lot of criticism of this bill, much of it justified. I voted for the bill because I believe it is necessary for us to remove any perception of wrongdoing on the part of the Congress in any dealings with lobbyists or with friends, others who may in some way give us gifts or assist us with travel.

I think we have to have a squeaky clean operation in the Congress, and I support that. I rise tonight to speak briefly about something else that I believe is an important issue which must be addressed.

Again, it may not involve any wrongdoing, but it certainly involves the perception of wrongdoing. It is an issue that I have struggled with for some time.

It has come to focus in the last few weeks with an article in the September 12 issue of the New Yorker. I notice that Representative MILLER circulated copies of that to our colleagues today. But I read the original and decided at that time to speak on it before this body.

The title of the article is "Fee Speech," not, free speech, but fee speech, "free" with the "r" removed.

Mr. Speaker, this article talks about members of the media who are very critical of the Congress for any perks we have, real or imagined, and who are very critical of the honoraria that Members of Congress used to receive. In fact the bill we passed today not only prevents us from receiving honoraria, which was already prevented, but also prevents us from receiving honoraria designated to charitable institutions when we speak to a group. I think that is going too far, but that is a side issue.

But in this case I am speaking about the honoraria or the fees that reporters receive for speaking to groups about Congress, and speaking about issues of national importance.

This is an important issue. It is not negligible. I found it very interesting, as the article points out, that Sam Donaldson of ABC displayed a certain ethical obtuseness by noting that just 4 days earlier, before this reporter's writing, "Prime Time Live," which Sam Donaldson coanchors, had attacked the Independent Insurance Agents of America for treating congressional staff people to a trip, this is not even congressmen, but congressional staff people, to a Key West trip.

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Yet several months earlier the same insurance group had paid Donaldson a $30,000 lecture fee to speak to that group.

I can go through the many other examples here, and I will take time at some later date to do that, but the point the article makes is that many reporters, not just Sam Donaldson, but many reporters, speak to the same groups that we deal with, lobbying organizations, associations of businesses. They speak to these organizations for exorbitant fees ranging from $7,000 per speech up to $35 or $40,000 per speech, and yet they are reporting on the activities of those very same groups, they are reporting on the issues that these groups are lobbying in the Congress about, and what is fascinating is that the reporters who receive these amazing fees for speaking to these groups think there is nothing wrong with it. Their defense is, as Donaldson says:

I believe it's not the appearance of impropriety that's the problem. It's impropriety.

And yet this is the same profession that says we must not display any appearance of impropriety.

There are others who, when asked about this practice of theirs, say, "It's none of your business," and when Fred Barnes, who appears in the McLauglin Group and other areas, was asked how he would respond to a question posed by Members of Congress, he said:

They're elected officials. I'm not an elected official. I'm not in government. I don't deal with taxpayers' money.

And Wolf Blitzer, CNN senior White House correspondent, when asked what

he would say to a Member of Congress who asked how much he made speaking and from which groups, said:

I would tell a Congressman, "It's none of your business."

Now frankly I think it is the people's business when we have people in the national media accepting very large speaking fees from organizations and then speaking to the American public through print, through the electronic media, about these various issues. Frankly, the Congress has very little power, and individual Congressmen have much less power, than a major network news person. They have a much greater impact on public policy and on shaping public opinion, and I believe it is time for us to recognize that and talk about possibly disclosing the fees that these figures receive.

Mr. Speaker, I appreciate the opportunity to address the body, and I will amplify on these remarks at a later time and go into them in greater detail.

NAFTA

The SPEAKER pro tempore (Mr. ROEMER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 30 minutes as the designee of the majority leader.

Ms. KAPTUR. Mr. Speaker, this evening I would like to place in the RECORD information that is not available in the nation of Mexico, or at least not able to be placed in the press, and the purpose of my special order this evening concerns the North American Free Trade Agreement [NAFTA] and, as we promised, we would provide information to the American people as we saw this trade agreement implemented.

We have heard about the so-called benefits of NAFTA, and there has been quite a campaign in this country since its passage last year and implementation starting January of this year to try to convince us that it was all good for us. Well, nobody seems to be talking about the millions of people, ordinary Americans, and Mexican workers and farmers, who have seen none of the benefits of NAFTA, and tonight I would like to speak on behalf of them and give a human face to this trade agreement.

The real side of the NAFTA story needs to be told. Let us call it the big picture. In fact, since NAFTA's passage America's historic trade advantage with Mexico has declined by one-third already this year. That is compared to past years when we had a much greater surplus. At the same time investment flows have been leaving our country and going to Mexico at a much faster pace. That means investment that could have occurred in this country but in fact has been moving south. Foreign investment has expanded in Mexico by over one-third, with over 60 percent of that new investment coming from our country even though here in our Nation we have one of the worst savings and investment rates in the world. The number of factories which have already left the United States this year for Mexico and the number of United States workers left in their wake is an untold story.

According to the Department of Labor and the NAFTA trade adjustment assistance program, already our country has lost over 224 more factories to Mexico. That is one factory a day since NAFTA's passage and over 8,000 more of our citizens are out of work because of NAFTA. And in fact, if you look at what has been happening with all of this investment in Mexico and the expansion of plants down there, what has been happening is the continued development of an export platform, goods being manufactured there and then shipped back into our country. And some people would tell us that all this would be good because in fact the Mexican people would earn more money and they would be able to buy the goods that they are making, except what do the numbers tell us for this year? The numbers tell us that the productivity of the Mexican worker has been going up at skyrocketing rates, increasing by 64 percent just this year. And their wages? Well, their wages have been cut by another third. In terms of real buying power today they have less than they did a decade and a half ago.

The environmental mess at our borders grows every day, and the problems associated with even greater numbers of Mexican citizens apprehended at our border, due to trade policies that ignore people, only increase. From October of last year to June of this year more than 730,000 Mexican citizens were apprehended by our United States Border Patrol attempting to gain entry into our country, more than ever before. The political instability, largely caused by poverty in Mexico, and the lack of buying power looms a serious challenge for long-term stability on this continent.

NAFTA truly has been a bad deal for ordinary Mexicans. Just ask them. Poverty has grown for 40 million Mexicans over this last year, especially those being thrown off their land, while the 24 most wealthy Mexican individuals, billionaires, saw their wealth increase by over 100 percent. On the other hand, the 24 most impoverished municipalities in Mexico have on average an illiteracy rate of over 67 percent, with more people, the poor from the countryside, being divested of their farm production, moving into these swollen population centers that are just teeming with people in dire poverty. Eighty-seven percent of these people lack sewers and drainage systems. Eighty-seven percent have no electricity. Eighty-four percent have no running water. Ninety-five percent have dirt floors in their homes. If you have ever traveled there, you know that. Ninety-one percent earn little more than the minimum salary of about a dollar an hour.

The big picture can be numbing, and a human face needs constantly to be placed on these trade numbers, and tonight I want to talk about that more personal side, a story about the labor abuses in Mexico and of bureaucratic ineptitude right here in Washington, in our Nation's Capital. I am speaking of the historic first case of labor abuse under the NAFTA accord brought forward to the National Administrative Office known as NAO, administered by our U.S. Department of Labor and how that office has mishandled those cases because the law and the treaty is so poorly drafted.

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It is my belief that the cases of Honeywell and General Electric, which I will document tonight, are representative of what has always been wrong with NAFTA and trade agreements like it, which do not balance corporate profits with decent treatment of people.

Within weeks of hosting a tour of United Electrical Workers, electrical workers from Pennsylvania and Ohio, 11 workers from General Electric's Compania Armadora plant in Juarez, Mexico, were fired for trying to organize a free trade union. That is one not controlled by the government of Mexico, on December 2, 1993.

After protests from union locals in the United Electrical Workers and from citizens in Mexico, General Electric claimed to have afforded reinstatement to 6 of the 11 workers who were fired. It was later determined that General Electric never even contacted the 6 workers to offer them reinstatement.

This evening I would like to provide to the RECORD a photo entitled "General Electric's Mexican Labor Relations Strategy: You're fired." This was in the United Electrical Workers newsletter. A subhead read "6 of the 11 General Electric employees in the General Electric plant in Juarez have been fired for trying to organize a union at the plant."

And what is interesting, some of these individuals we have talked to, and I am providing their names for the RECORD tonight. This is a story that did not make it on the front pages of our paper, but this is a very historic story, because these are people of true courage.

General Electric, a corporation incorporated in this Nation, with stockholders around this country, has blocked independent trade union organizing activities at this company, Compania Armadora, by restricting workers' access to organizer and union literature.

More seriously, General Electric recently terminated or pressured into voluntary resignation over 100 workers, including a young woman who came to the United States to learn how to organize a workers' union in that plant.

This is widely perceived as an effort by General Electric to rid itself of senior workers in that country of Mexico who speak up for better wages, for more purchasing power, to get something for the work that they put in, or who complain about shop conditions, and union activists.

As detailed in an article by David Brauer in the Twin Cities Reader, the Honeywell case is similar to that of General Electric and thousands of other United States and Mexican workers. In the past decade, membership in the local union representing the Twin Cities Honeywell assembly workers has dropped by more than 3,000 workers. Approximately 6,000 nonunion workers have replaced them, putting together what that company makes, air filters, thermostats, and air conditioner switches at so-called maquiladora plants near the Mexican-American border.

A woman named Ofelia Medrano was one of the Mexican workers for Honeywell until last November 25th, Thanksgiving day in our country, when Honeywell fired her and 22 other employees at its Chihuahua plant just 8 days after NAFTA passed Congress. Ofelia Medrano was fired because she tried to organize an independent union, a rare thing in Mexico, where most unions are controlled by that Government and where people fear speaking out for their own rights and their own dignity as workers.

The Honeywell and General Electric cases are important, because they are the first to be filed with the National Administrative Office, the office set up under the NAFTA side agreements here in our country to monitor labor abuses in Mexico, which are overwhelming.

Given the importance of these two cases, one would assume that our Government would have paid special attention to their handling. Instead, our Government has treated the cases with a patent disregard for the principles and the people involved.

I know that my colleagues have much to say on the subject of how our Department of Labor and NAO specifically handled the Honeywell and General Electric cases. But let me just state a few of the criticisms.

The actual companies were not required to appear at the hearing. Even after a promise was given for permitting media coverage during the hearing, this was disallowed at the last minute. This is happening in our country.

There was no simultaneous translation available, thus cutting the time for people who had traveled so very far from Mexico to properly state their case. They were limited to a very short period of time.

Although the date for the hearing was finally changed due to pressure from this Congress, the hearing was initially scheduled for the week leading up to the Mexican presidential election, which would have precluded the attendance of any Mexican representatives who were busy trying to participate in elections in their own country.

The hearing was held here in Washington, making it extremely difficult for Mexican workers who earn $1 an hour to attend, a very long way away from where the problem occurred.

Finally, our Government refused to commit adequate funds for a proper hearing to be held. Of course, even if abuses were documented during the hearing, the NAFTA agreement is such a toothless tiger, it has no enforcement. So all that can happen under the agreement is these people, who take their own futures in their hands, come here to our country in hopes that someone here will listen to their story.

These are just some of the criticisms of the manner in which this particular first hearing was handled, and, by extension, our administration so poorly handled these first hearings, there is no doubt in my mind that they gave hope to those who wish to perpetrate more labor abuses in Mexico.

The administration talked a great deal about protecting the rights of Mexican workers and American workers during the NAFTA debate, but their actions betray their true sentiments since NAFTA.

The supporters of NAFTA sold the trade agreement as one which will benefit ordinary Americans and Mexicans. But when questioned about tying American high-wage, high-skilled jobs to the lower wages and standards prevalent in Mexico, the answer was given that Mexican wages were sure to increase, and eventually match those of the United Electrical Workers States because of productivity gains. The question remains, however, how can Mexican wages ever be expected to increase, when Mexican workers are powerless to collectively bargain, to organize, or even to peacefully demonstrate to improve their working conditions and express their grievances? How can wages really go up in Mexico, unless our Government is able to be a force for a better way of life in that country as well as our own?

Equally disturbing is how U.S. workers are asked to sit idly by as their jobs continue to be shipped further south. If this administration is truly concerned about the plight of our workers and Mexico's workers, it can begin at least by giving those who have suffered the worst abuses under NAFTA a fair and a very thorough hearing.

For purposes of the record, I would like to read the names of those Mexican workers fired by General Electric for trying to organize a union at the General Electric Compania Armadora plant in Ciudad Juarez, Mexico.

From left to right, those who were fired, and these are true leaders of ordinary people fighting for their own rights, are Fernando Castro Hernandez, who came to testify at the hearings in Washington and was given so little time; Jorge Cobarrubias; Roberto Valerio; Gerardo Baltazar Olaya; Manuel Gomez; and Apolonio Talamantes, who is kneeling.

In their own country, they are given no opportunity to be known. I hope as the American people listen tonight, I hope you will know them, and I hope your hearts will be with them, and I hope in the future our Government is able to stand up for decent working conditions and fair treatment of people, regardless of which side of the border they live on.

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INCREMENTAL REFORM

The SPEAKER pro tempore (Mr. ROEMER). Under the Speaker's announced policy for February 11, 1994, and June 10, 1994, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 30 minutes as the designee of the majority leader.

Mr. MCDERMOTT. Mr. Speaker, as you are aware, I have made an effort to talk on a regular basis about various issues in health care reform. Tonight I want to talk about the suspension of health care reform in this session of Congress.

And I want to talk about how we cannot allow themselves to be distracted in the next session of Congress, as we were in this session, by the false promise that incremental reform, health insurance reform, somehow will get us part way to our goals.

We cannot be distracted by the notion that we can avoid giving every American health insurance that can never be taken away.

Now some people are saying it will be harder next year to guarantee every American health insurance that can never be taken away. Some people are saying we can only take small steps. A lot of people have convinced the American people that true health reform really cannot happen.

Mr. BUYER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. MCDERMOTT. I yield to the gentleman from Indiana.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUYER. Mr. Speaker, my question is, on Special Orders, that the Special Order was yielded to the gentleman. However, the gentlewoman

from Ohio is no where in the well. Is the gentlewoman supposed to stay here and be present in yielding 30 minutes to someone else on other issues, when I have reserved the time?

The SPEAKER pro tempore. Under the Speaker's announced policy, each party leader has an hour to designate to their individual speakers. Under this arrangement, the gentlewoman from Ohio was designated by the majority leader for 30 minutes, and the gentleman from Washington was designated by the majority leader for 30 minutes, a total of an hour.

The gentleman from Indiana will be recognized shortly for a portion of the minority leader's hour.

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

Mr. McDERMOTT. Mr. Speaker, it is pretty clear that the advocates of incremental reform will be back next year trying to convince the American people that we can do health reform without universal coverage.

Well, I am here to tell you that those people are wrong. The reason incremental reform did not pass this year is because no one could figure out a way to do affordable insurance reform without universal coverage.

Every proposal for insurance reform alone without universal coverage would have caused private health insurance premiums to increase. The truth is that universal coverage is the foundation of affordable health care.

By the year 2000, health insurance premiums are expected to double. And as premiums go up, more and more people will lose coverage because their employers won't be able to provide it—and people simply will not be able to purchase it by themselves.

The inability of incremental reform to solve these problems is not going to change. So we have to start over, we have to return to the basics, and do this right in the next session of Congress.

So let's return to the basics.

When we started the reform process almost 2 years ago, we shared a vision—of a health care system financed by everyone and covering everyone.

We had a vision of a health care system that was fair and ended the cost-shifting that business and those with health insurance no longer can sustain.

We envisioned providing our people with health coverage so secure that they could devote themselves without distraction to their families and their jobs.

We envisioned a health care system that would grow at a predictable rate so that the rest of our economy could flourish.

The question is: Has anything happened since we began this process to justify abandoning health reform goals of universality, affordability, security, and choice?

Are more people insured today? Are more employers providing insurance? Are health care costs declining? Are citizens enjoying increased choice of providers and receiving better continuity of care? Are administrative costs declining? The resounding answer to these questions is "no."

In fact, more people have lost insurance since 1992, bringing the total of uninsured to almost 40 million. More employers are dropping insurance and when people change jobs, their new employers are less likely to provide comparable health benefits.

Health care costs continue to rise, assuring that health insurance will be unaffordable to Americans who do not receive it through their employment. Those Americans who do have insurance are increasingly unable to choose their doctors and hospitals.

Involuntarily forced into managed care plans selected by their employers, more Americans lose their doctor every time their employers change plans—a source of increasing anxiety and frustration.

This trend continues against the backdrop of soaring administrative cost within the insurance industry. The nation's largest managed care companies now devote nearly 30 percent of premium dollars to administrative overhead and profit.

The question is: will incremental reform do anything to address these fundamental problems or will it make things worse?

Having examined the existing proposals, I have concluded that they not only will make things much worse—reducing coverage, increasing costs, further eroding choice for our citizens—but that in fundamental ways they will set back the course of health reform 30 years.

I want to make clear why insurance reform as currently conceived will represent a giant step backward.

The element of incremental reform that has attracted a great deal of attention is the effort to make sure that people who have medical problems will not continue to be prevented from buying insurance. The phrase used to describe this is limiting exclusions due to preexisting medical conditions.

The problem is that this approach will only work if it is applied in a system in which there is universal coverage.

Universal coverage is the foundation of successful health care reform. We cannot construct any reasonable shelter unless it is built on that foundation. Put another way, universal coverage is the big tent.

With universal coverage, everyone can fit into the tent. People with preexisting conditions are in the tent and have health insurance coverage. With universal coverage, your health insurance moves with you when you change jobs, so you stay in the tent.

With universal coverage, you can get cost-containment and insurance premiums become more affordable because insured people are no longer paying for someone else's bad debt—and everyone can stay in the tent.

But if you try to eliminate preexisting condition exclusions without universal coverage, insurance premiums will increase. People with preexisting conditions may no longer be technically excluded—they simply will not be able to afford the price of the insurance policy.

Without universal coverage, there is no way to keep healthy people in the insurance system. The tent gets smaller. As a result, when people with preexisting conditions finally buy insurance and healthy people leave the insurance pool, the risk pools worsen, premiums rise, fewer individuals and employers can afford the price of buying health insurance and people lose coverage—they have been forced out of the tent.

Whatever we do in health care reform, we must assure that health care becomes more affordable or it is inevitable that people will lose coverage.

Only universal coverage makes insurance affordable. Without it, we will never be able to spread the risk of insurance to keep costs low and we will never be able to control cost-shifting—the means by which the insured patient pays for the debt of the uninsured patient.

And unless we stop cost shifting, cost containment throughout the entire system is a pipe dream.

Without universal coverage, someone is uninsured. And providing care to the uninsured is terribly expensive because they are simply too sick by the time they seek care.

The uninsured patient is like the leak in the dike. Either you fix the dike or you face the flood, and without universal coverage the flood is uncontrollable health care costs.

The element of incremental reform that is supposed to at least get the Nation on the road to universal coverage is the subsidy program that would give people vouchers to help them buy private insurance. But the way the incremental proposals pay for those subsidies will cause many Americans to lose coverage they already have.

How would these proposals pay for the subsidies to help people buy insurance? They would cut the Medicare Program, our national health insurance program for senior citizens and the Medicaid Program, our national/state health insurance program primarily for mothers and children.

This is just robbing Peter to pay Paul, except at the end of the day, fewer people will have insurance coverage and the robbery will create great disruption in our health care system.

Assuming that you could overcome the enormous hurdle of administering voucher subsidies on an individual

basis to well over 100 million Americans—a task that is completely unnecessary in a single-payer system—a subsidy program could work to expand coverage if: the level of the subsidy were sufficient to assure that the voucher actually could pay for an adequate insurance policy and people knew they could count on the vouchers if they needed them.

None of the proposals for incremental reform designs a voucher system that will actually pay for insurance policies or be there when you need them. They all tie the funds available for subsidies to deficit reduction, resulting in an inadequate and unstable subsidy program.

The George Washington University Center for Health Policy Research determined that under incremental subsidy proposals, a family earning a total of $23,780 per year still would need to spend more than 16 percent of its gross income on health insurance.

The linkage between financing and subsidies in the incremental proposals are particularly destructive. The incremental proposal in the House proposal terminates the Medicaid Program removing the guaranteed safety net of medical care in this country.

It is replaced only with a conditional subsidy program that will fluctuate from year to year: People may be eligible in 1 year but not the next or may have a voucher that will actually purchase an adequate policy—or may not. Literally millions of people—mostly mothers and children—who have some protection now will be placed at risk.

Because these proposals are more concerned with reducing the deficit than expanding coverage, the subsidies are financed with cuts in the Medicare and Medicaid Programs. Contrary to the widespread claims, these cuts are not just reductions in payments to doctors and hospitals, but include real cuts in services.

For example, under the financing package which forms the basis for the financing discussions by the minority Members in the other body, the Early and Periodic Screening, Diagnosis and Treatment Program for children—the foundation of child health care in this country for 30 years—would be terminated while the House proposal ends the early childhood immunization program.

The proposed cuts will affect directly more than 1 million infants, toddlers, and school-aged children who suffer from chronic diseases and physical and developmental disabilities and require health care programs to succeed in school. The cuts in programs serving disabled adults will affect hundreds of thousands of adults who rely on health care services to remain employed.

It is important to understand that the cuts affect more than the patients these programs are designed to serve. Major health care institutions and community-based providers rely on Medicaid and Medicare for their survival.

Children's hospitals rely on Medicaid and Medicare payments for between 40 and 70 percent of their revenues. It is doubtful that one children's hospital in the country would survive this disruption in its financing.

Rural health clinics and public health agencies offering primary care services as well as the Nation's teaching hospitals all depend to a great degree on Medicaid and Medicare.

Yet, under the financing package proposed in the Senate by opponents of universal coverage, Medicaid coverage of rural health clinics and federally qualified community health centers would be eliminated, costing these clinics an enormous proportion of their operating revenues.

The combined effect of these financing provisions cuts into the heart and soul of the entire pediatric health care system in this country. Even the wealthy will not have access to care if major providers cease to exist.

Public hospitals and many urban hospitals would be devastated by this reduction in funding. The only option for those hospitals that have a private patient base would be to shift costs onto the privately insured, causing health insurance premiums to skyrocket.

Mr. Speaker, I cannot understand how anyone can defend an approach to health care reform that weakens what little security our system currently provides. Is this what health care reform was supposed to do?

Is eliminating children's health care institutions, academic health centers, and the major providers of rural health care in this country a step forward?

Of course not. These proposals take us 30 years back. What they fail to recognize is that we just cannot turn the clock back 30 years and pretend that nothing has happened in the interim.

We simply cannot contain costs in the public health care system alone without creating huge distortions throughout the entire system.

The effect will be massive disruption in the delivery system as a whole, significant increases in private health insurance premiums, particularly to small businesses, and dramatic and visible reductions in access to care.

What insurance reform and a subsidy program as directed by the minority in the Senate and House offer the American people is subsidy programs that are illusory, unstable financing, the elimination of existing health coverage, narrow risk pools, and a health care system plunging further into chaos—all of which will lead to higher health insurance premiums.

And in all of these proposals there is not one word that will protect the American people from the disruption in the patient/doctor relationships that people now experience at the hands of their changing health plans.

These incremental proposals simply enable insurance companies to complete their takeover of the health care process.

But more importantly, nominal incremental reform delays us—possibly for years—from confronting the real problems while we wait to see the clearly predictable consequences of incrementalism unfold.

The cost of intervening later will be much, much higher and the toll taken in human suffering much greater.

But Mr. Speaker, I want to be absolutely clear about what has happened to health care reform in this session of Congress.

This is not the failure of comprehensive reform. This is the failure of incremental reform.

We were tempted, Mr. Speaker, by the promise that universal coverage was not necessary right away, that we could do other things first.

So we put comprehensive reform and universal coverage to one side while we tried these other things. And what happened, Mr. Speaker, is that no one could come up with a plan for incremental reform that did more good than harm.

What happened, Mr. Speaker, is that we learned that we must have universal coverage before we can do anything else.

What happened, Mr. Speaker, is that we learned that we took a false road in the hope of finding a shortcut and now we have to return to the right road.

There are no shortcuts here. We learned that we have to come back and provide universal coverage or nothing else will work.

Mr. Speaker, as difficult as the past 2 years have been for the American people and for the Members of this Congress as we truly struggled with this issue, I believe the 2 years were worth learning the lesson that halfway measures and shortcuts will not work.

So when the advocates of incremental reform come back again to attempt to obstruct real solutions with promised shortcuts, the American people must be prepared to defend universal coverage by asking tough questions.

To the opponents of universal coverage, we must ask:

If I change jobs, how can I afford to take my health insurance with me if my employer does not contribute to the premium? I can pay $6,000 for a health policy today on my own and get insurance. Isn't incremental reform just saying, "Go buy insurance"? Why is that reform?

Even if I can technically buy insurance with a preexisting condition, how will that help me if I can't afford the premium which will be $12,000 a year for a family by the year 2000?

How can I keep my doctor if my employer changes health plans?

Where will I go for health care if my rural health clinic or the children's hospital has closed?

Where will I get my health care if providers won't accept Medicare patients anymore?

The incremental proposals have no answers to these questions. And the reason is that universal coverage lies at the heart of the answers.

Providing universal coverage in America is not Mount Everest. In fact, it is not even a hill. We already have the delivery system. We already conduct the research. And we already spend the money. We simply are trying to adjust our already oversized health care system to serve all of our citizens.

To say that we are the only Nation in the industrialized world that cannot provide affordable universal health coverage is unworthy of the American people.

Winston Churchill observed that "you can always count on the Americans to do the right thing—but only after they have tried everything else."

When it comes to health care reform, we have tried everything else, and it now is time to do the right thing. We can do it, and I intend to come back again in the next session of Congress to do just that.

□ 2100

HAITI

The SPEAKER pro tempore (Mr. ROEMER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BUYER] is recognized for 60 minutes as the designee of the minority leader.

Mr. BUYER. Mr. Speaker, I come to the House floor tonight to discuss an issue that has been discussed a lot here on the House floor, not really in forms of debate, not in forms of hearings that have occurred in any of the committees except for one recent discussion today in the Committee on Foreign Affairs room on the Torricelli bill, or actually resolution.

I came to the floor to discuss Haiti. The only way I can really begin to discuss Haiti is starting with the history of Haiti. Then I want to discuss the President's foreign policy, some indecisions at the White House, the characterization of problems with regard to Haiti intervention, I will list 3 points. Then I want to discuss where we go from here.

Haiti, we have to understand, was established in 1804 after a slave revolt against the French. It was ruled by ex-slaves. The political system was full of problems from its inception. Twenty-two different dictators ruled Haiti from 1843 to 1915. Of these, only one served out his term. Many were forcibly removed from office, three died in office, one was blown up, one was poisoned, one was hacked to death and one resigned. Between 1867 and 1910, there were 8 United States military interventions in Haiti to save foreign lives and property.

In 1915, President Wilson sent the United States Marines when Haitians revolted, dragged their then President from his palace and killed him. Three thousand marines occupied Haiti and met some resistance. The marines began a long term of nation-building projects building roads, installing sewer systems, had a telephone system, forming and training and leading the Haitian police force and running vital governmental functions. A revolt of peasants from 1920 to 1922 resulted in 3,000 Haitians and 1,400 Americans dead, so history says. This caused public opinion both in Haiti and in the United States to turn against the occupation. In 1934, the marines left Haiti, no more prosperous in the democratic forum than it was in 1915.

Haiti continued to suffer through a series of dictators until 1957 when six regimes rose and fell in 1 year. On the edge of civil war, Francois Papa Doc Duvalier took over power. This began a corrupt and murderous regime that was so infamous that President Kennedy cut off aid to Haiti in 1963. Papa Doc turned over power to his son Baby Doc in 1973 and the atrocities continued until 1986 when Baby Doc was forced into exile. From 1986 to 1991, six more regimes came and went until Jean-Bertrand Aristide was elected in early 1991 only to be overthrown by a military coup later that same year.

That is the history of Haiti. Let me shift to the President's foreign policy and I will return to the history.

President Clinton's foreign policy is based on an idea of enlarging democracy. One of President Clinton's national security staff Morton Halperin wrote in an article for Foreign Affairs last year that:

> When people attempt to hold free elections and establish a constitutional democracy, the United States and the international community should not only assist but should guarantee the result.

He also wrote in this article of guaranteeing democracy that an international guarantee clause will be credible only if key countries including the United States commit to using force to restore or establish constitutional democracy.

They spell this out, when you read this article, you get a good blueprint of the President's foreign policies, especially with regard to Haiti. The analogy is, here in the United States, we have a guarantee clause in our Constitution. The guarantee clause would be that when there are other States out there, if there is a State that seeks to change from a republican form of government, the guarantee clause will ensure that all other States will make sure that that State that seeks to change is not allowed and will guarantee a republican form of government. That is what we have in our Constitution.

What Mr. Halperin is suggesting is that in our international agreements, we should have a guarantee clause. Now, think about this. We have a guarantee clause in our U.S. Constitution. Morton Halperin suggests that we should have international guarantee clauses in these agreements. So if there is a country out there that wants to turn democratic, the credibility from an international guarantee clause would be the use of force. So in order for that to occur in his thesis he says that we, the United States, must give up our unilateral abilities to act in the world and only move in a multilateral force. What that means is that we in the United States would give up our unilateral abilities and move to the United Nations and allow the United Nations to move in a multilateral force to guarantee democracy abroad in other countries who seek to be democratic. That is exactly what is occurring with Haiti.

I encourage anyone to read Morton Halperin's article on guaranteeing democracy. You begin to understand what is occurring in the White House. I do not question the sincerity of the President or his national security advisers on what they are trying to do. If you read this article, you begin to understand much better how they are seeking their process. I do not agree with it. I do not agree at all with it. But you begin to understand much better where they are coming from.

I think it is difficult to establish a consistent and workable foreign policy that is based on such a utopian ideal. In 1991, the United States went to war in the Persian Gulf not only to stop the aggressor nation from overwhelming the peaceful neighbor of Kuwait, but also to protect the world's oil supply and to seek stability in a region of the world in fact which was unstable. In doing so we protected one autocratic regime, Saudi Arabia, and rescued another, Kuwait. These were not democracies, yet this action was in our United States vital national security interest.

□ 2110

In 1992 Algeria was about to elect a Moslem fundamentalist government that was hostile to the United States. The military overthrew the fundamentalists. I doubt that it would have been in America's best interests to uphold this democratic fundamentalist regime.

In Nigeria last year the elected civilian leader was jailed by the military, yet we did not intervene in that nation, and the military remains in charge.

If we follow this utopian ideal set out by Mr. Halperin, which they are following at the White House, we could find ourselves engaged in many places throughout the world. I believe we should return to a pragmatic foreign

policy that is based on protecting America's vital national security interests. American military forces should only be deployed when those interests are truly threatened, and also to protect and save American lives abroad.

In remarks to the National Press Club on November 28, 1984, then-Secretary of Defense Casper Weinberger outlined six criteria for the use of force overseas. He called it the Weinberger doctrine. The Weinberger doctrine was at that time drafted by a young general who was moving through the ranks rather quickly by the name of Colin Powell. It set forth that, first, vital national interests must be at stake. Second, troops should be committed with the intention of winning. Third, we should have clearly defined military and political goals. Fourth, we should size our forces to accomplish our goals. Fifth, the military commitment must have the backing of the American people. Last, and sixth, the forces should be committed as a last resort.

President Clinton I believe has violated most of these principles of the Weinberger doctrine with his recent intervention in Haiti. In addition to being based on the unachievable utopian ideal of Morton Halperin's theories, Clinton's foreign policy is dangerously multilateral. It is obvious from this most recent intervention and from the previous one in Somalia that he is more interested in the approval of the United Nations than the opinion of the American people and that of the elected representatives here in the U.S. Congress.

Many of us on both sides of the aisle have been asking for debates. I asked for hearings in the Armed Services Committee. I did it in May, I did it in June, I did it in July, I did it in August, and I did it in September. Those hearings do not come, and it is completely unfortunate.

The problems with the Haitian intervention, one point I would like to make is that there are no clear vital national security interests in Haiti. This intervention will not solve the economic, social and political problems in Haiti. You cannot restore democracy in a place where it never was in the first place.

The military forces should be used when our vital national security interests are at stake and American lives are threatened. Haiti cannot be compared to, as I read in the press, and as the President sought in justification, cannot be compared to Panama where at that time one United States officer was killed, one military family kidnaped the canal threatened with major drug trafficking and the declaration of war even against the United States. And in Grenada, a Russian financed, Cuban-built airfield under construction, 800 U.S. students threatened by the shoot-to-kill night curfew. At no time has Haiti presented a security threat to the United States or the stability of the region, not only within our own hemisphere, not only within our own continent, but not even in the Caribbean.

The so-called crisis I believe was created by President Clinton, who then forced a situation where Clinton's credibility was on the line. The President's political credibility I believe is the worst possible reason to risk American lives. This is no time I believe for the administration to thump their chest for having taken one of the poorest nations in our hemisphere. While it has always been accepted that our forces could enter Haiti easily, it is difficult to see how we can expect our forces to accomplish the long-term mission of nation building.

Point No. 2 is that returning Aristide to power does not mean democracy in Haiti. Jean-Bertrand Aristide is a defrocked priest who has embraced Marxism and is anti-American. Aristide is no George Washington. Two days before he was ousted in a coup he gave the speech of which many have talked, advocating the use of necklacing for his political enemies. Aristide has actively and passively supported his followers taking violent revenge upon political opponents and even those in the Catholic Church in Haiti. It has been Clinton's support for Aristide's unwillingness to even consider amnesty for General Cedras that has brought this crisis to a head. The Governors Island Agreement had a clause that guaranteed Cedras amnesty. Aristide withdrew his support for this amnesty. Aristide withdrew his support for this amnesty after the agreement was signed. Cedras subsequently refused to sit down as called for in the accord.

Aristide has been a reluctant and ungrateful supporter of the United States actions in Haiti. After 3 days of silence following the landing of U.S. troops he has only said thank you. He has given speeches, but you can tell in his tone. After pressure from the administration and full honors on arrival at the Pentagon with a 21-gun salute has brought about his comments.

According to the Washington Post, Anthony Lake and Strobe Talbott return Aristide as a way of distancing the administration from the policy of supporting brutal military leaders in Latin America, because they were friends of big business or anticommunism.

William Grey III, the White House special adviser on Haiti and former Member of this body, did state that "We used to put in place characters like Cedras in order to keep characters like Aristide out."

The third point I would like to make is that the United States is conducting a form of liberal colonialism in Haiti. I first heard the Senator from Indiana, DICK LUGAR, talk about this new era of colonialism, and I think he is right. President Clinton has conducted a military operation to install someone who is an anti-American defrocked priest as president. The operation is full of inconsistencies. President Clinton allowed former President Carter to turn General Cedras from being the thug into America's new partner in maintaining order in Haiti. Cedras says he will not leave and Aristide says he must go. Folks, this creates a lot of real problems. The U.S. forces are stuck right in the middle and mission creep sets in.

First United States forces are not allowed to interfere to stop the Haitian police from beating civilians. They have to just stand by and watch the brutality. Then they change the orders. Now our forces are charged with maintaining civil order. United States troops will now disarm the Haitian military and police, then protect the military and police from angry Aristide supporters who want revenge. U.S. troops will protect the Parliament so it can meet and vote the amnesty called for in the Carter agreement or else Cedras will not sit down and Aristide will not return.

To quote one of the recent columnists, "We are in Haiti to restore democracy to a country that never had it, to build a civilian-controlled military where it had never existed and to create a secure environment for peaceful transition of power among murderous rivals."

What really concerns me is placing the U.S. military in the middle. It is hard to predict in a country such as Haiti the volatility between warring factions.

□ 2120

We cannot forget the lessons that occurred with the mission creep in Somalia, when you take the military and you place them in the position of being now a referee, and that at some point in time then having to choose a side as they walk into the street, and they see fighting or a gunburst.

How is that 19-year-old private going to make a decision on who is the good guy and who is the bad guy? You see, you have to exercise some good common sense here. I believe the sooner the U.S. military gets out, the better. The sooner we can establish an environment for which Mr. Aristide returns, we get out, and a peacekeeping force in an international capacity goes in, the better, because, you see, when the United States moves in and places themselves on the side of Mr. Aristide, they have chosen sides, and once Aristide comes back into power, things are going to happen.

Even Mr. Aristide may try, in his efforts to stop any activities, any murderous conduct or terror, it is going to happen. There have been people who want to get back, revenge, seek retribution.

Now, where does that place our military? How about Cedras' followers, taking potshots at our military?

You see, it really concerns me. I will exercise common sense. When you come from Indiana and a basketball State, when our military comes in and plays the part of a referee, you cannot choose sides, because when you choose sides, you become a target.

Let us say there is a basketball game between Indiana and Notre Dame, I am going to be the referee. Now, what protects me between the players, or like the soldiers, the players on the floor in that arena and from the fans is my neutrality. So during that game I can make all the calls and nobody gets too upset. They might a little bit, because they see that I am neutral, but now if I come to the game already being on the side of Indiana, wearing an Indiana T-shirt, I say I am already for Indiana, I want Indiana to win, and I am going to promote Indiana, and then I am going to take the floor.

First of all, Notre Dame is going to think something is up. Then when I am on the floor, Notre Dame is on a breakaway layup, I have had it with this guy who does all the scoring, so I trip him and throw him into the wall. I tell you what, I have no neutrality whatever. I have shown what side I am going to be on. I am not neutral.

U.S. troops cannot participate in peacekeeping missions. They are not neutral. They have already established a side, Aristide's side. So they become targets to other factions, and that referee becomes a target not only by Notre Dame, now also upset, but also from Notre Dame fans who definitely want to throw me out of the arena.

So we have to be very careful in this era of multilateralism. I do not care if it is Haiti, I do not care if the President wants to live up to his commitment and puts troops in Yugoslavia, if we conduct air strikes and dropping bombs and being seen as an enemy, you cannot put United States troops on the ground, put them in peacekeeping missions, and call them neutral if they have already decided which side they are going to be on, because they are targets. So we have to be very, very careful.

I think we have been very fortunate so far on the limited loss of life. I note we had lost one military officer.

I guess, really, where do we go from here? I am not a Member of this body who just likes to bash. I think it is very important. I think it would be wonderful if we had more open debates and discussions and a more democratic process really in the House to really get in and debate matters of policy.

You see, I was one that was pretty upset when I constantly asked for hearings on the Committee on Armed Services with reference to let us debate Haiti, let us debate it, let us talk about it—let us debate it, let us talk about it, let us exhaust our ideas, and it never happened. And then as soon as we have a peaceful entry of Haiti, immediately rushed to the House floor is this vote, a vote to commend the President, commend Carter—former President Jimmy Carter—and Senator SAM NUNN, and Gen. Colin Powell, and to commend the troops.

You see, I was pretty upset about that. I really felt that was politics, and I would not participate in it, and I voted "present." You see, it is pure politics. All of a sudden we can rush to vote something to commend, but no, let us not debate and discuss the ramifications of military intervention of Haiti.

President Clinton right now has placed our military in an impossible situation, but I think one from which we can discern.

Now that our forces are in Haiti, there are a few good options, whether we stay or leave. United States forces are in Haiti. Their stated mission is to ensure the Haitian military complies with the provisions of the Carter agreement, ensure the safe return of President Aristide, and provide for parliamentary elections, facilitate the flow of humanitarian aid, ensure the return of Haitian refugees from Guantanamo Bay in Cuba.

Today the Committee on Foreign Affairs passed on a party-line vote, 27 to 18, a bill sponsored by the gentleman from New Jersey [Mr. TORRICELLI], authorizing the United States military to stay in Haiti until March 1, 1995, and limiting its role to protecting United States citizens, stabilizing security, and helping provide humanitarian aid.

While I oppose this military intervention in Haiti, I have serious reservations about setting a "date certain" for our withdrawal. Setting a date will create a situation on the ground in Haiti that will hamper our military's ability to conduct any type of operation, including an orderly withdrawal. Setting a date may unnecessarily endanger our troops already on the ground in Haiti by allowing opposition forces to lay low until we leave before rising again to create more unrest. We saw that in Somalia.

Given the situation, we need to ensure the swift transition of power from the coup leaders to a legitimate government. With this being accomplished, our forces should not remain in Haiti to referee the hostilities between the two rival groups.

I have cited that example. You see, we have already chosen sides. We cannot just move in and say, "OK, now they are going to be peacekeepers." It is time to move out.

Our mission, the missions in Haiti, should be limited, clearly defined, and achievable. We should not become involved in the long-term, open-ended mission such as nation-building or restoring democracy. These are utopian ideals that involve the long-term reform of the entire Haitian culture.

Given Haiti's history, it is highly unlikely we could succeed. It is certainly not a mission for our Armed Forces, so we should do what is responsible and prudent, and that is to get our troops out as soon as possible from Haiti.

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

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

Mr. WELDON. I thank my colleague for yielding, and I appreciate his taking out this very important special order this evening.

This has been a continuing effort on the part of many of our colleagues in the House to bring forth facts that we would like to debate openly on the House floor as well as in committee on Haiti but have not been given that opportunity.

I know my colleague and friend who sits on the Committee on Armed Services, as I do, shares my feelings that we have an obligation as members of the Committee on Armed Services to especially watch out for the safety and well-being of our troops.

The special concern we have, as we have had in Desert Storm and even when our troops have been deployed out here domestically as they were with Hurricane Andrew and other sites, is to make sure we are doing what is in their best interests, and I think it is probably safe to say that the majority of our colleagues who sit on the Committee on Armed Services are not happy with where we are in terms of Haiti.

I want to discuss a couple of points and build upon some issues that the gentleman raised this evening in the remaining time, if he will allow me.

The first is, I think, the misconceptions that have been brought forth to the American people and Members as to why we are in Haiti. The President and our U.N. Ambassador and our Secretary of State made a series of speeches where they maintained that one of the prime reasons for going into Haiti was to stop the boat people from coming in, to protect our country from illegal immigration. I would submit if that is our policy perhaps we should invade Mexico, because we have far more illegal immigrants coming across the border from Mexico than have ever come in from Haiti.

But be it as it may, we have to look at why are these boat people coming to America. I think we have to go back to November 12, 1992, when then-candidate Bill Clinton made the following quote while George Bush was the President of the United States, and he said, "I think that sending the refugees back to Haiti is an error, so I will modify that process. I can tell you I am going to change that policy."

Now, here is a candidate for the Presidency of the United States stating

publicly his criticism of then-President George Bush because he was stopping the boat people, and this candidate for the highest office in the country said, "When I am elected, and if I am elected, I will change that policy, and I will allow the boat people to come in." Yet 2 years later, after the boat people are coming in, he says, "We are going to put our troops in Haiti, because we have to stop the boat people from coming here."

Part of the reason why we are where we are today in regard to Haiti is because of the President not having a consistent policy when it comes to our relationship with Haiti.

□ 2130

The second thing that has really bothered me about this whole operation, besides the fact that we have not been able to have a full debate before putting our troops into harm's way, was that the President, when he spoke to the American people that Thursday evening before the mission moved into Haiti, made the case this was going to be a multinational effort, in fact this was not going to be America alone. In fact, he boasted of the fact that 24 countries had agreed to join this effort, they were going to be supplying troops and dollars and so forth.

Most of us knew that was not the case because all of our key allies had denied the request to go in with us; Canada, Great Britain, our European allies did not want to put any of their troops in harm's way and, in fact, would not cooperate in the Haitian effort.

In fact, here we are now, 11 days after the occupation of Haiti by some 19,000 troops—as I mentioned earlier today—I had the opportunity in a hearing yesterday on the Armed Services Committee to ask Deputy Secretary of Defense John Deutch exactly how many of our allied cooperative nations were involved in the Haiti mission as of that date. As of yesterday there were 19,000 American young troops all throughout Haiti; the total amount of other nations amounted to 24 individuals—not 24 nations, 24 people. When I asked him where those 24 were, he went on to say in front of the committee that those 24 were in the headquarters building in Port-au-Prince.

Mr. Speaker, that really bothers me because here we are being led as a nation to believe that this really is a multinational effort, that we are sharing the responsibility, when nothing could be further from the truth.

Secretary Deutch went on to tell us in committee that there will be additional commitments of troops and some are being trained right now for the police part of this operation, not for the initial military occupation.

But he also told us, and this leads to another major concern that I have, that America will bear the full cost of this operation. We will, the taxpayers of this country, pay the full cost for all of those troops that go into Haiti with us. The United Nations will not pay that bill; Haiti will not pay that bill; Aristide will not pay that bill; the American taxpayers will pay that bill.

When I asked Secretary Deutch what that amount of money would be, he hemmed and hawed and said, well, there was one figure floating around in the Pentagon that talks about an amount somewhere near $800 million but he doubted that it would go that high.

Most of us who sit on the Armed Services Committee know full well that the internal documents of the Pentagon show that, depending upon how long we stay in Haiti, that figure could rise to $1.5 billion.

Here we are talking about not enough money for some of the basic domestic problems we have in this country. We are talking about not being able to extend unemployment comp benefits to people that are out of work; we are talking about not having enough money to meet some of the other concerns that Americans have, student loan funding for kids who want to go to college. Yet we are going to spend $1.5 billion of our taxpayers' money to fund the Haiti operation, where many of us believe 6 months after we leave Haiti we will find the country in exactly the same situation we found it, as was outlined by my colleague, Mr. BUYER, here tonight. That has been the policy and the history of Haiti throughout this century.

So cost, in fact, is a big factor in terms of how long we are staying. But there is another issue that has not been raised much that needs to be talked about. This President did something in Haiti that undermines a basic foreign policy objective of this country throughout this entire century. One of the most hallowed principles of American foreign policy has been to keep the military power of other nations out of the Western Hemisphere. From the Monroe Doctrine to the 1947 Rio Treaty setting up a hemispheric cooperative military force, every U.S. administration, Republican and Democrat, during that time period has insisted that no other nonwestern hemisphere nation come into our hemisphere to help militarily in terms of a threatening situation. Yet that is exactly what we have done here.

Just this past week, the President announced that even Russia would be sending troops to Haiti. Many of the most learned foreign policy experts in this Nation now feel that we have made a grave error. We have opened the door and established a precedent for other military operations, not just in the Western Hemisphere, but we have also—supposedly behind the scenes—agreed to an understanding with Russia whereas we will not object to their activities in the former Republic of Georgia.

So there are foreign policy implications well beyond Haiti that unfortunately have been overturned with our current mission there.

My key concern right now, Mr. Speaker, is how are we going to get our troops out of Haiti? I was over in Somalia in January after we sent our troops in that fall to allow the relief supplies to get to the starving people in Mogadishu and Baidoa and the rest of the impoverished nation.

While we were in Mogadishu, we were at the United States command center meeting with General Johnston. Once again, the 10th Mountain Division was in Somalia, and as they are doing now in Haiti, they did a fantastic job there. In our discussions with General Johnston, we said, "When do you expect the United Nations to take over so that the United States troops could come back from Somalia." What he told us was that he had not heard from or seen anyone from the United Nation. We all know that it was not until May of that year that we began to see U.S. troops come home.

Unfortunately, we did not turn over the entire command. We allowed 4,500 of our troops to stay. We denied the backup support they needed that was requested by one of our on-scene generals. and in September of that year we lost 20 young Americans to the point we were not even able to go in there and retrieve their bodies in downtown Mogadishu after they had been attacked, and their bodies were dragged through the streets of that country.

Many of us fear the same thing could occur in Haiti.

A question that I asked of General Sheehan and the Deputy Secretary of Defense at our briefing 2 days ago, I said it is not a question of when General Shalikashvili determines we should turn it over, that is the easy part. We have confidence in our generals, in our military leadership. The question is not when General Shali is ready to turn over command, the question is when will the United Nations be ready to take over the command in Haiti?

As of this moment we see no U.N. activity, we see no U.N. multinational force moving into place, and we see articles like the one that was in the Boston Globe just this past week saying we could have extensive involvement in Haiti through the year 1996.

If that occurs, we continue to subject American young men and women to possible attacks like the one we saw today, where five innocent citizens were killed. We also see a larger and larger dollar figure in terms of the amount of money we are going to have to spend to keep the Haiti operation viable.

And we do this at a time when we are cutting back on the readiness of our reserve forces, cutting back on the

amount of training and steaming hours and flying hours for our military because our defense budget is already being squeezed in such a hostile manner.

Mr. Speaker, there are just too many things here that do not add up. But what really bothers most of the colleagues that I have talked to in this body is what appears to be the long-term understanding of why we are going into Haiti in the first place.

I know that all goes back to the series of internal U.N. memos prepared by the U.N. special envoy, Dante Caputo. In those documents released during the summer on ABC–TV and the Wall Street Journal, two internal memos where Dante Caputo was writing to Boutros-Ghali telling him about what the U.S. ultimate goal was and what our intentions were, as well as the notes from the two meetings that Dante Caputo attended with both U.S. administration officials, including Strobe Talbott, and other officials from other allied nations. Those documents clearly show as far back as May of this year that the U.S. intent was not to solve this problem diplomatically but rather to resort to a military action.

I have placed the Dante Caputo memos and internal notes into the CONGRESSIONAL RECORD in their entirety on two separate occasions, in early August of this year, when I first got them, and again the first week of September to focus attention on these memos.

I have done talk radio shows all across the country, CNN live debates to let the American people and our colleagues understand that here was the U.N. special envoy to Haiti telling us we are going to experience what we are now experiencing, that President Clinton in fact was going to have our troops enter Haiti sometime before the end of the summer or, at the very latest, by the November elections. And that is in black and white in these special documents.

The documents further stated that Dante Caputo's impressions were that the United States actually stopped, and held back, and put a brake on the actual negotiated settlement in terms of Haiti's leadership and actually wanted to see a military involvement to help bolster the President's political standing.

□ 2140

All of this, Mr. Speaker, is in black and white, and that is what so enrages me.

We have tried to see whether or not these memos are true. We have not had anyone refute them, but two startling things have happened.

The first, Mr. Speaker, was in August when the gentleman from Texas [Mr. FIELDS], the ranking member of the Committee on Merchant Marine and Fisheries that oversees the Coast Guard, of which I am a member, a ranking member of a subcommittee there; JACK FIELDS held a briefing in his office with eight of our colleagues. We had the Commandant of the Coast Guard present. We had other members of the Coast Guard personnel, and we had one of the top assistants to the President's national security team from the White House. At that meeting were other Members of this body. I asked him very specifically in August, "What is the administration's response to the Dante Caputo memos which say we're going to be in Haiti militarily within a matter of weeks and months?"

His response to me, in front of all of our colleagues, was, "No comment. The President and the administration have no comment. Not denying them, not saying they're false, simply no comment."

The second thing that is of concern in relation to these memos is that, when the President decided to go into Haiti a week ago Sunday, the next day, on Monday, Dante Caputo announced that he was resigning from his post at the United Nations, and in his resignation statement he referred to the fact that he was so upset with the policy that the United States had taken in regard to Haiti, that clearly this had been our objective all along and that he saw it coming, that we, as a nation, really had no intent of allowing a negotiated settlement to occur.

So here you have the same man who was in these meetings who wrote these internal memos to Boutros-Ghali now having the integrity to resign his position because of America's action, and what did our President do? He did not invade Haiti on a day that we were in session when we could vote. He waited until we were in recess for the Jewish holiday, and on that Sunday evening, when he knew we would not be in session, he ordered the planes to take off with our troops.

Mr. Speaker, someone has to answer the Dante Caputo memos because in my opinion they are a time bomb waiting to explode because, if they are true, what, in fact, they say is, that the President and this administration entered Haiti for purely political purposes to enhance the President's image in terms of being a world leader. It is clear. It is in the memos. They are in the RECORD. In fact, our colleague inserted them in the RECORD again this evening.

Nowhere in the history of this country have we ever seen a Commander in Chief commit our troops to enhance his political standing, and certainly not without a full debate in this body and a vote in this body, yet that is what is happening.

I was hoping, as many of my colleagues were hoping, that we would get a chance to ask Strobe Talbott or Warren Christopher, our Secretary of State, directly as to what their response was to the Caputo memos. The Committee on Armed Services briefing, which was held 2 days ago, was supposed to have three witnesses. The witnesses were supposed to be John Deutsch, who showed up; General Sheehan, in charge of operations for the Joint Chiefs of Staff, who showed up; and Strobe Talbott representing the State Department. Strobe Talbott's name tag was on the table, but Strobe Talbott never showed up for the 2-hour briefing with members of the Committee on Armed Services. Even through he was not there, Mr. Speaker, I asked the questions about the Caputo memos because they have to be answered.

Now the Committee on Foreign Affairs had held a hearing the day before. Strobe Talbott showed up for that hearing, and he was asked about the memos, and in published reports today in the Washington papers he denies knowing anything about them and, furthermore, denies any conversations with Dante Caputo that would suggest what Caputo wrote to Boutros-Ghali that America's motives were less than honorable in terms of our position with Haiti.

Mr. Speaker, what this leads to is a simple conclusion: Someone is lying. Either Dante Caputo, the U.N. special enovy to Haiti, is lying when he said as far back as May 23 of this year that we had no intent of involving Haiti without a political involvement—I mean a military involvement—or else Strobe Talbott is lying. Mr. speaker, the American people deserve to know the truth; Members of this body deserve to know the truth; and constituents of ours across the country, and especially our Armed Forces, deserve to know the truth.

Mr. Speaker, I would say to you that during the 8 years I have served on the Committee on Armed Services I have used every moment of my time to fight for the best interests of our military. I have been to every place that we have sent them to make sure they are properly protected, they have the best equipment, their morale is up. But I can tell you right now, today, that while I support them unequivocally—I will do anything to assist them in Haiti—but I know it is only a matter of time before we see additional casualties in Haiti. We have already had one young military personnel that has been killed. We do not know the events surrounding his death. We think it is a possible suicide, but that has not been determined yet. We know today we had five civilians that were bombed by hand grenades. We are going to see more of this occur.

Mr. Speaker, at the very least this body has to debate this issue. We have been told we will debate it next week, 2½ weeks after we entered Haiti. That is unacceptable.

What also has offended me with the President is when he stood up in the national news conference the day after the vote in this House Chamber last Monday in terms of supporting our troops and said to the media, "I was very pleased that the House of Representatives voted overwhelmingly today to support our position in Haiti," and then the White House came on CNN later on and said, "No Democrat opposed that measure." Mr. speaker, I called CNN and had them correct that on the news that evening, which they did, because, as we all know, that resolution was not one to support the President's Haiti policy.

That resolution said two things. It said this Congress recognizes and supports the efforts of Jimmy Carter's team that went down to Haiti to avert a military armed intervention in Haiti, and for that we were very happy and thankful, and the second thing that resolution said was that we support our troops. There was no mention in that resolution of support for President Clinton, yet he said publicly on TV that he hoped the Senate would pass a resolution also supporting him.

In fact, during the debate on the House floor that day on that very resolution there were 34 Members of Congress who spoke in the well or at one of the microphones. These are people who did not insert their comments in the RECORD. Fourteen of those Members are Republican, and all 14 Republicans said they were voting for the resolution and supporting it but they did not support the President's policy. Twenty Members, of the Democrat Party, also spoke on that resolution and 10 of them, half of them, expressed reservations during their comments in regard to the President's policy of committing our troops there. So 24 of 34 Members of this body who spoke on the House floor on that resolution said unequivocally that we have concerns with the President's policy. Many of them said they would like to have an up or down vote as to whether or not we should commit our troops there.

Now our troops have been there 11 days, still in harm's way, no end in sight, no game plan, and we are talking about a vote and debate next week. Mr. Speaker, I think this policy is wrong. I think it is outrageous, and it scares me because I have constituents who are in Haiti wearing our uniform, especially in light of what I feel to be an unhonorable way to go in there in light of Dante Caputo's memos saying that our total initiative all through the summer was to have a military occupation occur.

Mr. Speaker, I would hope that our colleagues would continue to express outrage on this issue. I would hope that at some point in time one of our committees could have Dante Caputo come before that committee, and I have asked for that on the Committee on Armed Services. I have written to the gentleman from California [Mr. DELLUMS], the chairman, and also to the ranking member, the gentleman from South Carolina [Mr. SPENCE] asking them to invite Dante Caputo to come in and testify as to the veracity of his memos and the internal notes, as well as the reason why he resigned, and to respond to Strobe Talbott's testimony before the House Committee on Foreign Affairs 2 days ago that said that that was not in fact what he said to Dante Caputo and was not the impression that he left him.

Mr. Speaker, someone is lying. Someone is lying, and that lying has allowed us to put our troops in harm's way, and we have got to get to the bottom of what our real motives are. More importantly, we have to obtain a timetable as to when those troops are going to be brought home.

□ 2150

Mr. Speaker, I would be happy to again remind our colleagues that may be listening tonight, and our constituents, that they can obtain copies of the Caputo memos—and there are 13 pages of them—from the CONGRESSIONAL RECORD. It has now been inserted three times, including today, so they can see for themselves and read for themselves what in fact the United Nations said we would do, that in fact we are doing at this very point in time in Haiti with our military troops.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today and tomorrow, on account of official business.

Mrs. LLOYD (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

Mr. HUTTO (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today through Monday, October 3, 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 Mr. LIVINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 5 minutes, today.
Mr. KASICH, for 5 minutes, today.
Mr. GINGRICH, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.
Mr. SWETT, for 5 minutes, today.
Mr. FINGERHUT, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.
Mr. HOKE, for 5 minutes, today.

(The following Member (at the request of Mr. BURTON of Indiana) to revise and extend his remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LIVINGSTON) and to include extraneous matter:)

Mr. CALVERT.
Mr. SOLOMON, in three instances.
Mr. MYERS of Indiana.
Mr. CALLAHAN.
Mr. ZIMMER.
Mr. FISH.
Mr. KING.
Mr. DORNAN.
Mr. PETRI.
Mr. SCHAEFER.
Mr. CRANE.
Mr. ROTH.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. COLEMAN.
Mr. REED.
Mr. JACOBS, in two instances.
Mr. SKELTON, in three instances.
Mr. BARRETT of Wisconsin.
Mr. PALLONE.
Mr. ACKERMAN.
Mr. ROSE.
Mr. KILDEE.
Mr. CHAPMAN.
Mr. ANDREWS of New Jersey, in two instances.
Mr. LANTOS.
Mr. TOWNS.
Mrs. MALONEY, in six instances.
Mr. BARCA of Wisconsin.
Mr. BONIOR.
Mr. JOHNSON of South Dakota.
Mr. MILLER of California.
Mr. WHEAT, in two instances.
Mr. LIPINSKI, in two instances.
Mr. RAHALL.
Mr. FILNER.
Ms. LONG.
Ms. MCKINNEY.
Mr. BROWN of Ohio.
Mr. GEJDENSON.
Mr. ANDREWS of Texas.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. BUYER.
Mr. PASTOR.
Ms. ESHOO.
Mr. MCINNIS, in four instances.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4230. An act to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes.

H.R. 4539. An act 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.

H.R. 4602. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

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

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2144. An act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

H.R. 4624. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. WELDON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Friday, September 30, 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:

3886. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

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. MINETA: Committee on Public Works and Transportation. 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"; with amendments (Rept. 103-762). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4910. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse" (Rept. 103-763). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4939. A bill to designate the U.S. courthouse located at 201 South Vine Street in Urbana, IL, as the "Frederick S. Green United States Courthouse" (Rept. 103-764). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4394. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; with amendments (Rept. 103-765 Pt. 1). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 555. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 103-766). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 556. Resolution waiving points of order against the conference report to accompany the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes (Rept. 103-767). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. CLINGER, Mr. TOWNS, and Mr. SHAYS):

H.R. 5128. A bill to strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by the Congress, of Federal mandates on State, local, and tribal governments without adequate funding in a manner that may displace other essential governmental priorities, to better assess both costs and benefits of Federal legislation and regulations on State, local, and tribal governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. BARCA of Wisconsin:

H.R. 5129. A bill to provide for a reduction in the number of members of the Armed Forces of the United States stationed in Europe unless the European member nations of NATO assume an increased share of the nonpersonnel costs of U.S. military installations in those nations; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. GOODLING (for himself, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. ARMEY, Mr. FAWELL, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. MCKEON, Mr. MILLER of Florida, and Mr. CASTLE):

H.R. 5130. A bill to extend for 1 year the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for certain other purposes; to the Committee on Education and Labor.

By Mr. HINCHEY (for himself and Mr. KANJORSKI):

H.R. 5131. A bill to amend the Housing and Community Development Act of 1974 to prohibit the Secretary of Housing and Urban Development from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUTCHINSON:

H.R. 5132. A bill to establish a period during which individuals under 65 years of age who are entitled to benefits under part A of the Medicare Program on the basis of a disability or end state renal disease may enroll under part B of the Medicare Program in order to meet eligibility requirements for health benefits under the Civilian Health and Medical Program of the Uniformed Services under title 10, United States Code; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. POMBO (for himself and Mr. THOMAS of California):

H.R. 5133. A bill to provide for expediting an investigation by the International Trade Commission by providing for the monitoring of the importation of certain kinds of tomatoes and peppers; to the Committee on Ways and Means.

By Mr. SANTORUM (for himself, Ms. PRYCE of Ohio, Mr. CANADY, Mr. CLINGER, Mr. WELDON, Mr. BOEHNER, Mr. ARMEY, Mr. RIDGE, Ms. MOLINARI, Mr. KYL, Mr. DELAY, Mr. CUNNINGHAM, Mr. LIVINGSTON, Mr. BACHUS of Alabama, Mr. HUNTER, Mr. TORKILDSEN, Mr. INGLIS of South Carolina, Mr. LINDER, Mr. ROTH, Mr. MCCOLLUM, Ms. DUNN, Mr. DUNCAN, and Mr. KNOLLENBERG):

H.R. 5134. A bill to protect victims of crime; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 5135. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to clarify provisions governing fiduciary duties in relation to external benefits, social investing, and economically targeted investments; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. TAUZIN:

H.R. 5136. A bill entitled, "The Offshore Supply Vessel Construction and Development Act of 1994"; to the Committee on Merchant Marine and Fisheries.

By Mr. VOLKMER:

H.R. 5137. A bill to amend the Internal Revenue Code of 1986 to restore and increase the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RAMSTAD introduced a bill (H.R. 5138) for the relief of Saeed Ghasemimehr; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. CARR.

H.R. 300: Mr. CASTLE.

H.R. 393: Mr. ANDREWS of Maine.

H.R. 739: Mr. LEVY.

H.R. 885: Mr. BARCIA of Michigan.

H.R. 911: Mr. DE LA GARZA.

H.R. 1322: Mr. GLICKMAN and Mr. UNDERWOOD.

H.R. 2213: Mr. BARCIA of Michigan.

H.R. 2418: Mr. TORKILDSEN.

H.R. 2717: Mr. BLUTE.

H.R. 3207: Ms. SLAUGHTER.

H.R. 3393: Mr. BARCIA of Michigan.

H.R. 3449: Mr. LEWIS of Kentucky.

H.R. 3538: Mrs. MORELLA and Mr. JOHNSTON of Florida.

H.R. 3619: Mr. HERGER.

H.R. 3851: Mr. FIELDS of Texas.

H.R. 4279: Mr. LEWIS of Georgia.

H.R. 4404: Mr. RAMSTAD, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. KLECZKA, Mr. SABO, Mr. MINGE, Mr. MAZZOLI, and Mr. HORN.

H.R. 4411: Mr. ENGEL.

H.R. 4578: Mr. EVANS and Ms. SLAUGHTER.

H.R. 4589: Mr. BARCA of Wisconsin.

H.R. 4610: Mr. ROSE, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. DURBIN, Mr. DUNCAN, Mr. SARPALIUS, and Mr. BARLOW.

H.R. 4786: Mr. PARKER.

H.R. 4830: Mr. TORKILDSEN.

H.R. 4831: Mr. FROST and Mr. SKEEN.

H.R. 4936: Mr. GUNDERSON, Mr. KASICH, Mr. STUMP, Mr. KOPETSKI, Mr. LIGHTFOOT, Mr. SPENCE, and Mr. ZIMMER.

H.R. 4942: Mr. ORTIZ.

H.R. 4957: Mr. MENENDEZ, Mr. HAMBURG, and Mr. BARCA of Wisconsin.

H.R. 4996: Mr. KLECZKA and Mr. HILLIARD.

H.R. 4997: Ms. NORTON, Mr. REYNOLDS, Mr. GEJDENSON, Mr. ABERCROMBIE, Mr. PORTER, Mr. DEUTSCH, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Ms. FURSE.

H.R. 4998: Mr. GILLMOR.

H.R. 5062: Mr. LAFALCE, Mr. SAM JOHNSON of Texas, Mr. SCHIFF, Mr. MAZZOLI, Mr. GRAMS, Mr. TAYLOR of North Carolina, Mr. MCCURDY, Mr. SISISKY, Mr. COBLE, Mr. SANGMEISTER, Mr. DICKEY, Mr. RAMSTAD, Mr. SKEEN, Mr. CLAY, Mrs. VUCANOVICH, and Mr. GREENWOOD.

H.R. 5071: Mr. BONIOR, Mr. LUCAS, and Mr. MCCLOSKEY.

H.R. 5082: Mr. MCCLOSKEY, Mr. PETRI, Mr. HASTINGS, Mr. OLVER, Mr. GINGRICH, Mr. GRAMS, Mr. TORKILDSEN, Mr. SHARP, Mr. LEWIS of Kentucky, Mr. KIM, Ms. ROS-LEHTINEN, Mr. HUFFINGTON, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. COOPER, Mr. HALL of Texas, Mr. REGULA, Mr. FAWELL, Mr. DIAZ-BALART, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. BUNNING, Mr. SABO, Mr. DORNAN, Mr. HUNTER, Mr. MCCANDLESS, Mr. COX, Mr. PACKARD, Mr. CONDIT, Mr. CALVERT, Mr. COPPERSMITH, Mr. MINGE, Mr. BARLOW, Mr. OBEY, Mr. DEFAZIO, Mr. PICKLE, Ms. PRYCE of Ohio, Mr. LONG, Mr. CUNNINGHAM, and Ms. ROYBAL-ALLARD.

H.R. 5083: Ms. PELOSI.

H.R. 5111: Mr. TAYLOR of North Carolina, Mr. SARPALIUS, Mr. TALENT, Mr. VALENTINE, Mr. MANZULLO, Mr. FRANK of Massachusetts, Ms. SHEPHERD, Mr. HAMBURG, Mr. HEFLEY, Ms. ROYBAL-ALLARD, Mrs. THURMAN, Mr. FROST, Mr. DOOLEY, and Mr. WHEAT.

H.J. Res. 184: Mr. MCDADE, Mr. QUINN, Mr. HASTERT, Mr. POSHARD, and Mr. BACCHUS of Florida.

H.J. Res. 332: Mr. TAYLOR of Mississippi, Mr. KENNEDY, Mr. TEJEDA, Ms. ROYBAL-ALLARD, and Mr. SERRANO.

H.J. Res. 358: Mr. SHAW, Mr. JOHNSON of South Dakota, Mr. SKEEN, Mr. EVANS, Mr. RAHALL, Mr. BATEMAN, Mr. LANCASTER, Mr. MACHTLEY, and Mr. MARTINEZ.

H.J. Res. 385: Ms. MCKINNEY, Mrs. BENTLEY, Mr. BERMAN, Mr. CLEMENT, Mr. CALLAHAN, and Mr. COPPERSMITH.

H.J. Res. 398: Mrs. KENNELLY, Mr. MCKEON, Mr. BISHOP, Mr. OLVER, Mr. REYNOLDS, Mr. OBERSTAR, Mr. STOKES, Mrs. BYRNE, Mr. SCOTT, Mr. WELDON, Mr. GREENWOOD, Mr. EWING, Mr. GILMAN, Mr. CRAPO, Mr. SLATTERY, Mr. GALLEGLY, Mr. BLACKWELL, Mr. KILDEE, Ms. BROWN of Florida, Mr. LANCASTER, Mr. COLLINS of Georgia, Mr. PETRI, Ms. MCKINNEY, Mr. OXLEY, Mr. DIXON, Mr. REGULA, Mr. LEVY, Mr. ORTIZ, Mr. TAYLOR of North Carolina, Mr. FILNER, Mr. SCHUMER, Mr. CLYBURN, Mr. GOODLING, Mr. GORDON, Mr. YATES, Mr. KLECZKA, Ms. MARGOLIES-MEZVINSKY, Mr. THOMPSON, Mr. MCDERMOTT, Mr. WATT, Mr. THORNTON, Mr. HEFNER, Ms. KAPTUR, Mr. TUCKER, Mr. VENTO, Mr. JOHNSTON of Florida, Mrs. LOWEY, Mr. RICHARDSON, and Mr. MCINNIS.

H.J. Res. 401: Mr. ANDREWS of Maine, Mr. CALVERT, Ms. DELAURO, Mr. EDWARDS of Texas, Mr. GLICKMAN, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HAMBURG, Mr. HILLIARD, Mr. HUGHES, Mr. FRANK of Massachusetts, Mr. MCHUGH, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mr. NEAL of North Carolina, Mr. ORTIZ, Mr. SISISKY, and Mr. SPENCE.

H.J. Res. 418: Mr. MANTON, Mr. BURTON of Indiana, Mr. SWETT, Mr. WYDEN, Ms. NORTON, Ms. PRYCE of Ohio, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. EMERSON, Mrs. UNSOELD, Mr. MONTGOMERY, Mr. MEEHAN, Ms. SNOWE, Mrs. JOHNSON of Connecticut, Ms. MCKINNEY, Mrs. MORELLA, Mr. WILSON, Mr. MFUME, Mr. STENHOLM, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. DOOLITTLE, Ms. SHEPHERD, Ms. WOOLSEY, Mr. SHARP, Mr. FROST, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. CALVERT, Mr. ORTIZ, Mr. BAKER of California, Mr. BROWDER, Mr. COBLE, Mr. CONYERS, Ms. COLLINS of Michigan, Mr. EWING, Mr. EVANS, Mr. GLICKMAN, Mr. HEFNER, Mr. HUTTO, Mr. LANCASTER, Mr. TORRICELLI, Mr. HAMILTON, Mr. HERGER, Mr. MARTINEZ, Mr. YOUNG of Florida, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. BORSKI, Mr. HOLDEN, Mr. JEFFERSON, Mr. TOWNS, Mr. WYNN, Ms. FURSE, Mr. LEWIS of Georgia, Mr. CONDIT, Mrs. MEYERS of Kansas, Mrs. ROUKEMA, Mr. ROWLAND, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. TRAFICANT, Mr. PETE GEREN of Texas, Mrs. BENTLEY, Mr. SISISKY, Mr. LANTOS, Mr. PICKLE, Mr. HOYER, Mr. COLEMAN, Ms. SCHENK, Mr. ROSE, Mr. SPENCE, Mr. THORNTON, Mr. COPPERSMITH, Mr. HUGHES, Mr. STOKES, Mr. PAYNE of Virginia, Mr. RICHARDSON, Mr. SABO, Mr. DEAL, Mr. HALL of Ohio, Mr. GREENWOOD, AND Mr. SYNAR.

H. Con. Res. 98: Mr. DIXON and Mr. SHAYS.

H. Con. Res. 212: Mr. LAFALCE and Mr. WYNN.

H. Con. Res. 281: Mr. PALLONE, Mr. FROST, Mr. FILNER, Mr. ENGEL, and Mr. BARCA of Wisconsin.

H. Con. Res. 296: Mr. BACCHUS of Florida, Mr. KLEIN, Mr. PALLONE, Mr. HUTTO, Mr. LEWIS of California, Mr. BERMAN, Ms. LOWEY, Mr. MCNULTY, Mr. LIPINSKI, Mr. MANTON, Mr. HOCHBRUECKNER, Mr. FROST, Mr. SAWYER, Mrs. UNSOELD, Mr. FILNER, Mr. GILMAN, Mr. MCDERMOTT, Mr. ORTIZ, and Mr. ENGEL.

H. Res. 525: Mr. CALVERT, Mr. DICKEY, and Mr. MANZULLO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3222: Mr. PETRI.

H.R. 3949: Mr. FROST.